



*Town of Panton Chartered 1761*

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December 26, 2019

Mr. Hans Vorsteveld  
Vorsteveld Farm, LLP  
4530 Jersey St  
Panton, VT 05491

Dear Mr. Vorsteveld,

On December 10, 2019, you came before the Town of Panton's Selectboard and asked about cutting down trees on South Road. By this letter, we are informing you that you should not proceed with the cutting of any trees until you have gone through the required processes described in this letter.

South Road is classified as a legal trail, and the entirety of South Road is therefore a Town right-of-way subject to applicable Town ordinances and policies and State laws. Vermont General Highway Map, Town of Panton, Addison County, Transportation District #5, dated June 23, 2017.

South Road is specifically governed by the Town of Panton's Class 4 Highway Policy ("Class 4 Policy" or "Policy") and the Town of Panton's Use of Public Right-of-Way Ordinance ("ROW Ordinance" or "Ordinance"). See Class 4 Policy at §2 and §3; ROW Ordinance at §3.

Both the Class 4 Policy and the ROW Ordinance require persons to obtain a written access permit from the Selectboard *before* performing any work within the public right-of-way. See Class 4 Highway Policy at § 5(a) and Use of Public-Right-of-Way Ordinance at §§ 4 and 5. Such permits are obtained by submitting a permit application pursuant to the ROW Ordinance. See ROW Ordinance at §6. For your convenience, I have attached a copy of both the Class 4 Policy and the ROW Ordinance. Please review the Policy and Ordinance.

In addition, the ROW Ordinance requires an applicant to contact Rick Cloutier, the Panton Tree Warden, "concerning any shade trees that are expected to be removed as a result of the work within the right of way." ROW Ordinance at §18(3). Moreover, the ROW Ordinance states that any permit holder shall "at the direction of the Selectboard or designee, replace existing trees, plantings or landscape features disrupted by work in the Right-of-Way with suitable replacement plantings or landscaping." ROW Ordinance at §18(4). Please note, therefore, that your plan to cut down trees is subject to review and approval by the Selectboard and a potential requirement for replacing trees within the public right of way under the ROW Ordinance.

In addition to the Class 4 Policy and the ROW Ordinance, before you may cut down any shade trees within the public right of way, you must comply with Vermont's Shade Tree Statute, 24 V.S.A. § 2502-2511. This Statute requires that a person obtain written permission from the Panton Tree Warden before cutting or removing any shade tree from within a public right of way.

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This statutory requirement is separate from, independent of, and in addition to the requirement imposed by the ROW Ordinance's requirement that a permit applicant consult with the Panton Tree Warden before removing any trees from within a public right of way. Accordingly, before you can proceed any further, in addition to filing permit applications as required by the Class 4 Policy and the ROW Ordinance, you will need to consult with the Panton Tree Warden and obtain written permission *before* cutting or removing any trees from within South Road.

At the December 10, 2019 meeting, you told the Board that you had equipment waiting and ready to cut down the trees within South Road and seemed eager to proceed. **Please be advised that you may not cut any trees within South Road until you have sought an access permit from the Town pursuant to the Class 4 Policy and the ROW Ordinance and consulted with the Panton Tree Warden pursuant to the Shade Tree Statute.** Please note that violations of the ROW Ordinance and the Shade Tree Statute are subject to significant civil penalties. *See* ROW Ordinance Section 21(5); 24 V.S.A. § 2510.

Please also note that if you wish to do any further work within South Road, beyond tree removal, such as digging, trenching, or tiling, you will need to submit an access permit from the Selectboard and consult with the Tree Warden prior to conducting that work as well.

South Road is a public right of way that the Town holds for the benefit of the public. The public interest in a legal trail encompasses recreation uses and aesthetics, as well as preservation of public rights to potentially convert such trails to town highways in the future. It is a town asset. These public interests must be considered, discussed, and evaluated before the Selectboard can authorize you to remove any trees from South Road.

As the Board mentioned at the December 10, 2019 meeting, the Town needs to do further research regarding the width of South Road. The Town is engaged in that research now. At this point, the Town's working assumption is that South Road is a three-rod road. *See* 19 V.S.A. §702 (width of a legal trail is three rods unless other width specified); 19 V.S.A. §301(8)(a) (trails that were previously designated public highways are deemed to be the same width as the previously designated highway).

Please let us know if you have any questions. After the town has completed its research, we will notify you and then look forward to receiving your application.

Sincerely,

Howard Hall  
TOWN OF PANTON SELECTBOARD

Teresa Smith

Zachary Weaver

c: Panton Treasurer-Clerk