

OK JMK

CERTIFICATE OF HIGHWAY MILEAGE year ending FEB. 10, 1994

Fill out form, make & file COPY with the Town Clerk, & mail ORIGINAL before Feb. 10, 1994 to: Vt. Agency of Transportation, Planning Dept., 133 State Street, Montpelier, Vt. 05633.

< IF NO CHANGES IN MILEAGE, OMIT PART I, CHECK PART II, SIGN PART III >

We, the Selectmen or Trustees or Aldermen of SHARON, WINDSOR COUNTY on an oath state that the mileage of highways, according to Title 19, V.S.A., Sec#305, added 1985, is as follows:

PART I - CHANGES & TOTALS - Please fill in and calculate totals. DISTRICT 4

TOWN HIGHWAYS	PREVIOUS MILEAGE	ADDED MILEAGE	SUBTRACTED MILEAGE	* SCENIC HIGHWAYS	TOTAL
CLASS 1	.000			*	.000
CLASS 2	14.520			*	14.520
CLASS 3	30.530	0.08	0.077	*	30.453
STATE HWY	16.167			*	16.167
TOTAL	61.217			*	61.137
CLASS 4	5.070			*	5.070

PART II - INFORMATION & DESCRIPTION OF CHANGES SHOWN ABOVE.

- (1) NEW HIGHWAYS: Please attach Selectmen's "Certificate of Completion and Opening".
- (2) DISCONTINUED: Please attach SIGNED copy of proceedings(minutes of meeting).
MINUTES OF AUGUST 17, 1993
- (3) RECLASSIFIED/REMEASURED: Please attach SIGNED copy of proceedings(minutes of meetings).
- (4) SCENIC HIGHWAYS: Please attach copy of order designating/discontinuing Scenic Highways.

PART II - CHECK BOX IF NO CHANGES IN MILEAGES AND SIGN BELOW []

PART III - SIGNATURES - PLEASE SIGN.

SELECTMEN/ALDERMEN/TRUSTEES SIGNATURES: Willard Moore, Frank Merrill, Richard Broekhuysen

CLERK SIGNATURE: Joanne McLatec DATE FILED 2/7/94 Please sign ORIGINAL & return for Transportation signature.

AGENCY OF TRANSPORTATION APPROVAL: Signed copy will be returned to T/C/V Clerk.

APPROVED: Donald C. Harvey Representative, Agency of Transportation DATE: 2/9/94

Town of Sharon

Selectmens Meeting

Minutes

August 17, 1993

Attendees: Wilfred Moore - Selectman
Craig Morrill - Selectman
Jean Brockway - Selectman
Bruce McShinsky - Resident
Bruce McCoy - Resident
Lois McCoy - Resident
Edwin West - Administrative Assistant

The Special Meeting for the purpose of examining the discontinuance of a section of Town Highway #6 (to the site of the old Town Farm) convened at 6:30 PM, August 17, 1993 at the southerly end of the section proposed for discontinuance.

The Selectmen walked to the approximately 410 feet of the proposed discontinuance and made observations. The Selectmen discussed the proposed discontinuance with the residents in attendance. It was noted that State Agency of Natural Resources, Conrad Motyka responded with "It appears that this action has no significant recreation impact and the department has no objection to its discontinuance." It was also noted that a note from Bertil and Susan McIntyre indicated "We have no objections to the McCoy request." No objections were heard from the residents in attendance. No responses and/or objections were submitted or heard from any other parties.

The Meeting reconvened at 7:12 PM, August 17, 1993 in the Sharon Town Offices. In attendance were:

Wilfred Moore - Selectman
Craig Morrill - Selectman
Jean Brockway - Selectman
Edwin A. West Jr. - Administrative Assistant

Others were in attendance for the regular Selectmen's meeting which followed.

The Selectmen discussed the observations and status of the section of TH#6 proposed for discontinuance. No comments or testimony objecting to the discontinuance was heard.

The Selectmen of Sharon Found that:

1) *The portion of TH#6 proposed for discontinuance is a Class #3 Highway with no extension on to a Class 4 Highway or Legal Trail.*

2) *There is no public right-of-way which extends beyond or intersects with the present or proposed end of TH #6.*

3) There is no apparent past, current or future usage for recreational purposes.

4) The current ending for TH #6 is in the door yard of a residence

5) The 3 rod right of way and space for equipment to turnaround is restricted in the area where the current road passes the corner of the house.

6) The proposed new ending has adequate space for equipment turnaround and maneuvering.

With the above observations, testimony and findings in mind, Jean Brockway, Selectman, made the following motion:

TOWN of SHARON

DISCONTINUANCE OF HIGHWAY NOTICE for a portion of Sharon Town Highway #6

"The Sharon Board of Selectmen move to discontinue a section of Highway No. 6 approximately 410 feet in length, beginning at a point which is .722 miles from the beginning of said Town Highway No. 6, at its intersection with TH #7 and proceeding approximately 410 feet to the turnaround just past the house currently owned by Bruce E. and Lois T. McCoy. The terminus of Town Highway #6 will thence forth be .722 miles from its point of origin at its' intersection with TH #7."

