

TOWN OF NORWICH, VERMONT

POLICY ON CLASS 4 HIGHWAYS

(Adopted by the Selectboard on July 28, 2004)

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BOOK 5 PAGE 38-40
ATTEST
Bernie Murray
TOWN CLERK NORWICH, VERMONT

I. General Policy Statement

There are approximately 18 miles of class 4 roads¹ in the Town of Norwich. These roads provide landowners with access to their property, serve as access for emergency vehicles, and also serve as access for forest and agricultural management. In some cases, class 4 roads provide the only practicable access to individual properties. With Selectboard approval, sections of many class 4 roads have been improved by abutting landowners for better vehicular access. In addition to providing access to property, class 4 roads in Norwich are an integral part of a long-standing network of roads used for recreational purposes. Though not officially "trails" as defined by Vermont law, this network comprises Norwich's trail system as mapped by the Conservation Commission.

Class 4 roads are a living link to our rural past and one of the few remaining connections to our rapidly vanishing history. They were "laid out" at a time when horse, wagon and foot were the primary means of travel. These roads are also valuable links to remote and still-undeveloped areas of Norwich, as well as to the Appalachian National Scenic Trail. With our population growing and the interest in outdoor recreation increasing, it is important to keep class 4 roads as public resources. As private land is further developed, there will be fewer places for snowmobiling, cross-country skiing, walking, bicycling, horseback riding, fishing, hunting, and other outdoor recreation. The unique characteristics and recreational opportunities afforded by class 4 roads are ample justification for keeping them as they are. Town-controlled corridors will help to ensure that there will continue to be places to enjoy these activities.

While recognizing that landowners are allowed reasonable access to their property, the Town does not encourage residential or commercial development using class 4 roads as the primary access; this leads to scattered growth, burdens on Town services, and access problems for school buses, fire trucks and emergency vehicles.

II. Maintenance

A. Town Maintenance

The Town will not provide maintenance on class 4 roads, except that it may maintain bridges and culverts for water control.

¹ Under Title 19 Vermont Statutes Annotated section 302, the correct statutory term is "class 4 town highways." Because of its more commonly accepted use, the term "class 4 roads" will be used herein.

B. Landowner Request for Private Maintenance

A landowner with property on a class 4 road who wants to perform maintenance, improvement, or repair work on that class 4 road for access to his or her property shall make a written request to the Town Manager prior to commencing any work. All maintenance, repairs, or improvements shall be as determined by the Town Manager, which shall be the minimum necessary to accommodate reasonable landowner access. No work may commence without a signed agreement from the Town Manager. The landowner shall bear all costs associated with such maintenance, improvement, or repair, including bridges and culverts. Permission for repair, maintenance, or improvement for landowner access shall not be unreasonably withheld by the Town Manager.

C. Maintenance by Other than Landowner

In special cases, groups or individuals other than those with property on the affected class 4 road may apply to the Town Manager for permission to perform maintenance or repair work on a class 4 road. Examples of the work to be considered under this subsection are requests to perform maintenance or repair on a section of a class 4 road used primarily for hiking, snowmobiling, biking, hunting, and horseback riding.

III. Regulation

The Selectboard may exercise all lawful control over class 4 roads including, but not limited to, the powers enumerated in 19 V.S.A. sections 303, 304 & 310(b); 19 VSA chapter 11, and 24 VSA section 2291(4).

The Selectboard may exercise control over class 4 roads by means that may include, but are not limited to, the following:

- A. controlling access into the road right-of-way;
- B. establishing vehicle weight limits;
- C. prohibiting or restricting motorized and/or wheeled vehicles (signs and/or barriers may be utilized to accomplish this);
- D. requiring temporary or seasonal permits for heavy equipment access;
- E. requiring that any highway damage will be repaired by the user;
- F. requiring the posting of a bond or other security to guarantee that repairs are made; and
- G. establishing speed limits and other motor vehicle regulations.
- H. granting exceptions to prohibited uses of class 4 roads.

No class 4 road may be closed or access thereon impeded by a gate or other obstruction except upon approval of the Selectboard (19 VSA section 1105). In accordance with 19 VSA section 1110, the Selectboard may post a class 4 road.

IV. Reclassification

Class 4 roads may be reclassified to trails or to class 3 or higher status or discontinued as provided by Title 19 VSA chapter 7 upon findings by the Selectboard that the public interests will be substantially advanced by such reclassification.

The Selectboard may require that the cost of upgrading a trail to a class 4 road, or a class 4 road to a class 3 highway, be assigned to the petitioner(s).

V. Application; Effective Date; Non-Waiver

This policy supersedes and replaces all previous class 4 road policies in Norwich, including the policy adopted by the Selectboard on February 28, 1989, which policy was rescinded on June 23, 2004. Prior practices and procedures and standards for past consideration of requests concerning class 4 roads shall not be considered precedent hereunder; however, nothing herein shall abridge permission for maintenance on class 4 roads properly requested, properly granted by the Selectboard, and properly carried out prior to the effective date hereof. Work done without permission of the Town Manager or in a manner inconsistent with the Town Manager's permission or otherwise in an improper manner shall not be considered grandfathered hereunder. Lack of enforcement by the Selectboard or the Town Manager shall not be considered a waiver of its right to seek future enforcement.

This policy shall be effective upon adoption by the Selectboard. The Selectboard may develop and adopt such ordinances, regulations, and procedures as it determines are reasonable and necessary to carry out the policies and purposes contained herein.

Adopted by the Norwich Selectboard on July 28, 2004



Liz Blum, Chair