

TOWN OF WINHALL
HIGHWAY ORDINANCE

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TOWN OF WINHALL HIGHWAY ORDINANCE

Under Vermont State law the Winhall Selectboard has the responsibility for general supervision and control over Town Highways (Title 19 VSA, Section 303). The Town of Winhall Selectboard, County of Bennington, State of Vermont hereby adopts the “Town of Winhall Highway Ordinance” establishing minimum standards and specification for highway construction and access, whether private development roads or public highways in the Town of Winhall on May 05, 2010, pursuant to the authority vested in them and contained in Title 19 VSA, Section 304 (a) (23), and Title 24 VSA, Section 1971 as may be revised.

SECTION 2.00: GENERAL:

The Selectboard reserves the right to modify the standards for a particular project, where because of unique and physical circumstances or conditions, there is no possibility that the project can be completed in strict conformance with these provisions. Fiscal reasons are not a basis for modification of the standards.

2.01: Town Highway Classification:

For the purpose of this Ordinance, *highway*, shall mean a Town Highway conveyed and accepted by the municipality, dedicated to public use and exclusively maintained by the Town. This shall also include bridges and culverts.

Every road shown on a recorded plat is deemed to be a private development road until it is formally accepted by the municipality by resolution of the Selectboard.

Town Highways are classified as Class 1, Class 2, Class 3 or Class 4 highways and trails in accordance with 19 V.S.A. § 302 as may be revised. An official Town Highway map supplied by the State Agency of Transportation shall be available for inspection in the Town office. Private development roads are not Town Highways.

2.02: Town Highway Reclassification:

The Selectboard shall periodically review the Town Highway classifications, taking into consideration increasing highway needs, changing traffic patterns and growing populations, including identification of key roads that link towns and major arteries. The Selectboard may also discontinue certain highways, either classifying them as trails while retaining a right-of-way, or abandoning any claim to a right-of-way.

2.03: Town Highway Construction & Maintenance:

Town Highways and related improvements shall be constructed or installed in accordance with sound engineering practices and with the requirements of this Ordinance.

The Selectboard may institute and periodically review and update a Town Highway management system in making decisions about preventative maintenance and road improvements. The plan may include but not be limited to consideration of scenic areas and places of local historical significance, signs, bridges, etc.

2.04: Class 4 Roads:

Class 4 highways, not including trails and pent roads, are not maintained by the Town of Winhall. The Town of Winhall on March 3, 2010 adopted the revised “Town of Winhall Class 4 and Trails Policy” to clarify standards pertaining to same.

2.05: Right-Of-Way Access:

The Selectboard shall control access into the Town Highway right-of-way for the installation or repair of utilities, and for access of driveways, entrances and approaches. A permit is required for any use of any portion of a highway right-of-way. Any person proposing to construct, install, or alter a development road, cul-de-sac, driveway, fence, ditch, culvert, sewer, pipe, or wire in the Town’s right-of-way must apply for and be issued a permit from the Selectboard.

2.06: Overweight Vehicles:

The Selectboard, in accordance with 23 V.S.A. Chapter 13 as may be revised, shall issue permits for vehicles exceeding posted load limits.

In some cases, the Selectboard will negotiate with the applicant for compensation of estimated road damages. Only after both parties agree to the terms will a permit be issued. The Selectboard, or their agent, will inspect the proposed route both before and after the trucking operations. Probable damages to culverts, bridges, road surfaces and bases will be considered in the estimate.

Before issuing an overweight permit, the Selectboard shall also consider weather conditions and seasons of the year.

All damages to the highway, bridges, culverts and related structures caused by overweight by the applicant or by his negligence are the responsibility of the applicant and shall be repaired under the supervision of the Selectboard or their agent at the expense of the applicant. Failure to repair said damage will result in the Town completing the work and billing the applicant for the work and any required professional services.

2.07: Posting:

No Town Highway or any Class 4 road may be intentionally closed by a gate or other obstruction by anyone other than the Selectboard. The Selectboard may post a road in accordance with 19 V.S.A. § 1110 as may be revised.

2.08: Compliance With Other Regulations:

The Selectboard hereby re-adopts the “Town of Winhall Policy for Transportation, Construction, and Improvements” as approved on June 6, 2000 and amended on April 16, 2003.

The Winhall Subdivision Regulations, Article VI, Section 602 “Development Roads & Design Standards” and Section 603 “Required Development Road Construction Standards” as may be revised will be the minimum standards for Town Highways.

