

Town of Stowe Class 4 Roads and Legal Trails Policy

1. Class 4 Town Highways

Class 4 town highways are all town highways not falling under the statutory definitions of Class 1, 2 and 3 highways.

Class 4 highways are not maintained by the Town of Stowe to be passable on a year-round basis. The Town maintains bridges and culverts adequate for use by a standard passenger car and may perform maintenance at its discretion to allow passage during the non-winter months. A private property owner, with approval of the Selectboard, may choose to maintain all or a portion of a Class 4 highway to a higher standard and plow it in the winter to maintain access to their property.

Class 4 highways may provide access to properties where no other road access exists. They may also serve as important access to public parking and public land available for recreational purposes or, to connect Class 3 highways by motor vehicles during non-winter months. The Selectboard may order Class 4 roads to be gated or otherwise blocked off from public travel by a motor vehicle during the winter.

Only registered motor vehicles are allowed on Class 4 town highways. Snowmobiles may be allowed by permission of the Selectboard. ATV's are prohibited on Class 4 highways.

2. Legal Trails

A Legal Trail is a public right-of-way which is not a highway and which previously was a town highway having the same right of way width as the highway, or other width if so designated, or a new public right-of-way laid out as a trail by the Selectboard for the purpose of providing access to abutting properties or for recreational use. The primary purpose of a legal trail is to provide recreational access and with approval of the Selectboard, and occasional access for logging activities. Legal trails are not to be used to access properties for residential use.

The Town has no responsibility to maintain trails but may choose to do so for recreational or emergency management purposes. The Selectboard may order trails to be gated or otherwise blocked off from public travel by a motor vehicle during all seasons of the year.

Legal trails are to be used for non-motorized recreation only, except that snowmobiles may be allowed by permission of the Selectboard.

3. 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 of Stowe for purposes of recreational multi-use activities, access to private property and agricultural and forest management.

4. Logging Activities.

Permission for the use of gated Class 4 highways and Legal Trails to access properties for logging activities shall not be unreasonably withheld by the Selectboard. The road or trail shall be left in as good or better condition as when permission is granted. The Selectboard may require that the logger or property owner provide temporary facilities required for the proposed logging operations and/or, place an adequate amount of funds into an escrow account to be available in the event that the logger or property owner fails to restore the road or trail to an acceptable condition.

5. Control

The Selectboard 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:

- Establishment of vehicle weight limits;
- Prohibition or restriction of wheeled vehicle use during mud and snow season; signs and barriers may be utilized to accomplish this purpose;
- Requirements for temporary permit 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 of bond or other security to guarantee that repairs are made may be required as a condition of any permits;

6. Change in Classification

Class 4 highways may be discontinued, discontinued and designated as a legal trail, or reclassified to Class 3 or higher status. Trails may be discontinued or reclassified to Class 4 or higher status. Reclassification will be done in accordance with 19 V.S.A. §§ 708-716 and upon findings by the Selectboard 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.

A Class 4 highway or trail may be reclassified or discontinued only by approval of the Selectboard. The Selectboard may provide for an alternative travel easement or right-of-way replacing the travel route upgraded or discontinued to ensure that users and landowners have uninterrupted access.

A Class 4 highway need not be reclassified to Class 3 merely because of the existence of 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 Stowe Town Plan.

A Class 4 highway may be reclassified to a Class 3 highway for reasons including, but not limited to, the following:

- The Town currently maintains the road to Class 3 standards.
- Increased usage of the road warrants maintaining it to Class 3 standards.
- To support a development proposal deemed beneficial to the Town. The Selectboard may

require that the petitioner bear the cost of upgrading a Class 4 town highway to the Class 3 highway.

It is the Town's policy, as stated in the Stowe Town Plan, that the Town will retain ownership of its Class 4 roads as important recreational resources. In rare instances, a Class 4 highway may be discontinued for reasons including, but not limited to, the following:

- The road is impassable or has not been maintained to Class 4 standards.
- The road does not provide needed vehicular access to any properties.
- The road essentially serves as a driveway to a private residence.
- To reduce road maintenance costs.

A Class 4 highway may be discontinued and designated as a legal trail for reasons including, but not limited to, the following:

- The road is impassable or has not been maintained to Class 4 standards.
- The road does not provide needed vehicular access to any properties.
- The only use of the road is to provide recreational access.
- To reduce road maintenance costs.

If a discontinued highway is not designated as a trail, the right-of-way shall belong to the owners of the adjoining lands.