The motion was seconded by Wilfred Moore and passed with a unanimous vote of the Selectmen.

The discontinuance meeting adjourned at 7:35PM. A regular Selectmen's meeting followed.

Signed at Sharon, Vermont

Wilfred Moore

Wilfred Moore

9/7/93

Date

Craig Morrill

Craig Morrill

9-7-93

Date

Jean Brockway

Jean Brockway

8-30-93

Date

Town Clerk's Office
SHARON, VT.

Received for Record

Sept 10 A.D. 1993

at 1:55 o'clock P.M. and

Recorded in Vol. 50 Page 342-344
of Sharon Town Records.

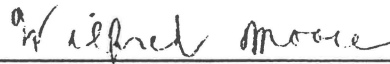
Attest: Joanne M. Latu
Town Clerk

TOWN of SHARON

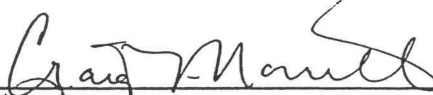
DISCONTINUANCE OF HIGHWAY NOTICE for a portion of Sharon Town Highway #6

"The Sharon Board of Selectmen, at the request of Mr. Bruce E. McCoy and after their own review, propose to discontinue a section of Highway No. 6 approximately 410 feet in length, beginning at a point which is .722 miles from the beginning of said Town Highway No. 6, at its intersection with TH #7 and proceeding approximately 410 feet to the turnaround just past the house currently owned by Bruce E. and Lois T. McCoy. The terminus of Town Highway #6 would thence forth be .722 miles from its point of origin at its' intersection with TH #7. The Sharon Board of Selectmen has by resolution of July 13, 1993 set the date of August 17, 1993 at 6:30 p.m. for the purpose of examining said section of highway and thereafter meet at 7:00 p.m. that same evening at the Sharon Town Offices to hear interested parties regarding the discontinuance of said highway section."

Signed at Sharon, Vermont, July 13, 1993



Wilfred Moore



Craig Morrill



Jean Brockway

Copies sent to:

Mr. & Mrs. Bruce E. and Lois T McCoy
Mr. & Mrs. Harold and Rita Jacobs
Mr. & Mrs. Richard & Helen Billings
Mr. & Mrs. Roy and Linda Rikert
Mr. & Mrs. Bertil and Susan McIntyre
Mr. & Mrs. Harold and Virginia Ballou
Mr. & Mrs. Harold and Gail Fischer
Mr. Charles Ryan
Mr. Don Bourdon, Director, Two Rivers-Ottawaquechee
Regional Planning Commission
Mr. Connie Motyka, Commissioner, Department of Forests, Parks,
and Recreation
Sharon Planning Commission

State of Vermont

Department of Fish and Wildlife
Department of Forests, Parks and Recreation
Department of Environmental Conservation
State Geologist
Natural Resources Conservation Council



AGENCY OF NATURAL RESOURCES
103 South Main St., 10 South
Waterbury, Vermont 05671-0601

DEPT. OF FORESTS, PARKS AND RECREATION

Fax: (802) 244-1481
VT Relay Service: 1-800-253-0191

Tel: 241-3683

TRANSPORTATION

JUL 22 1993

PLANNING DIVISION

July 19, 1993

Edwin A. West, Jr.
Administrative Assistant to the Board of Selectmen
Town of Sharon
Sharon, VT 05065

Dear Mr. West:

We are in receipt of the notice pursuant to the requirements of Title 19 V.S.A. that the Selectmen of the Town of Sharon propose to discontinue a portion of Town Highway # 6.

For your information, it has been the policy (copy enclosed) of this department to encourage towns to continue ownership of highway rights-of-way where they are of sufficient length or locations to be of value to snowmobilers, cross-country skiers, hikers, horseback riders, and other recreational users. Such existing rights-of-way can be valuable recreation resources for our growing population.

It appears that this action has no significant recreation impact and the department has no objection to its discontinuance.

With the passage of H83 in the 1991 Legislature, the laws regarding Class 4 roads and trails give much more strength to towns in their ability to preserve these rights-of-way. Title 19 V.S.A. § 711 states that "... the Selectmen may order that the petitioner bear the cost of upgrading town highway standards established in 19 V.S.A. § 302(a)(3)(B)". Also, "Nothing in this section shall be construed to require a town to maintain a Class 4 highway or to upgrade a highway from Class 4 to Class 3".

