



Ancient Roads Hearings and notice list

Act 178, better known as the “ancient roads” bill, contains a number of meeting, notice, and hearing requirements that differ from those with which municipal legislative bodies are generally accustomed. Below is a list of the requirements contained in Act 178:

- Much of the work done by municipalities in identifying Class 4 roads that may have otherwise gone unnoticed will culminate in the annual filing of a sworn certificate of highway mileage. ***On or before February 10th*** every year, the Selectboard must file with the town clerk (and, by extension, the Agency of Transportation) a sworn statement containing the description and measurements (i.e. mileage) as defined in 19 V.S.A. § 305(b). Previously there had been no reason to include Class 4 roads or legal trails in that sworn certificate. When a change is made to the sworn statement a copy of the proceedings must be filed in the clerk’s office and a copy must be filed with the Agency of Transportation.
- When a municipality attempts to add a Class 4 road that may meet the definition of unidentified corridor (perhaps still more commonly known as an ancient road), the Selectboard or its appointee (Town Manager/Administrator, for example) must provide owners of property where the ancient road is located or abuts with ***written notice 14 days in advance of a visit to the property/properties*** to determine if the road is “not otherwise clearly observable by physical evidence of their use as a highway or trail” and thus determine if it falls into what will become the unidentified corridor category.
- If the Selectboard finds, prior to July 1, 2009, that it wishes to add a Class 4 road that would otherwise become an unidentified corridor, it must ***provide 45 days notice*** before adding that road to its sworn highway certificate. ***The Selectboard must also provide affected property owners notice and an opportunity to be heard at a duly warned Selectboard hearing.***
- If a Selectboard chooses to embark on the mass discontinuance procedure established in the act (an option available until July 1, 2009), ***it must hold a public informational hearing on the proposed road discontinuances and post warnings at least 30 days prior.*** The warnings should be posted in at least two public places within the town and in the clerk’s office. The Selectboard must also provide a copy of the warning and map/sworn certificate with “proof of receipt” or by certified mail to the planning commission chair, conservation commission chair, chair of an abutting municipality’s Selectboard, executive director of the regional planning commission, and the commissioner of the State Department of Forests, Parks, and Recreation.

- The meeting at which the Selectboard votes whether or not to proceed with the mass discontinuance of selected Class 4 highways ***must occur within 10 days of the informational hearing.***
- Voters may petition to disapprove the Selectboard's vote on any roads included in the mass discontinuance proceedings by petition, which must be ***filed within 44 days of the meeting at which action was taken.***
- The Selectboard, after receiving a petition to disapprove its decision to discontinue any/all roads included in the mass discontinuance process, ***must call a special meeting within 60 days of receiving the petition or include it with the annual meeting (if the annual meeting falls within the 60-day period).***