SECTION 3.00: ROAD ACCEPTANCE POLICY:

Every private development road shown on a plat filed or recorded as provided for by a subdivision permit issued by the Winhall Planning Commission shall be deemed to be a private road until it has been formally accepted by the municipality.

It is the policy of the Selectboard to adopt and adhere to an orderly procedure for the receipt of acting upon such applications. The decision on an application for acceptance of a highway is the sole and absolute discretion of the Selectboard who will consider the grant or denial of an application on the basis of the best interest of the residents of the Town of Winhall.

An applicant shall secure all other necessary governmental permits for a land subdivision or for road construction as a condition precedent to the acceptance of a highway.

All questions arising during road construction relative to construction methods, materials or specifications shall be answered by reference to this Ordinance and to the Vermont Standard Specifications for Construction and the Winhall Subdivision Regulations.

The Selectboard shall make final decisions over all questions arising during construction of new Town Highways and shall approve field changes.

Any new private development road, whether or not that road is proposed to be conveyed to the Town of Winhall shall be constructed according to the minimum standards established by the Winhall Subdivision Regulations and other terms of this Ordinance. This policy may contain provisions which are stricter and exceed the standards for subdivision development approval.

3.01: Application, Plans & Plats:

A plan of proposed new Town Highways shall be submitted to the Town for review. The plan shall be in compliance with the Town of Winhall Highway Ordinance.

A written application for the acceptance of a Town Highway shall be submitted to the Selectboard. The application shall be accompanied by a survey in a form acceptable by the Selectboard for accuracy, thoroughness and legibility, and a proposed warranty deed

of the land to be conveyed for highway purposes. The grade line and minimum radii of all curves must be shown.

All monuments shall be of a reasonable permanent nature and where feasible shall be tied by a survey to other objects of a permanent nature, and the ties shall be shown on said map. The map shall show the location of any property line that meets the proposed right-of-way.

The State Agency of Transportation will assign a number to the road.

3.02: Fees:

A fee established by the Selectboard shall accompany each application to cover the cost of bookkeeping and recording legal data and other administrative expenses.

Signs as approved by the Selectboard shall be billed to the owner at cost, and payment must be received before final acceptance.

3.03: Compensation For Damages:

A person who damages a Town Highway may be fined and is liable for the cost of repair and damages caused by the violation. Both the fine and damages are recoverable in a civil action. Compensation for damages to Town Highways caused by acts of noncompliance with this Highway Ordinance may be assessed against violators by the Selectboard.

3.04: Performance Bond:

A 100% performance bond for the repair of the proposed Town Highway for a period of two (2) years shall be provided to the Town. The Selectboard shall determine the amount of the bond. Acceptance may be withheld pending submission of proper performance bonds.

3.05: Inspection:

All development roads which are proposed to be accepted as Town Highways shall have designs, including a road plan, road profile, cross sections, cut and fill plans, surveys, rights of way, utility locations, and any fire protection improvements inspected by the Town engineer.

Before final inspection, the applicant shall remove all trash from the right-of-way and the center of the turn around and shall repair any damage done to the roadway, shoulders, drainage structures, and related road items. All slopes shall be seeded and mulched.

The Town may require inspections, samples, and core tests to be done by the Town engineer before final acceptance, and all costs incurred shall be reimbursed by the applicant. These inspections are to insure compliance with this Ordinance. (Refer to Section 4.00: Minimum Standards):

3.06: Completion Deadline:

No roads will be inspected or accepted after October 15th or before May 15th.

Road specifications in effect at the time of the initial inspection will be applicable for a period of two years from that date after which time any new road specifications will apply. The only exception will be if the road in question at the end of the two year period in Section 3.08 is under the 24-month maintenance period.

3.07: Acceptance:

The Town of Winhall Selectboard reserves the right to accept or reject any proposed highway. The proposed highway shall be in place for two (2) years from the date of its inspection and Certificate of Compliance by a licensed engineer. There shall be at least three (3) dwellings completed before any highway may be considered for acceptance.

When the above requirements have been met the Town may, upon request, consider an application for the acceptance of a Town Highway. Acceptance shall occur in two (2) phases.

The initial acceptance period will be for a period of (24) months during which time the Town will perform routine maintenance; any flaws or defects which are pointed out to the applicant will be the applicant's responsibility to correct. This will be guaranteed by a repair surety.