I am enclosing a copy of the Vermont Trails and Greenways Council's "Town Policy on Class 4 Roads and Trails". You may want to consider a similar policy in Sharon. Having such a policy will help to ensure that Sharon will not be required to maintain Class 4 roads or trails or upgrade them to Class 3. Also enclosed is a "Class 4 Highways and Trails Fact Sheet" that may help to answer some questions you may have about this issue.

Town of Sharon

July 19, 1993

Page 2

This Department will not be represented at any hearings, but we ask that this letter and attachments be entered into the proceedings.

Thank you for contacting us on this matter. We always appreciate the opportunity to comment on these important recreation resources.

Sincerely,



Conrad M. Motyka
Commissioner

enclosures

c: Jay Kilton
Wayne Pelkey
Rick White

FPR POLICY #14

DISCONTINUANCE OF CLASS 4 HIGHWAYS AND TRAILS

Philosophy:

Class 4 town highways often provide some of the best opportunities in Vermont for public right-of-way uses, including recreation opportunities, access for forest management activities and firefighting, and access to agricultural lands. They often serve as important links to more developed trail systems, such as snowmobile corridor trails and long-distance horseback riding trails. They may also provide important access to public lands, such as state forests. Finally, they could lay the foundation for multi-purpose "greenways" for towns and regions.

As the state becomes more developed these rights-of-way will become ever more valuable as multi-use public corridors.

Policy:

It is the policy of the department to encourage municipalities, where appropriate, to continue class 4 town roads as public rights-of-way, serving a variety of important public uses such as recreation, access for forest management, access to agricultural lands, and travel-ways for private property protection.

Procedure for Implementation:

Pursuant to 19 VSA §535, town selectmen must notify the department when they have filed a petition to discontinue a highway.

When the department receives notice this way or otherwise, the Commissioner will coordinate a response with the appropriate central office and District/Regional staffs. If necessary, District/Regional staff may be requested to attend the public hearing.

Depending on the highway's relationship to state lands, the procedure will then take one of two courses:

- (1) Class 4 highways directly connecting to or travelling through state-owned lands. The department will work actively with the towns to encourage and support them in retaining Class 4 highway status or, where such roads are discontinued, in reclassifying them to "trails", thereby maintaining the right-of-way for public use.

(2) Class 4 highways not directly connecting to or travelling through state lands. The department will work with appropriate groups to encourage retention of these rights-of-way; the groups, in turn, can work with the towns (for example, where there is a recreation trail issue, the Vermont Trails and Greenways Council might be involved). In such cases, the Commissioner will task the staff to notify the appropriate interest group(s), for further action on their part.

The Department will encourage towns to notify and involve interested parties in the process, including adjacent landowners.

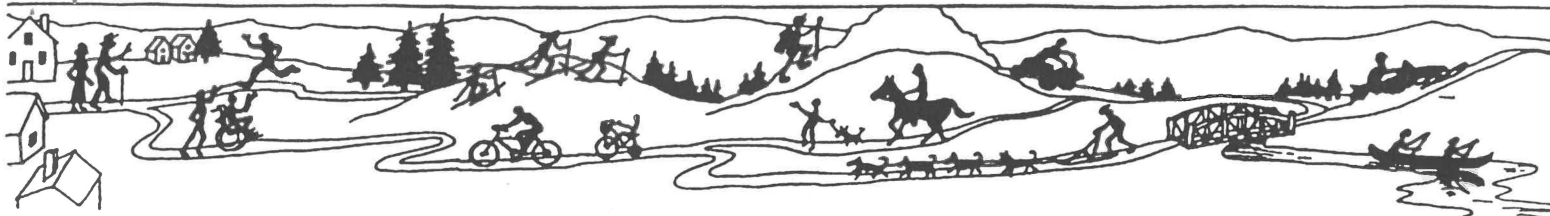


Conrad M. Motyka, Commissioner

November 16, 1992

Effective Date of First Revision

Original Effective Date - May 15, 1991



VERMONT TRAILS AND GREENWAYS COUNCIL

103 South Main Street, 8 South
Waterbury, Vermont 05676
(802) 244-8713

Town Policy on Class 4 Roads and Trails

A Model for Vermont Towns

The following model policy is similar to one adopted by the Town of Barre in April, 1991. The text of the policy is in the column on the left. The comments on the right are merely explanatory. Each municipality must determine what its own policy should be. This model may not reflect the desires of other towns nor does it address every issue pertaining to class 4 roads and trails.

Members

Appalachian Trail Conference • Catamount Trail Association • Central Vermont All Terrain Vehicle Club • Connecticut River Valley Resource Commission • Green Mountain Club • Green Mountain Dog Sled Association • Green Mountain Horse Association • Green Mountain Wheelers All Terrain Vehicle Association • Stowe Recreation Path • Vermont Association of Snow Travelers • Vermont Horse Council • Vermont Off-Road Cycling Association

Agencies

Green Mountain National Forest • Northern Vermont Resource • Conservation & Development Area • Vermont Dept. of Forests, Parks & Recreation • Vermont Agency of Transportation

Text

1. Definition:

Class 4 highways are all other highways not falling under definitions of class 1, 2, and 3 highways. Class 1, 2, and 3 are defined for the purpose of receiving state aid and are passable with a pleasure vehicle on a year-round basis.

