

# TOWN OF WINHALL

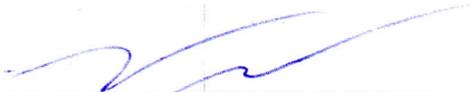
# HIGHWAY POLICY

ADOPTED 5/4/2016

## WINHALL SELECT BOARD



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## **TOWN OF WINHALL HIGHWAY POLICY**

### **SECTION 1.00: AUTHORITY & TITLE:**

The Town of Winhall Select Board, County of Bennington, State of Vermont hereby adopts this “Town of Winhall Highway Policy” establishing minimum standards and specification for highway construction and access, whether private development roads or public highways in the Town of Winhall, pursuant to the authority vested in them and contained in Title 19 VSA, Chapter 3, and Title 24 VSA, Section 1971.

### **SECTION 2.00: GENERAL PROVISIONS:**

The Select Board 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 Policy, *highway* shall mean a Town Highway conveyed and accepted by the municipality, dedicated to public use and exclusively maintained by the Town, or laid out by statutory process. This shall also include bridges and culverts.

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

Town Highways are classified as Class 1, Class 2, Class 3 or Class 4 Town 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 roads and roads within private developments are not Town Highways.

#### **2.02: Town Highway Reclassification:**

The Select Board 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 Select Board 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 Policy.

The Select Board may institute and periodically review and update a Town Highway management plan 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 Highways & Trails:**

Class 4 (four) Highways and Trails will be maintained to the extent required by the necessity of the town, the public good, and the convenience of the inhabitants. Class 4 Highways are all other highways not falling under definitions of Class 1, 2, and 3 Highways. Class 1, 2, and 3 Highways are defined for the purpose of receiving state aid and are passable with a pleasure vehicle on a year-round basis.

Trail means a public right-of-way which is not a Highway and which :

- a. previously was a designated Highway having the same width as the designated Town Highway, or a lesser width if so designated, or
- b. a new public right-of-way laid out as a Trail by the Select Board for the purpose of providing access to abutting properties or for recreational use.

The Town shall not provide any maintenance or upkeep on Class 4 Highways or Trails. No work will take place on any Class 4 Highway or Trail without the prior written consent of the Select Board, which the Select Board may grant or withhold in its sole discretion, and the Town shall not provide any winter maintenance on Class 4 Highways and Trails.

The Select Board shall exercise control of Class 4 Highways and Trails to ensure their integrity as a public right-of-way by means which may include, but are not limited to establishment of vehicle weight limits, prohibition or restriction of wheeled vehicle use during mud and snow season (signs and barriers may be utilized to accomplish this purpose), requirements for temporary permit for heavy equipment access may be imposed and the stipulation included that any highway damaged will be repaired by or at the expense of the user; posting of bond or other security to guarantee that repairs are made may be required as a condition of any permits, and/or speed limits may be established.

Class 4 Highways may be reclassified to Trail status, discontinued, or upgraded to Class 3 or higher status. Trails may be discontinued or upgraded to Class 4 or higher status. Reclassification will be done in accordance with 19 V.S.A. Sec. 708-716 and upon findings by the Select Board that the public interests will be substantially advanced by such change in status and that reasonable measures are taken to replace, substitute, or avoid the loss of public and commercial travel, intrinsic aesthetic and recreational value, or other public interests afforded by the existing Class 4 Highway or Trail.

**2.05: Right-Of-Way Access:**

The Town-controlled right-of-way extends past the limits of the paved or travelled portion of Town Highways, Trails, and private roads. The Select Board 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 Select Board before any such construction, installation, or alteration.

**2.06: Overweight Vehicles:**

Pursuant to 23 V.S.A., Chapter 13, Subchapter 15, vehicular use of highways and bridges is subject to limitation and regulation regarding gross vehicle weights, tire and axle weights, and overall length and width. Written approval of the Select Board, or other authorized agent, in the form of an annual Overweight Permit may be granted for use or travel over Highways, and for wear and tear on Highways anticipated or caused by use of Highways in excess of the legal weight and size limitations.

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

Before issuing an Overweight Permit, the Select Board shall also consider weather conditions and seasons of the year.