If after the initial period is over no serious defects have been observed and any necessary repairs have been performed by the applicant, the Town will record the deed and the road will become a Town Highway.

3.08: Conveyance:

All rights-of-way and slope rights shall be conveyed to the Town of Winhall by warranty deed in fee simple and free of all encumbrances.

Conveyance of proposed roads together with all necessary drainage easements and slope rights being dedicated to the Town of Winhall and to be accepted by the Town shall be by means of a good and sufficient warranty deed in fee simple conveying good and marketable title free and clear of all attachments, liens, or encumbrances to the proposed road right of way. The Grantor by his or her attorney shall issue a Certificate of Title to the Town of Winhall certifying that the road to be dedicated and accepted is free and

clear of all attachments, liens, or encumbrances. Expenses in connection with approving and accepting a Town Highway shall be paid by the applicant.

SECTION 4.00: MINIMUM STANDARDS:

Roads vary in their functional use. The standards by which a highway is constructed are important to its proper functioning. As the quantity of traffic on a road increases, so must the standards change. Consequently, the standards which follow are considered minimum standards and are subject to modification by the Selectboard after a study of local conditions requiring changes.

Requests for waivers or any portion of these standards shall be made in writing to the Selectboard.

Vermont Agency of Transportation Standards A76 and B71 as may be revised and as referenced and amended in the Winhall Subdivision Regulations are hereby adopted and enforced as supplemental criteria under this Ordinance.

4.01: Right-Of-Way Width:

The right-of-way shall be a minimum of 50 feet in width. Easements may be required for wider slopes and drainage rights if deemed necessary by the Selectboard. The center line of the traveled way is to be located in the center of the right-of-way. The right-of-way conveyed shall intersect at least one existing Class 1, 2, 3 road or State Highway.

4.02: Traveled Way Width:

The minimum traveled way width of a road shall be (24) feet not including shoulders. The traveled way shall be in the center of the highway right-of-way.

4.03: Clearing:

The right-of-way is to be cleared a minimum of fifty (50) feet from all trees, brush, and stumps. No fallen trees shall remain in the right-of-way. All stumps shall be removed so that the base of the road is on hardpan, gravel, ledge, or properly compacted fill.

4.04: Subgrade:

Ledge and boulders shall be removed to at least (24) inches below the top layer and be replaced with compacted bank run gravel free of stones larger than six (6) inches.

All loam, muck, stumps and other improper foundation material shall be removed from within the limits of the fully extended road shoulders. In embankment areas, suitable foundation material shall be placed in one foot layers and compacted to form a stable subgrade.

The subgrade surface shall conform exactly in cross section and grade to the finished road surface. Crowning and banking of curves shall be as required by the Selectboard. Compaction is required on any portion of the subgrade which has been disturbed by excavation or which has been filled during the construction of the subgrade. All ditches and drains will be constructed so that they effectively drain the subgrade prior to the placement of any base material. An additional six (6) inches of sand cushion shall be placed over any clay subgrade.

4.05: Wet Area:

If the proposed road is in a wet area, the Selectboard may require additional gravel plus sand cushion, filter fabric, and underdrain to insure a stable road.

4.06: Base Layer:

The base layer shall be composed of (18) inches of compacted gravel installed in two nine (9) inch lifts with maximum stone size of six (6) inches. The cross section and grade of the base layer shall conform to those of the finished surface.

4.07: Top Layer:

All roads will receive a five (5) inch course of compacted one and a half (1.5) inches of crushed gravel.

4.08: Shoulders:

Shoulders shall be a minimum of two (2) feet in width on a side and shall be constructed to the same specifications as the subgrade, base, and top layer. Shoulders shall be a minimum of four (4) feet at guardrail sites.

4.09: Paving:

It is not always beneficial to the Town to require hot bituminous concrete mix pavement on all highways which are proposed for acceptance by the Town. That categorical requirement creates undesirable expense for the Town and establishes a policy which does not best serve the orderly growth and development of highways and properties in the Town. The following criteria shall be considered by the Selectboard in determining what method of highway finishing and surfacing will be required as a condition of acceptance:

A. Type of projected use of the proposed highway: Arterial and collector highways are defined as highways which will be normally and customarily used as a course of travel to destinations other than the properties fronting upon said highways. An arterial or collector type of proposed use will normally require pavement. A non-arterial or non collector type of proposed highway is used only for ingress and egress to the properties fronting on or connected to said highway may not normally require pavement.