Trail means a public right-of-way which is not a highway and which: (A) previously was a designated highway having the same width as the designated town highway, or a lesser width if so designated, or (B) a new public right-of-way laid out as a trail by the Selectmen for the purpose of providing access to abutting properties or for recreational use.

2. Existing Use:

Existing rights-of-way of class 4 highways and trails as of the date of adoption of this policy shall be retained by the Town for purposes of recreational multi-use activities, access to private property, and agricultural and forest management.

3. Maintenance:

The Town shall not provide any maintenance or upkeep on trails.

Permission for repair, maintenance, improvement, or restoration shall not be unreasonably withheld by the Board of Selectmen. The road shall be left in as good or better condition as when permission is granted.

Commentary

This reflects Vermont Statutes Annotated Title 19, Section 302.

See VSA Title 19, Section 301.

The town is saying it will keep all rights-of-way under its jurisdiction and for the purposes described. It's a good idea for a town to retain rights-of-way. A municipality has authority to abandon or "throw up" a road. But once a road is gone, it will be difficult and costly to get the right-of-way back at a later date.

This reflects T.19, VSA, 302 (a) (5) and T.19, VSA, Sec. 310 (c) which assert that towns have no obligation to maintain trails.

This addresses the situation where a farmer or logger wants to upgrade and maintain a class 4 road in order to extract agricultural or forest products from his land.

A reasonable response by Selectmen is to allow for this work to take place. It's a good idea first to define maintenance standards such as ditches, culvert size, bridges and snow plowing to avoid excess upgrading of the road.

Text

The Town shall not provide any summer maintenance of class 4 highways except as required by necessity, and the public good and convenience of the inhabitants, such as bridges, culverts and ditches to control erosion of highways or runoff to adjacent property, and removal of obstructions.

The Town shall not provide any winter maintenance on class 4 highways and trails. Plowing by private parties shall be only with the permission of the Selectmen.

Commentary

The standards should protect the integrity of the road but should be of sufficient scale to allow for the use of modern farm and forest machinery.

By this language the Town has decided to provide a minimal level of summer maintenance and no winter maintenance on class 4 roads. Title 19, VSA, Sec. 310 (b) states "Class 4 highways may be maintained to the extent required by the necessity of the town, the public good and the convenience of the inhabitants of the town...." This broad language has caused considerable confusion for Vermont town officials over their duty to maintain class 4 roads.

Two Vermont Supreme Court cases provide some direction. Gilbert v. Town of Brookfield 1976 and Catlin v. Town of Hartland 1979 make the point: towns ought to use equal treatment in deciding which class 4 roads will receive year round maintenance. It's important to apply maintenance policies and practices fairly among all class 4 roads in town. If a town plows a class 4 road it should be aware that people on other class 4 roads might demand the same level of services.

Some people have argued that T.19, VSA, Sec. 304 (a) (1) requires a more vigorous level of maintenance. Paul Gillies, an attorney in the Secretary of State's office, maintains that the statutes calling for uniform maintenance standards do not mean 'no maintenance'. He wrote in January, 1992: "There's nothing wrong with (class 4 highway maintenance standards) being flexible, and a whole lot wrong with being categorical.... Let the needs of the highway itself define the (level of) maintenance." Some, however, interpret the court cases cited above as limiting a town's flexibility to provide winter maintenance of class four roads.

Text

Any winter plowing of a class 4 road allowed by Selectmen to parties other than a municipality shall not nullify the privileges under 23 VSA 3206 (b) (2).

4. Control:

The Selectmen shall exercise control of class 4 highways and trails to ensure their integrity as a public right-of-way by means which may include, but are not limited to, the following:

- a) establishment of vehicle weight limits;
- b) prohibition or restriction of wheeled vehicle use during mud and snow season; signs and barriers may be utilized to accomplish this purpose;
- c) requirements for temporary permits for heavy equipment access may be imposed and the stipulation included that any highway damaged will be repaired by or at the expense of the user; posting

Commentary

At issue in many communities is the desire to control or discourage development on class 4 roads. Consequently class 4 maintenance policies become substitutes for good planning and zoning, a practice that might not be a sound municipal practice.

Towns should research this point carefully before deciding what level of maintenance they will provide on class 4 roads, taking into consideration the town plan, growth patterns, terrain, connecting roads from neighboring towns, whether there are existing residences or potential development, forestry interests, recreational uses and other matters.