All damages to the highway, bridges, culverts and related structures caused by operation of an overweight vehicle by the applicant or by his/her negligence in operation are the responsibility of the applicant and shall be repaired at the expense of the applicant.

**2.07: Posting:**

No Town Highway or any Class 4 road may be intentionally closed by a gate or other obstruction except at the direction of the Select Board. When use of a Town Highway is restricted, the Select Board, or its designee, shall post the road in accordance with 19 V.S.A. § 1110 as may be revised.

**2.08: Compliance With Other Regulations:**

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.

In case of a difference in standards or requirements between the aforementioned policies and standards and the provisions in this Highway Policy, the provisions in this Highway Policy shall control.

**SECTION 3.00: ROAD ACCEPTANCE POLICY:**

Every private road shown on a plat filed in the Town Land Records or recorded in conjunction with a land use 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 Select Board to adopt and adhere to an orderly procedure for receiving and acting upon such applications. The decision on an application for acceptance of a Highway is within the sole and absolute discretion of the Select Board, 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 relevant and necessary governmental permits for a subdivision or for road construction as a condition precedent to the acceptance of the private road as a public Highway.

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

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 Policy. 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 Highway(s) shall be submitted to the Town for review. The plan shall be in compliance with this Town of Winhall Highway Policy.

A written application for the acceptance of a Town Highway shall be submitted to the Select Board, or its designee. The application shall be accompanied by a survey in a form acceptable to the Select Board for accuracy, thoroughness and legibility, which survey shall include the grade line and minimum radii of all curves. The application shall also include a proposed warranty deed of the land to be conveyed for highway purposes. The deed shall include any necessary rights-of-way and slope rights and shall be free of all encumbrances.

All monuments shall be of a reasonably 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 touches or intersect with 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 Select Board shall accompany each application to cover the costs incurred by the Town of Winhall, as well as recording legal documents and other administrative expenses. Fees are listed on the application form and subject to change as necessary.

Signs as approved by the Select Board 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 Policy may be assessed against violators by the Select Board.

**3.04: Performance Bond:**

As part of the application, the applicant shall provide a performance bond to cover the estimated expenses for the repair of the proposed Town Highway for two (2) years following the date of final acceptance of the road by the Town. The Select Board shall determine the amount of the bond. Acceptance may be withheld pending submission of proper performance bonds.

**3.05: Inspection:**

All private roads which are proposed to be accepted as Town Highways shall have documented 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 a Vermont-licensed 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 a licensed engineer before final acceptance, and all costs incurred shall be reimbursed by the applicant. These inspections are to ensure compliance with the standards articulated in Section 4.00 of this Policy.

**3.06: Conditions Precedent to Application:**

There shall be at least three (3) dwellings completed before any private road may be considered for acceptance as a Town Highway. No roads will be inspected or accepted by the Town after October 15<sup>th</sup> or before May 15<sup>th</sup> of any calendar year.

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.

Road specifications in effect at the time of the initial inspection will be applicable for a period of two years from the date of the initial inspection after which time any new road specifications will apply. The

only exception will be if the road in question is under the 24 month maintenance period at the end of the two year period in Section 3.08.

**3.07: Acceptance:**

The Town of Winhall Select Board reserves the right to accept or reject any application for a proposed Highway at any time during the application process.

When all of the requirements in Section 3.06 have been met, the Select Board may, upon request, consider an application for the acceptance of a Town Highway. Acceptance shall occur in two phases.

The initial acceptance period will be for a period of twenty-four (24) months during which time the Town will perform routine maintenance, and the applicant will be responsible for correcting any flaws or defects which are discovered and pointed out to the applicant. This obligation will be guaranteed by the repair surety articulated in Section 3.04 above.

After the initial twenty-four month period is over and no serious defects in the road have been observed and any necessary repairs have been performed by the applicant, the Town's acceptance will become final and the road will become an official Town Highway. At that point, the applicant's deed for the road will be recorded in the Land Records and the road will be listed on the Town's Annual Highway Certification to the State of Vermont.

