

**WESTFIELD SELECTBOARD MEETING
CLASS 4 HIGHWAY AND LEGAL TRAIL ORDINANCE WORK SESSION**

Minutes

August 25th, 2025 – 5 p.m.

Westfield Town Office, 38 School Street

Meeting Recordings Available to View at <https://www.youtube.com/@TownofWestfieldVT>

Town Officials Present: Jacques Couture, Selectboard Chair; Dennis Vincent, Selectboard; LaDonna Dunn, Town Clerk; Niki Dunn, Selectboard Clerk; Ellen Fox, Planning Commission/ Development Review Board; Pat Sagui, Planning Commission/ Development Review Board; Will Young, Zoning Administrator; Mike Piper, Constable

Others Present: Rosemary Croizet, Durwood Blay, Deborah Blay; Jason Sevigny, VTRANS District 9 (Partial Attendance); Dave Wilcox, Vermont Forest, Parks & Recreation (Partial Attendance)

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1. **Call Meeting to Order – Jacques Couture, Chair:** Jacques Couture called the meeting to order at 5:02PM.
 2. **Public Comment – 5 Minutes:** None
 3. **Additions and/or Deletions to the Agenda:** LaDonna Dunn added 7A, authorization of town debit card for library.
 4. **Discuss Forestry/ Logging Concerns Affecting Class 4 Highways and Legal Trails – Jared Nunery, County Forester & Dave Wilcox, Watershed Forester with Vermont Forests, Parks and Recreation:** Jacques began by stating that the Selectboard is looking for what requirements there are for loggers to return roads to the condition they were in before they began logging on them. amp, acceptable management practices, Dave Wilcox commented that the AMP, Acceptable Management Practices, are the rules that regulate hydrologically connected road segments and waterways. Loggers need to follow the AMP's regarding sediment discharges that happen into the waterways throughout the state. They were revised in 2018 and there is an app they can put on their phone for easy access. AMP's relate to skid trails and truck roads. Water bars, proper size stream crossings, and proper culvert sizes are some of the things the AMP's cover. Dave noted that some towns prefer the loggers not to put the roads in the condition the AMP regulates when done using them as the standards the AMP uses may not leave the road in as good of condition as it was before the logging began. Dennis Vincent questioned what happens when loggers do damage to the road itself. Dave noted that the AMP's only cover waterways, and do not require loggers to put the road back to its original condition. He feels an ordinance noting what a town requires road conditions to be left in would be very helpful. Having an ordinance will hold the loggers accountable to fixing the roads if they damage them. Jacques questioned who would know when a logging operation is about to begin in a town. Dave explained that in Vermont there is no requirement to let the state know where you are harvesting and there is no need to have a forester involved in a harvest either. The only notification that towns receive is through the heavy cut law. Those application approvals get sent to the towns they are happening in. Heavy cuts only apply to 40 acres or more. These notifications still go to the town even if the heavy cut is part of the current use plan for the property. Dennis questioned if the town has an ordinance would the loggers need to comply with it and how would they know about the ordinance. Dave felt that something would need to be posted on all the Class 4 Highways and Legal Trails informing people that maintenance of those roads needs to follow the ordinance. The landowner having their property logged could also inform the loggers that there is an ordinance. Getting an excess weight permit would be required if the road is posted with a weight limit. Dennis questioned if loggers are required to research the town's policies and ordinances prior to logging. Dave noted it's not required but typically a landowner on one of these roads would know about any ordinance or policy and if not then posting the road would lead them

to look into the ordinance. Will Young questioned what Dave felt about the ordinance as it is currently written as far as not impeding loggers. Dave had a few comments he could make on it and would be happy to send those along after the meeting. Dave would like to see an ordinance of this kind address ATV's and mud trucks as well as loggers, as he feels they do more damage to roads in some cases. Ellen Fox questioned if the AMP's could be applied to everyone who uses the roads, as far as water quality issues with the road go. Dave felt that a lot of the AMP requirements are temporary, but there are some things in them that reference the proper sizes and proper requirements for any road. Ellen questioned how the AMP's compares to the VTRANS Orange Book. Jason Sevigny noted that the Orange Book just reiterates a lot of what is in state statutes. Dave noted that the AMP manual does have road standards for truck travel. Jason felt that going by the AMP's may leave a road in worse shape than it began in and he would caution the town against using those as standards. Dave felt the same way. Jason feels it's up to each town to determine what standard they want their roads held to.

5. **Discuss Changes to Class 4 Highway and Legal Trail Ordinance:** Jason feels the ordinance should require the town to look at each road and deal with the landowners to agree to what expectations the road is held to. He would not suggest general road standards in the ordinance, but more of a conversation between the landowners and the Selectboard as to the condition the road is currently kept in and the standard the road should be kept in for the future. LaDonna questioned if the ordinance should note that excess weight permits are required. Jason noted that since no permission is needed to drive on a Class 4 road, if the town would expect an overweight permit for a Class 3 road then it should expect the same for a Class 4 road.

- a. **Input on how the Agency of Transportation's Orange Book Addresses these Road Concerns:** Jason noted that Vermont Title 19 covers damage done to roads and this Title covers Class 4 roads as well. He was not sure how that title applies to legal trails, however. Jason sent some edits he made to the ordinance and those will be reviewed along with Dave's edits.