This section of the statute pertains to snowmobile use. "A snowmobile may not be operated---along a public highway unless it is not being maintained during the snow season or unless the operator is not closer than five feet from the plowed portion or unless the highway has been opened to snowmobile travel by the selectmen or trustees or local governing body and is so posted by the municipality".

By this language the selectmen are stating that the town takes seriously its responsibility to insure that class 4 roads and trails are not unnecessarily or irresponsibly damaged. Selectmen have this authority under State law and by Department of Motor Vehicle regulations.

Text

of bond or other security to guarantee that repairs are made may be required as a condition of any permits;

d) speed limits may be established.

5. Change In Classification:

Class 4 highways may be reclassified to trail status, discontinued, or upgraded to class 3 or higher status. Trails may be discontinued or upgraded to class 4 or higher status. Reclassification will be done in accordance with Title 19, VSA, Sections 708-716 and upon findings by the Selectmen that the public interests will be substantially advanced by such change in status and that reasonable measures are taken to replace, substitute, or avoid the loss of public and commercial travel, intrinsic, aesthetic and recreational value, or other public interests afforded by the existing class 4 highway or trail.

At a minimum, no class 4 highway or trail may be upgraded in status or discontinued without the permission of the selectmen. Selectmen may provide for an alternative travel easement or right-of-way replacing the travel route upgraded or discontinued to insure that users and landowners have uninterrupted access.

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

6. New Structures:

New structures on lots fronting on a class 4 highway are subject to the requirements of applicable town ordinances.

Commentary

This language seeks to insure no net loss of right-of-way for public and commercial uses. If class 4 roads and trails are reclassified the town wants to insure reasonable access for the existing landowner and user of the class 4 road.

The Vermont General Assembly in 1991 added Subsection (b) to Title 19, VSA, Section 711 to allow selectmen to order the petitioner to bear the cost of upgrading a class 4 town highway to class 3. The statute does not address the issue of costs for upgrading a trail to a class 4 highway.

No structures can be built without also complying with town ordinances and bylaws.

Text

7. Right-of-Way Access:

Selectmen shall control access into the road right-of-way for the installation or repair of utilities and for access of driveways, entrances, and approaches.

Notwithstanding the above, nothing herein shall be deemed to negate or repeal the effect of Chapter _____ of the _____ Town Code, Articles _____ relating to permit requirements for working in or adjacent to highway rights-of-way.

8. Overweight Vehicles:

Pursuant to 23 VSA, Chapter 13, Subchapter 15, vehicular use of highways and bridges is subject to limitation and regulation regarding gross vehicle weights, tire and axle weights, and overall length and width.

Written approval of the Selectmen, or their authorized agent, may be granted for use or travel over highways and by and between the Selectmen and applicant for compensation for wear and tear on highways anticipated or caused by use of highways in excess of the legal weight and size limitations. Vehicles used for agricultural or forest management shall not be held to a higher standard than other vehicles.

9. Posting:

No highway of any class may be intentionally closed by a gate or other obstruction except upon approval of the Selectmen (19 VSA, Section 1105). The Selectmen may post a road in accordance with 19, VSA, Section 1110. The Selectmen may post a highway for the purposes of preserving the integrity of the road (19 VSA #304).

Commentary

This restates the authority selectmen have under Title 19, VSA, Sections 303, 304 (a) (21) and (22) and Sections 1105, 1108, and 1111.

Town permit procedures must be followed for work in or near the town right-of-way.

Subchapter 15 of Title 23, VSA, Chapter 13 is comprised of Sections 1391-1399 and Sections 1401-1492. They, with regulations issued by the Motor Vehicle Department, describe vehicle weights and procedures.

Permits for use of town highways by overweight vehicles are issued by the State commissioner of motor vehicles. Before signing the permit, the commissioner takes into consideration the comments and stipulations written on the form by the selectmen. Before signing the form and sending it to the state commissioner, selectmen can negotiate with the vehicle owner and then stipulate on the form various conditions for use of the highway (payment for road damage, fees per load, promise to repair damaged road, use during certain hours, etc.). The \$5.00 fee is to help cover town administrative costs.

Text

10. Compliance With Other
Regulations:

This policy is written to establish and clarify standards of construction and the authority of the Selectmen and their agents.

All other ordinances and regulations adopted by the Town of _____ shall remain in full force and effect, including without limitation:

Note: This model ordinance is based on one adopted by the Town of Barre in April 1991.

Commentary

CLASS 4 HIGHWAYS AND TRAILS

This fact sheet attempts to answer some of the basic questions that are frequently asked about class 4 highways and trails. It is not intended to be the final authority on all questions. Towns should consider obtaining legal counsel when making decisions about class 4 highways and trails.

What Is A Class 4 Highway?

According to VSA T19 #302 (C), Classification of town highways: "(a) For the purposes of this section and receiving state aid, all town highways shall be categorized into one or another of the following classes:

(1) Class 1 town highways are those town highways which form the extension of a state highway route and which carry a state highway route number. The Agency shall determine which highways are to be class 1 highways.