**3.08: Conveyance:**

Conveyance of proposed Highway 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 conveying good and marketable title free and clear of all attachments, liens, or encumbrances to the proposed road right of way. The applicant by his or her attorney shall issue a Certificate of Title to the Town of Winhall certifying that the property or property right to be dedicated and accepted is free and clear of all attachments, liens, or encumbrances. Expenses incurred 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 Select Board after a study of local conditions requiring changes. Requests for waivers of any portion of these standards shall be made in writing to the Select Board.

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 for a Town Highway shall be a minimum of fifty (50) feet in width. Easements may be required for wider slopes and drainage rights if deemed necessary by a Vermont-licensed engineer. 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 Town Highway or State Highway.

**4.02: Traveled Way Width:**

The minimum width for the traveled way shall be twenty-four (24) feet, not including shoulders. The traveled way shall be in the center of the 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 twenty-four (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 deemed by a Vermont-licensed engineer. 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 Select Board 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 eighteen (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 Select Board 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 Select Board may not require pavement.

C. Rural or non-rural characteristics of neighborhoods in which the proposed highway is located: The Select Board 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 twenty-four (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:** Any 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 twenty-four (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 eighteen (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 twelve (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 one-hundred (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:**

A radius of any curve shall be long enough to permit easy flow of traffic, including trucks, graders, and fire engines with at least one-hundred twenty-five (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 two-hundred fifty (250) feet between center lines on a Town Highway.

**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 three (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 Select Board as part of the application process.

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

**4.21: Curbs & Sidewalks:**

When required under other policies or regulations (i.e. near schools and designated activity areas), sidewalks, curbs, or edge stones shall be constructed or set in accordance with the policy and specifications agreed upon by the Select Board.

**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:**

### **5.01: Authority & Purpose:**

Under 19 V.S.A. the Select Board has the authority to regulate access onto Town Highways. The rules contained in this section (5.00) shall guide the Town of Winhall Select Board 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 Policy, the most recent *VTrans* standard sheets should also serve as a guide.

### **5.02: Permits:**

A completed Access/Right-Of-Way Permit form must be obtained by anyone who needs to do work in a right-of-way, repair an existing access, or construct a new access to a property abutting a Town Highway, Trail, or private road. Applicants must submit a completed application form to the Select Board along with the appropriate fee and a map showing the location of the access point and distances to the nearest intersection.

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 notice in advance of the construction so that the Town has an opportunity to inspect the installation.

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.

The Notice of Approval to Proceed must be recorded in the Town Land Records at the expense of the applicant.

The property owner may appoint a designated agent to represent him/her in the process of obtaining an access permit. 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 and Issuance of Final Permit:**

The applicant should expect the Town to conduct three (3) site visits during the application process. The first visit is to review the project after receipt of a completed application; the second takes place during construction; and the third on completion of construction. Upon the final inspection, if the project is satisfactory, the Select Board will issue the “Access Permit.” The Access Permit must be recorded in the Town Land Records at the expense of the applicant.

### **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 ensure water gets to the ditch.

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 the public road in a forward-facing direction.

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.

Landowners abutting or are upstream of a Town Highway who make improvements that adversely affect existing downstream facilities (not limited to culverts/ditches/bridges/road bed/travelled way) by increasing or changing the natural course of water flow shall be required to mitigate actual and potential damage to the Town Highway to the satisfaction of the Select Board.

In no case shall the culvert pipe under a driveway be less than eighteen (18) inches in diameter if the culvert flows into a ditch alongside a Town Highway.

Under no circumstances shall a driveway permit allow for 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.

#### **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.

The relevant distances to be maintained will depend on the posted speed and will be measured from a point fifteen (15) feet back from the edge of the traveled way. A posted speed of twenty-five (25) mph requires a site distance of one-hundred fifty (150) feet; thirty-five (35) mph requires a site distance of two-hundred twenty-five (225) feet. It shall be the responsibility of the permittee to maintain the area providing the site distance free from any encroachments.

Driveway entrances should not be constructed closer than twenty (20) feet from a property line and no closer than one-hundred (100) feet from an intersection. The Select Board may designate greater distances if warranted by topography and/or location.

The Select Board reserves the right to revoke individual access permits and require the construction of a common access to serve more than one property or lot. These actions will be taken by the Select Board as necessary to accommodate and ensure the safety of traffic resulting from development on land abutting Town Highways.

