

TOWN OF WEATHERSFIELD, VERMONT
POLICY REGARDING CLASS IV TOWN HIGHWAYS

I. AUTHORITY

This Policy is adopted pursuant to the authority granted in Title 19, Section Chapter 3 and Chapter 7, of the Vermont Statutes Annotated.

II. PURPOSE

It is the policy of the Select Board to discourage the reclassification and/or upgrading of Class IV Town highways and trails. However, it is the right of an abutting landowner to request changes in the status of a-Town highway and/or trail.

If so petitioned, the Select Board will conduct the required hearing, and issue a decision, in accordance with the procedures set forth in Title 19, Sections 708 through 716, inclusive, of the Vermont Statutes Annotated.

III. DEFINITIONS

1. **Regular Maintenance** – any maintenance conducted to maintain the road to a level consistent with normal Class IV road conditions (passable with a 4X4 vehicle)
Examples of regular maintenance would be clearing ditches, repairing storm washout, and other minor maintenance as determined by the Highway Superintendent.
2. **Major Improvement** – any maintenance that improves the road making it wider, or accessible to vehicles not normally able to travel that section of road. Examples of a road upgrade may include, but not limited to: Widening road, improving road base, building structures, or other improvements that are determined to be upgrades by the Highway Superintendent, Highway Committee, Town Manager or Selectboard.

IV. PROCEDURES

1. General

Any landowner with property adjacent or abutting a Class IV Town highway or trail who wishes to perform, or arrange for the performance of, maintenance work on a Class IV town highway, trail, or unclassified trail shall make a request to the Highway Superintendent prior to commencing any work.

The landowner shall be responsible for all costs associated with the Class IV Town Highway and/or trail maintenance or improvements.

TOWN OF WEATHERSFIELD, VERMONT
POLICY REGARDING CLASS IV TOWN HIGHWAYS

Trees that have fallen across the road can be removed and will not be considered as maintenance, however clearing trees and brush from the sides of the road will require written permission.

If the Highway Superintendent determines the work to be regular maintenance he/she can give written approval (for one time or re-occurring maintenance) to the requesting landowner with a copy being submitted to the Town Manager. If he/she determines this to be a major improvement to the road, a written request will be required.

The written request shall contain drawings and descriptions of the work to be done. The applicant shall also give sufficient notice (2-3 weeks) to the Highway Superintendent so that he/she shall meet with the town's Highway Committee (Highway Superintendent, Town Manager and Selectboard Representative) to determine if the project should be classified as Major Improvement.

If the Committee determines the request is a Major Improvement to the road or trail, the request will be taken before the Selectboard at the next regularly scheduled meeting for approval.

No work shall commence without written permission issued by the Select Board.

Upon completion of the work, the landowner shall notify the Highway Superintendent in writing. The Town's Highway Committee shall inspect the project and issue a report on the acceptability of the work.

Any work completed on a Class IV Road without permission from the Town will be reviewed by the Selectboard and may be returned to its original condition at the expense of the landowner or person who performed the work's expense.

2. Summer Maintenance

Annually, the Town's Highway Superintendent shall inspect Class IV Town highways and/or trails which have, as of the date of the adoption of this Policy, at least one (1) year-round resident.

The Highway Superintendent shall evaluate the Class IV highways and/or trails and, as time permits, may perform minimal maintenance. Resident input shall be considered during the evaluation.

Any maintenance performed pursuant to this Policy shall not be considered improvements and/or upgrades to the highway and/or trails.

3. Winter Maintenance

TOWN OF WEATHERSFIELD, VERMONT
POLICY REGARDING CLASS IV TOWN HIGHWAYS

The Town shall not provide any winter maintenance of Class IV Town highways and/or trails.

Winter maintenance, including snow removal and plowing, may be done by private parties only with the prior written permission of the Highway Superintendent.

4. Crown Point Road

Maintenance of the Crown Point Road shall be under the direction of the Highway Superintendent, in coordination with Weathersfield representatives of the Crown Point Road Association or their delegate(s). Members of the Association (or said delegates) may use their own equipment at the discretion of the Highway Superintendent. The sole purpose of the maintenance shall be for preservation of this historic resource.

V. INCONSISTENT POLICIES REPEALED

This Policy shall amend and replace any provisions of any Policy of the Town of Weathersfield in effect at the time of enactment of this amended Policy governing any activity included in this amended Policy.

VI. SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Policy, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Policy or any part thereof.

The Board of Selectmen hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

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POLICY REGARDING CLASS IV TOWN HIGHWAYS

VII. EFFECT

No section of this Policy shall be construed to supersede or replace any Vermont statute.

This amended Policy shall be entered in the minutes of the Board of Selectmen's meeting.

The foregoing amended Policy is hereby adopted by the Selectmen of the Town of Weathersfield, Vermont, this the 24th day of August 2017, and is effective as of this date until amended or repealed.

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Chairperson 