B. Density of properties served by the proposed highway: Where there is less than one (1) unit per two (2) acres fronting on or connected to the proposed highway, the Selectboard may not require pavement.

C. Rural or non-rural characteristics of neighborhoods in which the proposed highway is located: The Selectboard will be guided by prevailing characteristics of the surrounding area as well as the proposed development in deciding whether to require pavement of a proposed highway.

D. Terrain, course, hazards and suitability of proposed highway: Safety to the traveling public and inhabitants along the highway shall be considered in deciding whether to require pavement and the extent and form of pavement to be required.

E. Future foreseeable connection or intensifications of a proposed highway shall be considered in determining whether and when to require pavement and what form or locations of pavement or finish to require.

F. If a Town Highway is to be paved it should be after two (2) winter seasons have passed. It should be paved with hot bituminous concrete mix meeting all of Vermont State Highway specifications for hot asphalt bituminous concrete mix. The bituminous concrete is to be laid and rolled by experienced crews in two (2) layers. The first, the binder course, to a depth compacted to two (2) inches, and the second application compacted to a depth of two (2) inches of hot bituminous concrete surface mix. All work shall be done in a professional manner.

4.10: Crown:

The highway shall have a crown from the centerline to the beginning of the shoulder of 1/4 inch per foot, and from the edge of the highway to the end of the shoulder of 5/8 inch per foot.

4.11: Ditches, Culverts & Headers:

Drainage Ditches: Drainage ditches shall be provided where necessary and shall be constructed to prevent infiltration of water into the gravel base layer and to conduct storm drainage to absorption areas. Accordingly, drainage ditches adjacent to highways are normally to be at least six (6) inches below the gravel base layer or (24) inches below finished grade to minimize spring break-up conditions. Ditches shall be shaped to prevent excessive erosion on both shoulders and rights-of-way, or bank sides of the ditch cross section. Open drainage ditches in excess of 5% grade shall be lined with 3-6 inch stone riprap with a minimum of twelve (12) inches deep. Underdrain will be required where soil and water conditions make it desirable.

Culverts: Culverts shall be installed during the construction of the highway and prior to highway base and surface preparation and placement. Backfill in excavations for culverts shall be compacted to prevent or minimize settling in surfaces, shoulders or slopes.

Culverts shall be covered with a minimum of (24) inches of material. Culverts shall be installed in all low spots and be of sufficient size to handle the anticipated runoff but shall not be less than (18) inches in diameter of the corrugated smooth bore type used for road work and sections joined together, and shall extend at least one foot beyond all fill measured at the bottom of the culvert, and shall have not less than two (2) feet of packed cover. All culverts must be installed with adequate pitch to carry water run-off.

Headers: Headers shall be installed at the inlet and outlet of all culverts and may be either reinforced concrete eight (8) inches thick, large flat rock tightly placed, or large cemented rock. The inside edge of the headers shall be at least eight (8) feet from the outside edge of the shoulder. Steel reflectors posts shall be installed at both ends of the culvert.

4.12: Slopes & Banks:

Vertical or sharp cut faces, excepting ledge, shall not be permitted. Slopes and banks shall not be steeper than one (1) vertical to three (3) horizontal for a front slope and one (1) vertical to two (2) horizontal for a back slope. Soil stability of banks shall be a design consideration. Slopes or banks shall be designed and constructed to prevent instability, slides, washes, or other disturbance to the slope or bank surface or subsurface. Banks shall not interfere with snow removal. After construction and final grading of banks, banks will be seeded and mulched to minimize surface erosion. Cribbing or riprap shall be provided where necessary.

4.13: Guardrails:

Approved types of guardrails and posts will be provided to meet essential traffic control and safety needs, and shall not interfere with snow removal. Normally, any highway with a slope or bank falling away on a steep slope from the highway surface, and which is ten (10) feet or higher in elevation, shall be protected with guardrails unless such requirement is waived by the Town in approving the highway plan and application. Guard posts and rails shall also be provided to warn and protect traffic from ledge or other obstructions where necessary in consideration of traffic volume, road width, and safety. Installation shall conform to Vermont Agency of Transportation requirements.