(2) Class 2 town highways are those town highways selected as the most important highways in each town. As far as practicable they shall be selected with the purposes of securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amount of traffic. The selectmen, with the approval of the Agency, shall determine which highways are to be class 2 highways.

(3) Class 3 town highways:

(A) Class 3 town highways are all traveled town highways other than class 1 or 2 highways. The selectmen, after conference with a representative of the agency shall determine which highways are class 3 town highways.

(B) The minimum standards for class 3 highways are a highway negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance.

(C) A highway meeting these standards may be reclassified as a provisional class 3 highway if within five years of the determination, it will meet all class 3 highway standards.

(4) Class 4 town highways are all other town highways. The Selectmen shall determine which highways are class 4 town highways.

(5) Trails shall not be considered highways and the town shall not be responsible for any maintenance including culverts and bridges."

Additionally a class 4 highway:

1. is 3 rods or 49.5' (unless otherwise recorded) - T19 #702;
2. is not eligible for state aid funds - T19 #306;
3. is usually not maintained for winter use - T19 #302
(a) (3) (b);
4. may be reclassified or discontinued - T19 Ch. 7.

What Is A Trail?

-2-

According to VSA T19 #301 (8), "Trail means a public right-of-way which is not a highway and which:

"(A) previously was a designated town highway having the same width as the designated town highway, or a lesser width if so designated; or

(B) a new public right-of-way laid out as a trail by the selectmen for the purpose of providing access to abutting properties or for recreational use. Nothing in this section shall be deemed to independently authorize the condemnation of land for recreation purposes or to affect the authority of selectmen to reasonably regulate the uses of recreational trails."

Additionally, a trail:

1. is a public right-of-way and not a highway - T19 #302 (a) (5);
2. is not a responsibility of the town for construction, maintenance, repair or safety - T19 #310;

Why Is It Important To Keep Class 4 Highways and Trails?

There are approximately 1,700 miles of class 4 highways and trails in Vermont. Almost every town has at least a couple of miles of them, usually in the more remote section of town. With the population growing and the interest in outdoor recreation also increasing, it is important to keep class 4 highways and trails as public resources. As private land is further developed, there will be less access for snowmobiling, cross-country skiing, walking, bicycling, horseback riding, fishing, hunting and other outdoor recreation. Town-controlled corridors will help to ensure that there will continue to be a place to enjoy these activities. They also often serve as important links to more extensive trail systems that are on private lands.

Class 4 highways and trails provide important transportation access for forest and agriculture management.

Finally, as communities grow, these rights-of-way may be needed to provide for development, and may be upgraded accordingly. It would be costly to the town to pay landowners for a right-of-way. If the town retains the right-of-way, reclassification to class 3 for instance would involve virtually no cost beyond the cost of the survey and notice.

Do Class 4 Highways and Trails Have To Be Maintained?

According to VSA T19 #310:

"(b) Class 4 highways may be maintained to the extent required by the necessity of the town, the public good and the convenience of the inhabitants of the town, or may be reclassified using the same procedures as for laying out highways and meeting the standards set forth in section 302 of this title.

(c) A town shall not be liable for construction, maintenance, repair or safety of trails."

According to VSA T19 #302 (C) (5)

"Trails shall not be considered highways and the town shall not be responsible for any maintenance including culverts and bridges."

According to T19 #708 (b):

"A class 4 highway need not be reclassified to class 3 merely because there exists within a town one or more class 3 highways with characteristics similar to the class 4 highway. In considering whether to reclassify a class 4 highway to class 3, consideration may be given as to whether the increased traffic and development potential likely to result from the reclassification is desirable or is in accordance with the town plan."

Additionally, T19 #711 (b) states:

"As part of the report of findings provided for in subsection (a) of this section, the selectmen may order that the petitioner bear the cost of upgrading a class 4 town highway to the class 3 town highway standards established in 19 VSA #302 (a) (3) (B.) Nothing in this section shall be construed to require a town to maintain a class 4 highway or to upgrade a highway from class 4 to class 3."

Finally, T19 #710 states:

"After examining the premises and hearing any interested parties, and if the selectmen judge that the public good, necessity and convenience of the inhabitants of the municipality require the highway to be laid out, altered or reclassified as claimed in the petition, they shall cause the highway to be surveyed if the highway right-of-way cannot be determined and shall place suitable monuments to properly make the bounds of the survey. If they decide to discontinue a highway, the discontinuance shall be in writing setting forth a completed description of the highway."

What Is The Process for Altering, Reclassifying or Discontinuing?