**5.06: Culverts:**

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

Culverts should be placed as far away from the traveled portion of the road as possible while still maintaining adequate drainage.

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

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

Repair, replacement, and maintenance of a driveway culvert 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 public 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 may not be constructed to 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 pay for the necessary repairs upon negotiation with 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: SUSPENSION OF PERMITS:**

The Select Board may suspend any driveway/access permit until compliance with this Policy is achieved. If there is continued use or activity after suspension, the Select Board or its designee may physically close the driveway or access point if in the opinion of the Select Board, or its designee, the safety of highway users is or may be affected.

**APPLICATION**  
**FOR CURB CUTS & WORK IN THE**  
**TOWN HIGHWAY RIGHT-OF-WAY**

**CHECK LIST**

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

- 1) Site is flagged;
- 2) Application is completely filled out;
- 3) A check for \$10.00 is paid to the Winhall Town Clerk for recording the Access/Right-of-Way Permit;
- 4) Application Fee (either \$25 or \$100) is paid to the Town of Winhall.

Anyone who needs to do work in a right-of-way or access property abutting a Town Highway or private road must obtain an Access/Right-Of-Way Permit. Applicants must submit a completed application (see attached) to the Select Board for their approval.

The information and materials contained in this package is to help the Applicant obtain the permit. The package contains a copy of Section 5.00 and Section 6.00 of the Town of Winhall Highway Policy addressing work in the right-of-way as well as an application and illustrations of good practices for constructing an access to a Town Highway.

**TOWN OF WINHALL**  
**ACCESS / RIGHT-OF-WAY PERMIT APPLICATION**

Application #: \_\_\_\_\_ Fees Due: \_\_\_\_\_ Fees Received: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

911 Number: \_\_\_\_\_ Road Name: \_\_\_\_\_

Tax Map: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

**ACCESS**

\_\_\_\_\_ Construct New Access (\$100)  
\_\_\_\_\_ Change Existing Access (\$100)  
Number of Feet from Nearest Intersection: \_\_\_\_\_  
Name of Intersection: \_\_\_\_\_  
Site Distance at Access in each Direction: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Site Flagged (site must be flagged before application filed)

**WORK IN RIGHT-OF-WAY**

\_\_\_\_\_ Change Grade (\$25) \_\_\_\_\_ Install Pipes (\$100)  
\_\_\_\_\_ Repair Ditch (\$25)  
\_\_\_\_\_ Change Drainage (\$100)  
\_\_\_\_\_ New Culvert (\$100) \_\_\_\_\_ Other (\$25) specify:  
\_\_\_\_\_ Repair Culvert (\$25) \_\_\_\_\_  
\_\_\_\_\_ Fill Land Adjacent to Highway (\$25)  
\_\_\_\_\_ Install Fence or Stone Wall (\$25)

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. By signing below, the property owner represents that they have read the Town of Winhall Highway Ordinance, Section 5.00, "Driveways, Entrances, and Approaches to a Town Highway and Development Road".*

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Agent: \_\_\_\_\_ Phone #: \_\_\_\_\_

Address of Agent: \_\_\_\_\_

I, \_\_\_\_\_, hereby appoint the above-referenced person as my designated agent with the authority to act on my behalf in all matters concerning this Access/Right-Of-Way Permit.

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Description of Project: \_\_\_\_\_

Permit Fee: \$ \_\_\_\_\_ Fee Due Town Clerk: \$ 10.00 Total Due: \$ \_\_\_\_\_

**For Official Use Only**

The Highway Foreman has inspected the project area and his/her signature authorizes approval of the installation/project, subject to Select Board approval via the Notice of Approval to Proceed.