4.14: Grades:

Highway grades shall be at least one (1%) percent but not more than ten (10%) percent unless paved. In no case shall grades exceed (12%) percent. Finished grades (transverse and longitudinal) shall be smoothed to eliminate sharp dips in traveled surfaces and, as may be necessary, to permit efficient snow removal and proper drainage.

The maximum grade within (100) feet of an intersection shall be five (5%) percent. Grade at intersections should slope away from the main highway at a maximum grade of (-3%) for a distance of twenty (20) feet.

4.15: Curves:

Radius of curves shall be long enough to permit easy flow of traffic, including trucks, graders, and fire engines with at least a (125) foot radius in all cases measured on the inner line. Trees and boulders shall be removed to permit adequate sight on all curves.

4.16: Intersections:

Intersections shall be as nearly as possible at right angles (90 degrees) with a minimum allowable intersection angle of (60 degrees).

The centerline of no more than two accepted rights-of-way shall intersect at any one point.

Any intersections of two highways with a third highway shall be separated by a distance of not less than (150) feet between center lines.

4.17: Cul-De-Sacs:

Dead end highways are discouraged. Cul-de-sacs will be permitted and must have a turn-around built to subgrade, sub-base and top layer specifications. Provisions shall be made at the perimeter for snow removal. The cul-de-sac shall have a minimum radius of seventy (70) feet for the right-of-way and a minimum radius of forty (40) feet for the traveled portion. The maximum grade in the cul-de-sac shall be 3%.

4.18: Turnoffs:

If required, turnoffs with adequate elevations, surface, drainage ditches, and culverts will be provided to permit safe passing under summer and winter conditions, and shall be dimensioned and constructed to enable effective and efficient snow removal.

4.19: Roadsides:

At completion of the project, excess debris not covered, shall be removed from the right-of-way. Burial of wood, such as stumps will not be permitted within the right-of-way.

All disturbed portions of the roadsides shall be loamed, seeded and mulched.

4.20: Utilities:

All electric, telephone and cable TV distribution systems within subdivisions shall be placed underground where feasible as determined by the Winhall Planning Commission in granting the subdivision permit.

Underground utilities which are in the right-of-way shall not be in the area of the traveled way and shoulders. The trench housing the utility must be a minimum of three (3) feet deep, eight (8) feet from the edge of the traveled way, and may not be in the ditch line. In the event an underground utility must cross a Town Highway, special consideration shall be taken and authorized by the Selectboard.

The developer shall coordinate designs with the appropriate utility companies to insure adequate and suitable area for underground installations. The developer shall be responsible for providing for water mains, manholes, sanitary sewers and catch basins if required.

4.21: Curbs & Sidewalks:

These regulations do not require construction of sidewalks or curbs or the setting of edge stones. When required, for example near schools and designated activity areas, they shall be constructed or set in accordance with the policy and specifications agreed upon by the Selectboard.

4.22: Signs:

Street and traffic signs shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) and paid for by the developer.

4.23: Bridges:

Plans for bridges must be submitted for review prior to construction. Construction will be authorized only after a review by the State Agency of Transportation indicates that the bridge will meet all applicable Vermont Agency of Transportation Specifications.

Towns are required to maintain bridges on Class 1, 2 & 3 Town Highways. It is the policy of the State to favor the rehabilitation of existing bridges. When rehabilitation or replacement of a bridge is to take place the municipality must conduct a hearing to identify pertinent issues. The Vermont Department of Transportation will assist the Town to prepare plans for the project and follow guidelines for bridges on Town Highways.

SECTION 5.00: DRIVEWAYS, ENTRANCES AND APPROACHES TO A TOWN HIGHWAY AND DEVELOPMENT ROAD:

Driveways cannot interrupt the natural or ditch line flow of drainage water. In some cases where shallow ditch lines or natural drainage courses exist, driveways may be swelled at a point beyond the road shoulder to accommodate the flow of storm water. In all other cases, driveways must have sufficiently sized culverts installed and forever maintained by the homeowner or developer.

In no case shall the culvert pipe under a driveway be less than a (15) inch diameter pipe.

An all season safe site distance should be required as determined by the posted speed of the highway being accessed.

Driveways shall intersect the highway at a preferred angle of ninety (90) degrees but in no case shall the intersecting angle be less than sixty (60) degrees. No driveway will be permitted to be constructed within 100 feet of an intersection; 150 feet is desirable.

