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To: Selectboard, Alex Weinhagen

From: E. M. Allen

Re: Weed Road

The minutes of the April 28, 1975 Selectboard meeting report a vote “not to open or change the status of the old Class (4) Four road.” If the road referred to is, in fact, Weed Road, that action appears to reflect and acknowledge the Road’s status as of that date. Further, the exchange of quitclaim deeds in 1985 between Larry Steven and the Town clarifies the Town’s ownership of the roadway. None of the documents between 1975 and the present attempt to change that status, though several use somewhat ambiguous terminology, e.g. “town-owned right-of-way.” Further, in 1995 the Board voted to scrape Class 4 roads once or twice per year; I understand that the Town has been scraping Weed Road since that time. Thus, I don’t find in the record support for any alternative to Weed Road’s status as a Class 4 road.

Pursuant to 19 VSA §708 *et seq.*, the Town could discontinue a Class Four Road. On the Selectboard’s own motion or in response to a petition from 5% of the voters and/or landowners, the Board may initiate proceedings to discontinue (or reclassify, alter, layout etc) a road. The Board would schedule an examination of the premises as well as a public hearing, give thirty days notice (posted at the Town Clerk’s office and published in the paper, as well as mailed to the Planning Commission and by certified mail to adjoining landowners). On the appointed day, the Board would examine the property, hear testimony and, within sixty days, issue an order of discontinuance “setting forth a completed description of the highway.” The standard for making the decision is the “public good, necessity and convenience of the inhabitants of the municipality.” If the road extends into another town, the matter gets somewhat more complicated.

Finally, changing a road classification or discontinuing a road after a development application has been filed would not affect the outcome of the application; the road status as of the time of application would control.