Highway Foreman Signature: \_\_\_\_\_

**TOWN OF WINHALL**

**ACCESS / RIGHT-OF-WAY ~ NOTICE OF APPROVAL TO PROCEED**

Property Owner: \_\_\_\_\_ Address: \_\_\_\_\_ Permit #: \_\_\_\_\_

*Directions, Restrictions, Conditions:*

*Upon receipt of this Notice, applicant is 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 applicable local, regional, State, and Federal regulations. Violators are subject to enforcement/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. No construction may begin until the Town of Winhall has issued this Notice and the Highway Foreman has inspected the project. Upon completion of the work, the applicant shall notify the Highway Foreman for final inspection.*

Approval to Proceed issued on: \_\_\_\_\_, is valid until: \_\_\_\_\_ {for two (2) years}

Select Board Signatures:

\_\_\_\_\_

**TOWN OF WINHALL**

**ACCESS / RIGHT-OF-WAY ~ FINAL APPROVAL**

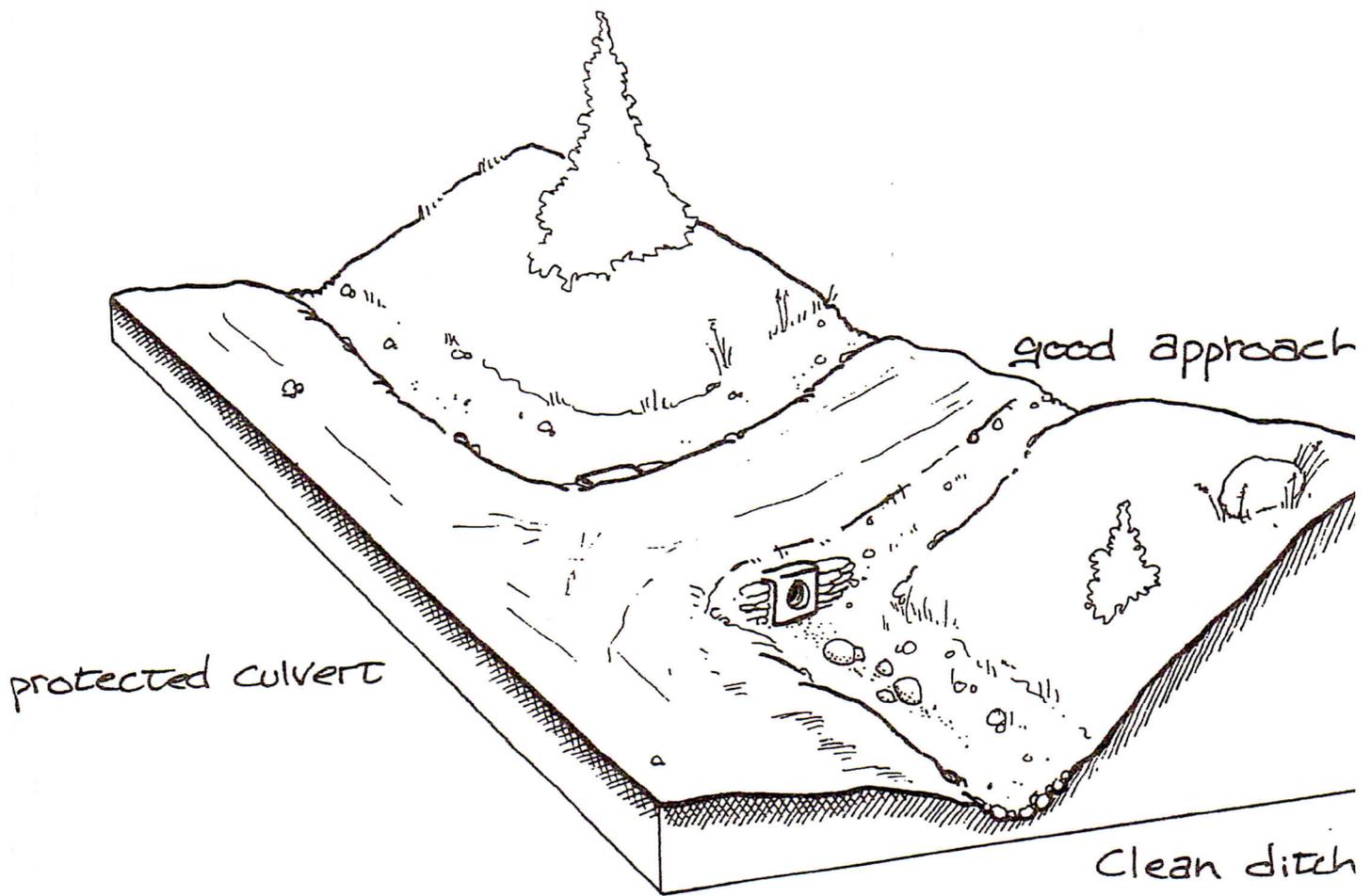
Property Owner: \_\_\_\_\_ Address: \_\_\_\_\_ Permit #: \_\_\_\_\_