Under no circumstances shall a driveway permit allow construction which will result in drainage or washing out directly onto a Town Highway. Secondary approaches and private driveways shall slope away three percent (3%) from the primary highway. If the topographic conditions prohibit such a slope, the Highway Department may require alternative means for disposing of surface water.

In the event a driveway causes damage to a Town Highway through improper construction, maintenance, or grading, it shall be the responsibility of the property owner to make necessary repairs upon notification in writing by the Town. In the event such repairs as are required are not made within thirty (30) days, the Town shall take whatever steps are necessary to insure the interests of the Town and shall bill the property owner for any expenses involved.

5.01: Authority & Purpose:

Under 19 V.S.A. the Selectboard has the authority to regulate access onto Town Highways. The rules contained in this section (5.00) shall guide the Town of Winhall Selectboard in providing reasonable and safe access while preventing unsafe conditions from poor construction and maintenance of any access. In addition to the standards in this Ordinance, the most recent Veterans standards sheets should also serve as a guide.

5.02: Permits:

A completed Access/Right-Of-Way Permit form must be obtained by anyone wishing to access a property abutting a Town Highway or development road. Applicants must submit a completed access application form to the Selectboard along with the appropriate fee and a map showing the location of the access point and distances to the nearest intersection.

The issuance of the Notice of Approval to Proceed and/or the Access/Right-Of-Way Permit does not release the property owner from compliance with other applicable local ordinances or regional and State statutes.

No construction may begin until the Town has issued a "Notice of Approval to Proceed," and the applicant or his agent has provided the Town with a minimum of three (3) days notice in advance of the construction so that the Town has an opportunity to inspect the installation.

Upon completion of the work, the applicant shall notify the Town that the work is complete. The Town, after a satisfactory inspection, shall then issue the “Access/Right-Of-Way Permit.”

The property owner may appoint a designated agent to represent them. It should be understood that any notice or instructions given to the agent or any representations and agreements made by the agent are binding on the property owner.

5.03: Inspection:

The applicant should expect the Town to conduct three (3) site visits. The first visit is to review the project after receipt of a completed application; the second during construction; and the third on completion of construction. Upon the final inspection, if the project is satisfactory, the Selectboard will issue the “Access Permit.”

5.04: General Standards:

Driveways within the limits of the right of way shall have a minimum of fifteen (15) inches of base material; access road a minimum of eighteen (18) inches.

Gravel drives and access roads shall have a minimum of five (5) inches of top layer material within the right of way.

A crown of ½ inches per foot is desirable to insure water gets to the ditch.

Recommended entrance widths for residential drives should be approximately thirty (30) feet measured at the edge of the traveled way. The minimum traveled way width of the driveway is twelve (12) feet.

All new driveways should be constructed with a turn-around so that vehicles can enter local roads in a forward direction.

5.05: Road Approaches:

Driveway entrances should be constructed to provide a twenty (20) foot approach at no more than a three (3%) percent grade away from the road. Any new development road intersecting a paved Town Highway will be required to have a minimum of a fifty (50) foot paved approach apron.

Entrances should intersect the road at a preferred angle of ninety (90) degrees but should not be less than sixty (60) degrees.

The turning radius at the edge of the traveled way should be a minimum of twenty (20) feet.

Site distances should reflect the posted speed and be measured from a point fifteen

(15) feet back from the edge of the traveled way. A posted speed of 25 mph requires a site distance of (150) feet; 35 mph requires a site distance of (225) feet. It shall be the responsibility of the permittee to maintain the area providing the site distance free from any encumbrances.

Entrances should not be constructed closer than twenty (20) feet from a property line and no closer than (100) feet from an intersection; the Selectboard may designate greater distances.

The Selectboard may, as development occurs on land abutting Town Highways, eliminate accesses previously permitted and require the construction of a common access which may serve more than one property or lot.

5.06: Culverts:

The diameter and length for all culverts in the right of way shall be determined by the Selectboard. The minimum culvert for a driveway is fifteen (15) inches and eighteen (18) inches for an access road. When stream crossings are involved the applicant will seek advice from the State Stream Alteration Engineer.

Culverts should be placed away from the traveled portion of the road as far as possible and still maintain drainage.

Backfill for culverts should be compacted in lifts to prevent settling and seepage. The Town will determine the amount of cover.

Headers shall be installed at the inlet and outlet of all culverts.

Repair, replacement, and maintenance of culverts in the right of way is the responsibility of the property owner(s).