This process is spelled out in detail in T19 #708-712 and #771-775. These statutes should be reviewed for a full understanding. A brief summary of the process is as follows:

1. Landowners or voters (at least 5% of voters) petition the selectmen or the selectmen initiate on their own.

2. Selectmen set a time and date for visiting premises and hold a hearing. Thirty days notice must be given to petitioners, abutting landowners, or persons having an interest, and planning commission. Notice must also be posted and published not less than 10 days before hearing. The Vermont Department of Forests, Parks and Recreation must also be sent a notice when a petition is filed. (T19 #775) The Department will notify the state trails organizations and, if the proposed discontinuance appears to have recreational value, will urge the town to retain in trail status.

3. Within 60 days after the examination and hearing the selectmen must make a decision, notify the parties, and the action recorded by the town clerk.

Selectmen clearly have the authority under T19 #304 (a) (2) to:

"take any action consistent with the provisions of law, which are necessary for or incidental to the proper management and administration of town highways."

Also, under T19 #304 (5) selectmen may:

"grant permission to enclose pent roads and trails by the owner of the land during any part of the year, by erecting stiles, unlocked gates and bars in the places designated and to make regulations governing the use of pent roads and trails and to establish penalties not to exceed \$50.00 for noncompliance. Permission shall be in writing and recorded in the town clerk's office."

They can limit types of use such as snowmobiles, ATVs and 4x4's; season of use such as restricting motorized vehicles during muddy periods; or condition of use such as speed and weight limits.

How Can Towns Best Manage Class 4 Highways and Trails?

The best way to manage these resources is to adopt a Town Highway Policy or Ordinance for Class 4 Highways and Trails. A sample policy is attached.

Class 4 highways and trails should also be addressed in the town plan.

Does The Town Have Any Legal Rights If Someone Blocks A Highway or Trail?

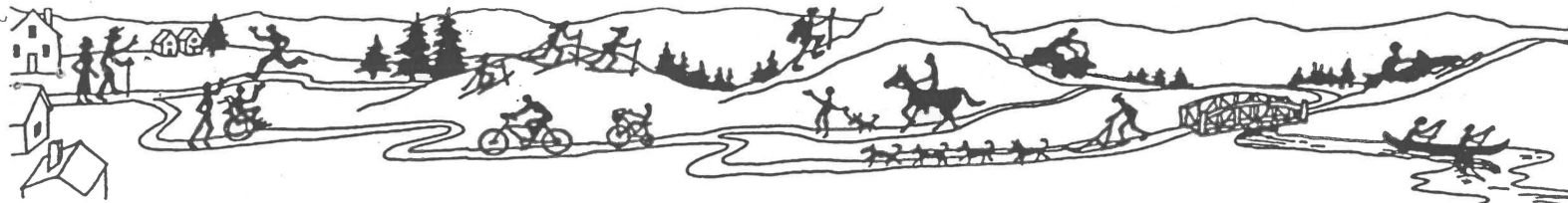
According to VSA T19 #1105:

"A person who places or causes to be placed an obstruction or encroachment in a public highway or trail, so as to hinder or prevent public travel, or to injure or impede a person traveling on the highway or trail, shall be fined not more than \$1,000 plus the actual costs of repairing the damage and a reasonable attorney's fee, to be recovered in a civil action in the name of the town or state. One or more items of logging or other equipment temporarily within the right-of-way of a trail shall not be actionable under this section if located in such a way as not to unreasonably impede passage. If the court finds that an action under this section was brought without substantial basis, the court may award a reasonable attorney's fee against the person bringing the action." (Added by 1991 legislature.)

What Is A Pent Road?

According to T19 #301 (4):

"(4) 'Pent road' is any town highway which, by written allowance of the selectmen, is enclosed and occupied by the adjoining landowner with unlocked stiles, gates and bars in such places as the selectmen designate."



VERMONT TRAILS AND GREENWAYS COUNCIL

103 South Main Street, 8 South
Waterbury, Vermont 05676
(802) 244-8713

July 24, 1990

Dear Selectmen:

The Vermont Trails and Greenways Council urges you to KEEP a valuable resource that your Town possesses. Your Class IV Roads provide FREE RECREATION to all of your residents. Please don't "throw up" these roads and allow the ownership to revert to the abutting landowner. You are giving something away which HAS VALUE TO YOUR TOWNSPEOPLE.

- As a Class IV Road, under Title 19 the Town currently bears no winter maintenance costs. (If a Town has a Class IV Road Policy, the Town could bear no maintenance costs year round.)
- As a Class IV Road, the right-of-way is available for recreation use and can serve as a vital link between the valuable resources in your Town.
- As a Class IV Road, the Town is keeping its options open for right-of-way use allowing it to either upgrade the Class IV Road to Class III or downgrade the Class IV Road to Trail status.

If the Town decides to downgrade the road to Trail status, the following benefits exist.

