

TOWN OF MONTGOMERY

CLASS 4 TOWN ROAD & TRAIL POLICY

GENERAL

1. Any land owner (herein referred to as the "Applicant") in the Town of Montgomery wishing to perform, or arrange for the performance of maintenance work on a Class 4 Town Road, Trail, or unclassified Trail shall make a written request to the Road Commissioner prior to commencing any such work. The request shall contain drawings and descriptions of the work to be done, as applicable, and the request should be submitted far enough in advance to perform a site visit. The road commissioner may, at their discretion, schedule a discussion at a regularly scheduled Selectmen's meeting. No work on a Class 4 Town Road, Trail, or unclassified Trail shall commence without a signed agreement with the the Road Commissioner. The Applicant shall bear all costs associated with the work. If an applicant is denied approval by the Road Commissioner they may appeal to the Selectboard with 14 days.
2. As condition of the agreement, the Applicant ensures that all the requirements for signs, work safety, and public safety required by law or reasonable prudence will be adhered to, and that the road work will be done in accordance with specifications established by the Road Commissioner. All work within the highway right-of-way shall be in conformance with the specifications articulated in the approved Permit Application, and the highway shall be left in as good as or better condition than when permission was granted. The Applicant also agrees that the Applicant and Applicants agents shall not hold the Town responsible for any claims or injuries which may arise out of the work, and agrees to indemnify and hold the Town harmless against legal liability for any and all damage, loss, or claim associated with the work.
3. The Road Commissioner may, at their discretion, approve an application for regular annual maintenance on a Class IV road (ie. spreading gravel, etc.). This shall not extend to any work impacting structures (ie. culverts, ditches, etc.). This approval is non-transferable.
4. When the work is finished, the Road Commissioner shall be notified in writing so that they can arrange for inspection and approval of the work.
5. An individual conducting work on a Class IV road without prior approval by the Road Commissioner may be held financially responsible by the town for any required corrective action.

SUMMER MAINTENANCE

1. The Road Commissioner shall annually inspect all Class 4 Town Roads that have, as of the date of the adoption of this Policy, at least one year round resident. The Road Commissioner will evaluate the roads inspected, and as time permits, will perform minimal maintenance. Resident input shall be considered. This maintenance shall not constitute improvements or upgrades.

WINTER MAINTENANCE

1. The Town shall not provide any winter maintenance on Class 4 Town Roads, Trails, or unclassified Trails. Plowing by private parties may be conducted without prior approval, however the Town may request corrective action if damage to the road or other property occurs.

UPGRADES

1. It is the policy of the Selectboard to not upgrade Class 4 Town Roads, Trails, or unclassified Trails, however it is a landowner's right to request a reclassification. When considering any such reclassification, the Selectboard shall follow the procedures as set forth in 19 V.S.A §§708-716.

**CLASS FOUR ROAD, TRAIL, OR UNCLASSIFIED
TRAIL AGREEMENT**

The Town of Montgomery, a municipal corporation in the County of Franklin and State of Vermont, and _____, property owner(s) in said Town, hereby agree as follows regarding the maintenance of a certain Class 4 road, Trail, or unclassified Trail in said Town, commonly known as _____.

1. The Town hereby grants to the above listed property owner(s) permission to improve, repair, or maintain the above listed Class 4 Road, Trail, or unclassified Trail, for access to Parcel I.D. No. _____ that abuts said listed Class 4 Road, Trail, or unclassified Trail. Any improvements, repairs and maintenance shall be at the expense of the said property owners.
2. It is agreed that the Town of Montgomery, in granting permission to conduct work on said highway, shall have no responsibility, financial or otherwise, for any work to said Class 4 Road, Trail, or unclassified Trail, nor shall the Town be responsible for the use or damage to said Class 4 Road, Trail, or unclassified Trail caused by others.
3. This agreement is meant to allow the above property owner(s) access to their property without obligating the Town to any work or expense now or in the future, while also recognizing that this access will still be subject to the vagaries of winter and mud season travel and shall remain a Class 4 Road, Trail, or unclassified Trail.
4. The scope of work covered by the this agreement is described as: *(please attach all relevant drawings as applicable)*:

To be completed on or before the the following date: _____

This work is considered regular annual maintenance *Circle One:* Yes No

Property Owner _____ Date: _____

Road Commissioner _____ Date: _____

Circle One: Approved Not Approved

Road Commissioner Use Only:

Upon final inspection of this project I have found the work to have been completed in accordance to standards and criteria outlined herein.

Road Commissioner _____ Date _____