5.07: Ditches:

Landowners should daylight driveway or access road ditches onto their own properties when possible before intersecting with the right of way.

Ditches should be a minimum of six (6) inches below the base of the driveway or access and be shaped to prevent erosion.

Bare soil shall be stabilized with erosion control blankets, vegetation, riprap, or other approved methods.

5.08: Drainage:

Driveways or access roads cannot interrupt the natural or ditch flow of drainage water. Drainage from any approach to the right of way must not be dispersed onto the surface of

the Town Highway. Such drainage shall be dispersed away from primary roads with proper crown, ditching and culverts to allow for proper flow.

If topographic conditions exist to prohibit adequate drainage, alternative means of dispersing drainage may be required.

5.09: Damage To Town Highways:

In the event damage is caused by improper construction, maintenance or grading it shall be the responsibility of the property owner to make the necessary repairs upon negotiation in writing by the Town. If such repairs are not made within thirty (30) days, the Town shall take whatever steps are necessary to insure the interests of the Town and secure the expenses involved.

SECTION 6.00: ENFORCEMENT, PENALTIES & FINES:

Vermont State law Title 19 VSA gives the Selectboard the authority they need over entrances to Town Highways and general supervision and control of Town Highways. The Selectboard have the authority to take any action consistent with the provisions of law.

6.01: General Enforcement:

Any unauthorized obstruction of a Town Highway which hinders traffic or causes injury may result in fines plus actual damage reimbursement and attorney fees. Damage to Town Highways or bridges caused by obstruction, diverting water, or by dragging logs or other objects, and other wanton or willful acts that cause damage are also subject to fines and damage awards along with attorney fees.

Any person found to be in violation of State statutes and/or the Town of Winhall Highway Ordinance will be presented with a notice of violation issued by the Highway Foreman and signed by two Selectboard members describing the nature of the violation and instruction on what action needs to be taken to remedy the violation as well as notice of the intention to institute a proceeding against the person responsible for the violation.

6.02: Penalties & Fines:

A person who injures a Town Highway or bridge or violates a posted restriction may have the following action(s) taken against them:

- 1) May be fined up to \$100;
- 2) May be liable for the cost of the actual repair and any damages caused;
- 3) May be liable for attorney fees incurred by the Town of Winhall.

A person who obstructs or encroaches on a Town Highway so as to hinder public travel which injures a person traveling on the Town Highway:

- 1) May be fined up to \$1,000;
- 2) May be liable for the cost of repairing the damage;
- 3) May be liable for attorney fees incurred by the Town of Winhall.

6.03: Enforcing A Permit For A Right-Of-Way:

The Selectboard may suspend any permit until compliance is obtained. If use continues after the suspension, the Selectboard may physically close the access point if safety of the Town Highway users may be affected; in addition:

- 1) A civil penalty between \$100 and \$10,000 may be imposed;
- 2) No deed purporting to subdivide land abutting a State Highway or a Class1 Town Highway can be recorded unless the lots created are in conformance with the statute governing use of the right of way.

Section 7.00: EXISTING ORDINANCES:

The adoption of this Town of Winhall Highway Ordinance has the following effect on current ordinances relating to Town Highways.

7.01: Repeal Of Previous Ordinances:

This Ordinance hereby repeals and replaces all previous Town of Winhall Highway Ordinances adopted by the Selectboard.

7.02: Ordinances Still In Effect:

Ordinances still in effect are the Town of Winhall Winter Parking Ordinance and the Town of Winhall 1998 Amended Traffic Ordinance.

7.03: Ordinances That Are Repealed:

Ordinances that are repealed are the Town of Winhall Traffic Ordinance of May 20, 1986 and the Town of Winhall First Amendment to Traffic Ordinance of March 27, 1996 repealed.

7.04: Severability:

Each of the provisions in the Ordinance is severable, and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

SECTION 8.00 EFFECTIVE DATE:

This Ordinance shall become effective sixty (60) days from May 05, 2010 (adoption date) unless a Petition pursuant to 24 VSA Section 1973 is presented to Town officials within forty-four (44) days of the adoption date to hold a special public meeting to vote to disapprove this Ordinance.