- As a Trail, the Town bears no maintenance costs.
- As a Trail, the Selectmen can later upgrade the right-of-way to Class IV or Class III, if they so choose.
- As a Trail, the right-of-way can be used by walkers, mountain bikers, bird watchers, cross-country skiers, hunters, snowmobilers, and others as a place to enjoy the town's countryside.

None of these options exist if the land is given away to the abutting landowners. Please consider KEEPING your Class IV Roads, ADOPTING a Class IV Road Policy or DOWNGRADING the Class IV Roads to Trail status. The attached proposal is included as a guide to help you establish your own policy.

When considering changes in the status of a town highway that goes between two towns, notice must be sent (T 19 § 775) to the Department of Forests, Parks and Recreation, 103 South Main Street, Waterbury, VT 05676. The Department would also appreciate receiving the notice of other proposed Class IV Roads and Trails changes. The trail using groups in your area should also be notified.

Members

*Catamount Trail Association • Central Vermont All Terrain Vehicle Club • Green Mountain Club • Green Mountain Dog Sled Association •
Green Mountain Horse Association • Green Mountain Wheelers All Terrain Vehicle Association • Stowe Recreation Path •
Vermont Association of Snow Travelers • Vermont Horse Council • Vermont Off-Road Cycling Association*

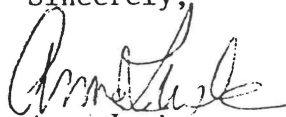
Agencies

*Green Mountain National Forest • Northern Vermont Resource, Conservation & Development Area •
Vermont Dept. of Forests, Parks & Recreation • Vermont Agency of Transportation*

Letter to Selectmen
Page 2
July 24, 1990

Feel free to call if you have further questions. The Vermont Trails and Greenways Council is eager to help you maintain these wonderful "right-of-way assets" for your town.

Sincerely,



Anne Lusk
Chairperson

gjm

Attachments

cc: Regional Planning Commissions
Town Planning Commissions
Town Conservation Commissions

TOWN OF SHARON

SHARON, VERMONT
05065

July 13, 1993

Certified Mail-
Return Receipt Requested

Connie Motyka, Commissioner
Department of Forests, Parks and Recreation
103 South Main Street
Waterbury, Vermont, 05676

Re: Discontinuance of a section of Town Highway #6 in the Town of Sharon, Vermont.

Dear Commissioner Hannan;

Enclosed is a copy of the public notice on the discontinuance of a section of a public highway in the Town of Sharon, Vermont.

The Selectmen invite your comments on the proposed action to discontinue a portion of Town Highway #6. It should be noted that TH #6 is a class 3 highway which terminates without continuing sections of Class 4 or legal trail. This proposed action places the terminus of the highway at the .722 mile point vice the .800 mile point. A turn around exists at the proposed terminus.

We look forward to the benefit of your advice.

Sincerely,



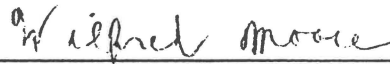
Edwin A. West Jr.
Administrative Assistant to
The Board of Selectmen

TOWN of SHARON

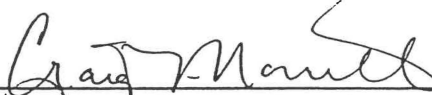
DISCONTINUANCE OF HIGHWAY NOTICE for a portion of Sharon Town Highway #6

"The Sharon Board of Selectmen, at the request of Mr. Bruce E. McCoy and after their own review, propose to discontinue a section of Highway No. 6 approximately 410 feet in length, beginning at a point which is .722 miles from the beginning of said Town Highway No. 6, at its intersection with TH #7 and proceeding approximately 410 feet to the turnaround just past the house currently owned by Bruce E. and Lois T. McCoy. The terminus of Town Highway #6 would thence forth be .722 miles from its point of origin at its' intersection with TH #7. The Sharon Board of Selectmen has by resolution of July 13, 1993 set the date of August 17, 1993 at 6:30 p.m. for the purpose of examining said section of highway and thereafter meet at 7:00 p.m. that same evening at the Sharon Town Offices to hear interested parties regarding the discontinuance of said highway section."

Signed at Sharon, Vermont, July 13, 1993



Wilfred Moore



Craig Morrill



Jean Brockway

Copies sent to:

Mr. & Mrs. Bruce E. and Lois T McCoy
Mr. & Mrs. Harold and Rita Jacobs
Mr. & Mrs. Richard & Helen Billings
Mr. & Mrs. Roy and Linda Rikert
Mr. & Mrs. Bertil and Susan McIntyre
Mr. & Mrs. Harold and Virginia Ballou
Mr. & Mrs. Harold and Gail Fischer
Mr. Charles Ryan
Mr. Don Bourdon, Director, Two Rivers-Ottawaquechee
Regional Planning Commission
Mr. Connie Motyka, Commissioner, Department of Forests, Parks,
and Recreation
Sharon Planning Commission