*It is the determination of the Winhall Select Board that all of 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 local, regional, State, or Federal regulations. Violators are subject to enforcement/penalties. Damages that occur are the responsibility of the property owner.*

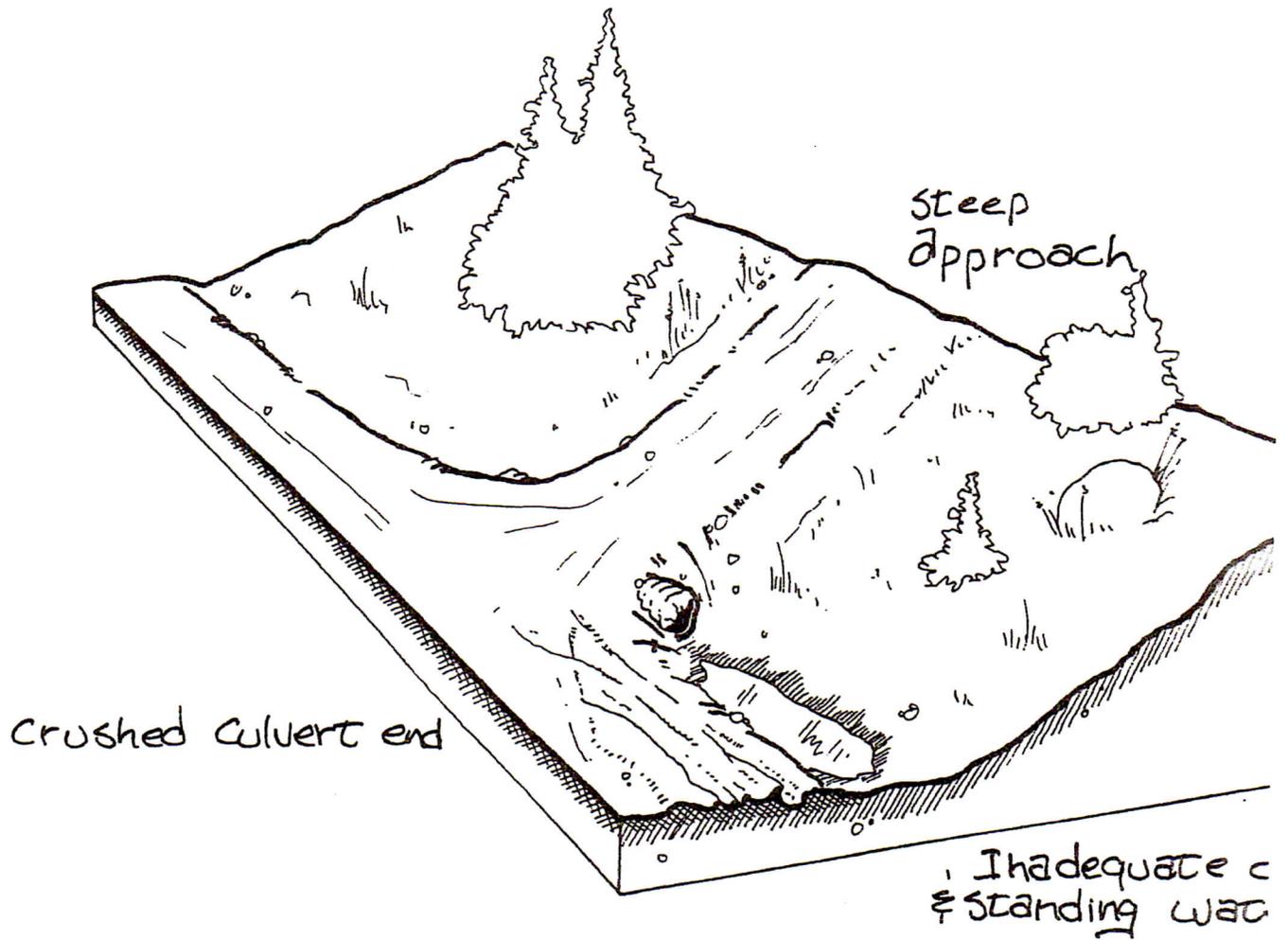
Final Approval issued on: \_\_\_\_\_

Select Board Signatures:

