

TOWN OF NORTHFIELD, VERMONT TOWN HIGHWAY RECLASSIFICATION AND DISCONTINUANCE POLICY

1. PURPOSE

The purpose of this policy is to ensure that the Select Board for the Town of Northfield, Vermont:

- Has a consistent, equitable, and transparent approach to the reclassification and discontinuance of a town highway within the Town of Northfield.
- Complies with Vermont Statutes Title 19 (Highways), Chapter 7, Subchapter 2, §708-717 when undertaking the reclassification and discontinuance of town highways.
- Strategically manages town highways for the long-term best interests of the Northfield community as identified In the Class 4 Roads and Trails Policy of September, 2008.
- Identifies town highways that were established to provide access to milk routes getting milk from small farms to the creamery.
- Allows for a process to return the highway right-of-way to the property owner.

2. SCOPE

This policy considers how the Select Board reclassifies or discontinues a town highway within the Town of Northfield. It is a general policy that outlines the Select Board's principles and is intended as a framework when proposing to reclassifies or discontinue and a town highway. This policy shall be applied consistently with the statutory requirements for discontinuing town highways as set forth In 19 V.S.A. chapter 7.

3. APPLICATION

This Policy applies to town highways within the Town of Northfield.

A discontinued town highway is a previously designated town highway which through the process of discontinuance all public rights are reconveyed to the adjoining landowners. See 19 V.S.A. §701(4).

This Policy does not apply to any other Select Board land held in freehold title or vested in the Select Board.

4. POLICY

The reclassification or discontinuance of a town highway is as important a decision as establishing highways for the purpose of getting milk to the creamery. All town highways are to be retained if the highway is required for the use it was set aside for and is reasonably required for general public use. Any or all of the below reasons shall be used to consider reclassification or discontinuance,

4.1 Retention of Highway and Reserve Principles

Town Highways that serve a property that was recently sold or transferred and meets the below criteria shall be given the highest priority for discontinuance or reclassification.

All town highways are to be retained except where the highway:

1. Is no longer reasonably required for general public use, terminates without access to other highways, and/or serves other than a year-round residence;
2. will not obstruct necessary service and access arrangements;
3. Does not or will not support, facilitate, or contribute to the Select Board's current or future land use requirements as identified in the Town Plan;
4. If discontinued, will facilitate and/or promote investment and positive economic development outcomes;
5. Does not contribute historic, economic, environmental, or community benefit to the municipality to justify its retention;
6. Has no strategic significance to the Select Board on a long-term basis;
7. Is not identified in a Select Board strategy, plan, budget, policy, or planning scheme as being required for retention;
8. Has two (2) or fewer residences and is less than five hundred feet (500') in length;
9. The highway is abutted by a single property owner; and/or
10. The property owner(s) request reclassification or discontinuance of a town highway serving their property.

4.2 Considerations for Discontinuance

To ascertain whether a highway meets the principles for retention or if it may be suitable for reclassification or discontinuance, the Town shall perform an assessment to the above ten (10) retention principles (outlined in Section 4.1 above).

The Select Board's powers to reclassify or discontinue is discretionary, meaning the Select Board can choose to proceed (or refuse to proceed) with reclassification or discontinuance of a road after a review assessment.

The Select Board will only consider the reclassification or discontinuance of a town highway where there is a community benefit or strategic outcome to justify the decision for the select Board to carry out the highway reclassification or discontinuance.

4.3 Reclassification or Discontinuance Process

When a highway reclassification or discontinuance assessment process has been undertaken and it is determined that the road is not required for retention, a highway can be set aside for a hearing.

Initiation of Proceedings. Persons who are either voters or landowners, and whose number is at least five percent of the voters, in the Town, desiring to have a highway discontinued, may apply by petition in writing to the Select Board for that purpose. A person who is a landowner in the Town, desiring to have an unidentified corridor which passes through or abuts their land discontinued, may apply in writing to the Select Board for that purpose. The Select Board may also initiate discontinuance proceedings on its own motion. See 19 V.S.A. §708. A vote by the Select Board is required for specific approval to commence the statutory process to discontinue a town highway.

Notice and Hearing. The Select Board shall promptly appoint a time and date both for examining the premises and hearing the persons interested, and give 30 days' notice to the petitioners, and to persons owning or interested in lands through which the highway may pass or abut, of the time when they will inspect the site and receive testimony. The Select Board shall also give notice to the Planning Commission and the Vermont Department of Parks and Recreation, post a copy of the notice in the office of the Town Clerk, and cause a notice to be published in a local newspaper of general circulation in the area not less than ten days before the time set for the hearing. The notice shall be certified mail sent to the official residence of the person(s) required to be notified. See 19 V.S.A. §709.

Order of Discontinuance. After examining the premises and hearing any interested parties, if the Select Board decides to discontinue a highway, the discontinuance shall be in writing setting forth a completed description of the highway. See 19 V.S.A. §710. A resolution of the Select Board is required for a final decision on the proposed discontinuance process after the completion of the statutory process.

Select Board's Return and Recording. Within 60 days after the examination and hearing, the Select Board shall return the original petition with a report of its findings and of the manner of notifying the parties together with the discontinuance, to the Town Clerk's office. The Select Board's order discontinuing the highway shall be recorded by the Town Clerk and the Vermont Agency of Transportation, See 19 V.S.A. §711.

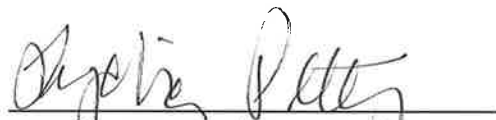
5.0 Appeals

A person not satisfied with the Select Board's decision to discontinue a town highway may appeal to the Civil Division of the Vermont Superior Court, pursuant to 19 V.S.A, § 726

**DATED AT NORTHFIELD, VERMONT
THIS 28th DAY OF MARCH, 2023**


K. DAVID MAXWELL, Chair


MERRY SHERNOCK


LYDIA PETTY, Vice-Chair


JOHN B. STEVENS


CHARLES L. MORSE



Select Board, Town of Northfield, Vermont