Jacques noted that at the July Selectboard meeting some landowners were not happy with the requirements of the ordinance and the permit, and they felt it would be very limiting. Jacques felt that maybe having a higher bar for road maintenance for when a change of use permit is triggered as opposed to the regular yearly road maintenance that a lot of landowners do currently would help with this issue. Deborah Blay questioned how this would apply to a private road if a change of use is being asked for at a property on that road. Will noted that it would be in the Development Review Board hearing where conditions would be placed on how a private road or Right of Way are handled based on the new use being requested. Private roads are not covered by the ordinance currently being worked on.

Jason thought there could be a temporary use permit for loggers, etc. and a separate permit for landowners who are looking to maintain the roadway. It was explained that the roads in question are typically legal trails that are in the condition of Class 4 roads. Jason noted that the annual inspection of the road section of the ordinance stood out to him. He would not expect as a landowner to be responsible for the road forever if he got a permit to fix the road one time. He felt the temporary use permit for irregular use of the road and a documentation of current landowners maintaining the roads would be advisable. Then if the landowners change the Selectboard could make sure to look into what would be happening with the road maintenance in the future. Ellen felt that the ordinance was written for permanent use, not temporary use. Rosemary Croizet questioned that if a landowner wants to improve the road for their own use, what standards do they need to follow. Jason explained that the Selectboard has the authority to tell a landowner that they cannot do anything to the road, they also have the authority to inspect roads each year and make sure they are being maintained properly. Ellen questioned what happens if a person who has been maintaining the road moves. Jason felt the only thing you can do is document who is currently maintaining roads and then if something changes, the

Selectboard can impose conditions as to how the road is maintained. Jason noted that the town should also note in the ordinance that they are under no obligation to keep the road maintained at a certain standard. Jacques did not feel like any road maintenance permit should go with the property and should not be forced onto a new owner if a property sells.

Deborah questioned if someone gets a change of use and then upgrades the road, would an abutting landowner then be required to keep the road upgraded to that standard. Ellen noted that all the abutting landowners can participate in the approval process for a change of use at the Development Review Board hearing. The Development Review Board would decide on these issues on a case-by-case basis.

Rosemary noted that she was originally concerned because of a landowner doing work on a road and possibly changing the water runoff due to this work. She would like to see something in place that landowners can rely on. She feels that allowing gravel to be dumped on the road all the time is not a solution. Jason noted that via Title 19 the state requires a permit to be obtained for any work to be done in a town road right of way. Will explained that the ordinance just gives standards to follow for this work.

Pat Sagui questioned if there is anything specific about Class 4 roads or Legal Trails that go through a wetland. Jason explained that there are permits that need to be obtained for expanding into the wetland. You can maintain a road that already goes through a wetland but extending the culverts or more than 250 square feet of expansion triggers a wetland permit. This would be a permit with the state, not the town.

Dennis felt that regular yearly maintenance that is already ongoing should not require the permit. Ellen's thoughts on the permit were that if someone is doing regular yearly maintenance they check in with the Selectboard once and then would not need to again unless the property changes hands. Jason noted that there can be multiple tiers to a permit and also exemptions. There can be different fees for the different tiers, and even no fee for regular maintenance.

6. **Next Steps:** Jacques felt there was a lot of good input, and he would like it to be looked at and then schedule another work session. LaDonna noted that the edits on the ordinance from Jason and Dave can also be passed along. LaDonna also noted that the Selectboard either needs to repeal the Ordinance or amend it. Will questioned if it would be okay to let it become an ordinance and then amend it when the updates are made. He felt letting it go into effect may protect the town if a situation comes up in the meantime. Jacques felt that there may be something in the current ordinance that would hold the town to a standard they don't want to uphold at this point. Dennis felt that repealing it would make more sense at this time. Ellen felt the town could keep the ordinance in place but not enforce it until the amendments have been made. The Selectboard decided not to repeal the ordinance at this meeting but will put it on the agenda for their next selectboard meeting in September, with the intention of reinstating the ordinance once revisions have been made.

7. Other Business:

- a. **Authorization for Town Debit Card for Library:** Dennis motioned to authorize Lisa Deslandes to set up a debit card account with the name of Karen Blais on the debit card, for the Library Board of Trustees, Jacques seconded. Motion passed.
- b. **Eastman Change of Use:** Will let the Selectboard know that he will be encouraging Cyrus Eastman to meet with the Selectboard to create an agreement with them regarding the maintenance of his road. Jacques noted that the Selectboard looked at the road after the last Selectboard meeting and saw no problems with the road. Will noted that he needs to fulfill that requirement of his Development Review Board Notice of Decision

conditions so that he will not be in violation when he sells his property. He feels that it is up to Cyrus to draft the agreement and for the Selectboard to sign off on it. The change of use has not gone through yet as he has not satisfied the conditions currently.

8. Adjourn: Dennis motioned to adjourn at 6:54PM, Jacques seconded. Motion passed.

Westfield Selectboard Approval Date: _____ **with** _____ **change(s)**

X

Jacques Couture
Selectboard Chair

X

Richard Degre
Selectboard

X

Dennis Vincent
Selectboard

Minutes from this meeting will be posted on the Town's website, westfield.vt.gov. The audio recording will be posted on the Town's Youtube page at <https://www.youtube.com/@TownofWestfieldVT>. Minutes and audio recordings will be posted within 5 days following the meeting.