TOWN OF WINHALL SELECTBOARD

Dated

Dave Glabach, Chair

Robert Oakes, Vice-Chair

William Schwartz, Member

**TOWN OF WINHALL SELECTBOARD
BONDVILLE, VERMONT 05340**

Notice Of Approval To Proceed Form

Application # _____ Date: _____

Property Owner: _____ Phone: _____

Designated Agent: _____ Phone: _____

Contractor: _____ Phone: _____

911 Number: _____ Road Name: _____

Project Description:

Directions, Restrictions, Conditions:

Upon receipt of this Notice, you are authorized to proceed with the project in accordance with the notations above and any attachments hereto. Approval covers only the work described in the application or modifications made above, and must be performed as directed. The issuance of this Notice does not release the property owner from compliance with other applicable statutes of local, regional, or State agencies. Violators are subject to enforcements and penalties. Damages that occur are the responsibility of the property owner. A permit authorizing the use of the access and/or right-of-way will be issued and become effective when it is determined that compliance with this Notice has been achieved.

Approval To Proceed issued on (date): _____ is valid for two (2) years and will expire on (date): _____.

Selectboard

Selectboard

Selectboard

**TOWN OF WINHALL SELECTBOARD
BONDVILLE, VERMONT 05340**

Access/Right-Of-Way Permit

Permit #: _____

Property Owner: _____ Phone #: _____

911 Number: _____ Road Name: _____

Tax Map: _____ Bloc: _____ Lot#: _____

Project Description:

It is the determination of the Winhall Selectboard that all the directions, restrictions, and conditions described in the "Notice Of Approval To Proceed" are in compliance and are hereby incorporated into the issuance of this Permit. Any change in the use of the right-of-way will require a new Permit. The issuance of this Permit does not release the property owner from compliance with other applicable statutes of local, regional, or State agencies. Violations are subject to enforcement and penalties. Damages that occur are the responsibility of the property owner.

Final Permit approval issued on (date): _____

Selectboard

Selectboard

Selectboard

**TOWN OF WINHALL SELECTBOARD
BONDVILLE, VERMONT 05340**

Notice of Violation and Intent to Institute Proceedings

Property Owner: _____

911 Number: _____ Road Name: _____

You are being presented with this “Notice of Violation and Intent to Institute Proceedings” because it has been determined that you are in violation of the Town of Winhall Highway Ordinance. Permits are required for any work done in the Town right-of-way and are issued by the Winhall Selectboard.

Description of Violation:

Action Needed to Remedy the Violation:

Violation issued on (date): _____

Signature of Highway Foreman

Print Name

Highway Foreman Phone Number

Selectboard Member Signature

Selectboard Member Signature

**TOWN OF WINHALL
BONDVILLE, VERMONT 05340**

Access/Right-Of-Way Permit Application Form

Application #: _____ Fee Received: _____ Date: _____

Property Owner: _____ Phone: _____

Mailing Address: _____

911 Number: _____ Road Name: _____

Tax Map: _____ Bloc#: _____ Lot #: _____

ACCESS: Construct New Access: _____ Change Existing Access: _____

Number of feet from the nearest intersection: _____

Name of intersection: _____

Site distance at access in each direction: _____

Note: The site must be flagged before the application will be considered. Flagged: Yes: _____ No: _____

WORK IN THE RIGHT-OF-WAY: (please check appropriate work)

Change Grade: _____ Repair Ditch: _____ Change Drainage: _____

Repair Culvert: _____ Fill Land Adjacent to Highway: _____

Install Pipes or Wires: _____ Install Fence or Stone Wall: _____

Other-Specify: _____

Contractor: _____ Phone: _____

Address: _____

The property owner is the applicant and agrees to maintain said improvements and follow the instructions, restrictions, and conditions of the Permit, if issued. No action will be taken unless the application is complete. See check list on reverse side. By signing below the property owner represents they have read Town of Winhall Highway Ordinance, Section 5.00 "Driveways, Entrances, and Approaches to a Town Highway and Development Road."

Property Owner: _____ Date: _____

Signature

Name of Agent: _____ Phone: _____

Address: _____

I _____ hereby appoint the above referenced person as my designated agent with the authority to act on my behalf in all matters connected with this Application for an Access/Right-Of-Way Permit. By signing below I duly authorize my agent to act on my behalf and be bound by his actions. (See Highway Ordinance- Section: 5.02 "Permits")

Property Owner: _____ Date: _____

Signature

CHECK LIST

The items listed below are required for the application to be considered complete.

- 1) Sketch plan is drawn to scale;
- 2) Site is flagged;
- 3) Application is completely filled out;
- 4) A fee of \$100 is paid.