

CULVERT INSTALLATION/REPLACEMENT POLICY TOWN OF TROY

Adopted 3-28-1996 – 1) Amended 10-2002 – 2) Amended 8-2-2006

It shall be the policy of the Town of Troy until such time as this policy is amended or revoked by the majority vote of a duly called and constituted Town Meeting or by a majority vote of a duly elected Board of Selectmen that:

When it is determined by either the Selectmen or the Selectmen **AND** a land owner that a culvert is needed to allow for drainage under a private way entering a public way, the culvert shall be purchased by the **land owner**. The size, length and gauge shall be determined by the Selectmen. The Selectmen shall have the culvert installed at a time agreed to with the land owner. An entrance permit shall be filed at the town office at that time by the land owner. Following installation, such culverts shall be maintained, and when necessary, replaced by the town, except that the town will not pay for a replacement culvert longer than 24 feet long. A landowner wishing to have a longer culvert than 24 feet must pay for the extension and make arrangements with the Selectmen to have the extensions available when the existing culvert is due to be replaced.

This policy shall pertain to existing private ways which never had culverts as well as new private ways.

Rationale: "While it may be argued, in some circumstances, that town road work changed conditions, thus making culverts necessary where there was none before, it is the position of this Board that in most circumstances it is both increased road use by land owners and the accumulated neglect of road maintenance due to the lack of monetary support from the town meetings that has resulted in the poor drainage conditions, which when corrected, may require the installation of private way entrance culverts. In our view, most such ways should have had culverts put in when they were created; the fact that the town did not insist on it at that time does not save the current land owner from the responsibility."

Policy Changes: Effective 10-2002

- 1) Selectmen must sign each entrance permit, whether a culvert is needed or not. (This was added to the Entrance Permit application)
- 2) Permit must also show if it is a new or if it is replacing an existing culvert. (Also added)

Policy Changes: Effective August 2, 2006

- 1) Entrance permits will now expire one year from the date listed in the box at the top right on the permit.
- 2) If a culvert is in the condition whereby it needs to be replaced by the town, the window of replacement will no longer be anytime in the future. It will now be **within 1 year of the date it was removed**, and must be replaced at the same entrance as it was before unless the entrance had to be changed at the recommendation of the Troy Selectmen.
- 3) All permits will now have a box for Map & Lot numbers of property at the top right hand corner.
- 4) A copy of each entrance culvert permit will be included with each Residential Dwelling Permit. If not a dwelling entrance, it will be filed by Map and Lot number under **ENTRANCE PERMITS** in the **ROADS** file.
- 5) If no culvert is needed for an entrance, the **permit form** must still be used with the Selectmen's stating that fact and **signing the contract**.
- 6) All previous permit forms should be destroyed and replaced with this new form as of 08/02/06.