\_\_\_\_\_

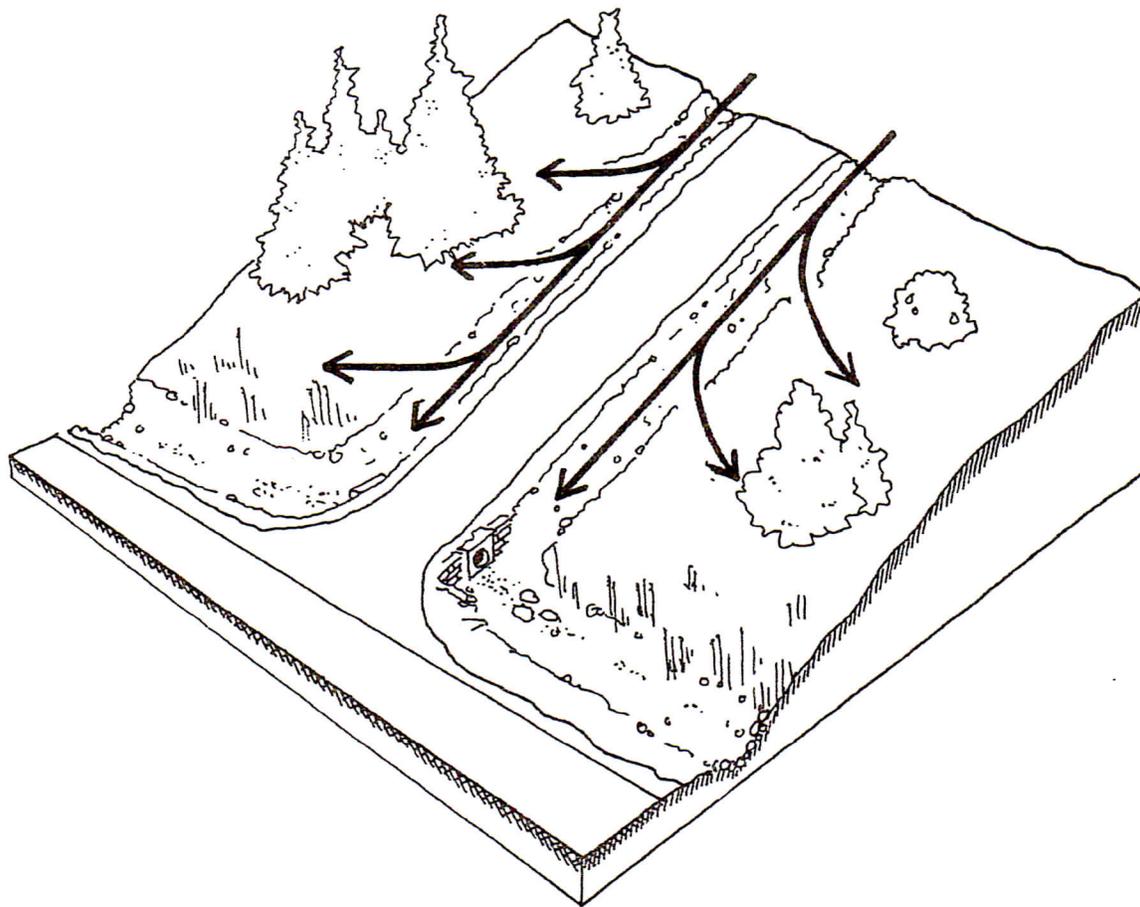


Headwalls at the inlet of driveway culverts help water to flow more efficiently and protect culverts from being damaged. Stone-lined ditches with vegetation prevent against erosion. Gentle driveway approaches to the road improve safety and help to prevent water damage.



Standing water, crushed culvert ends, steep approaches to the road, culverts too small for the site, bare soil and other deficiencies lead to erosion and damaged roads during high water periods.

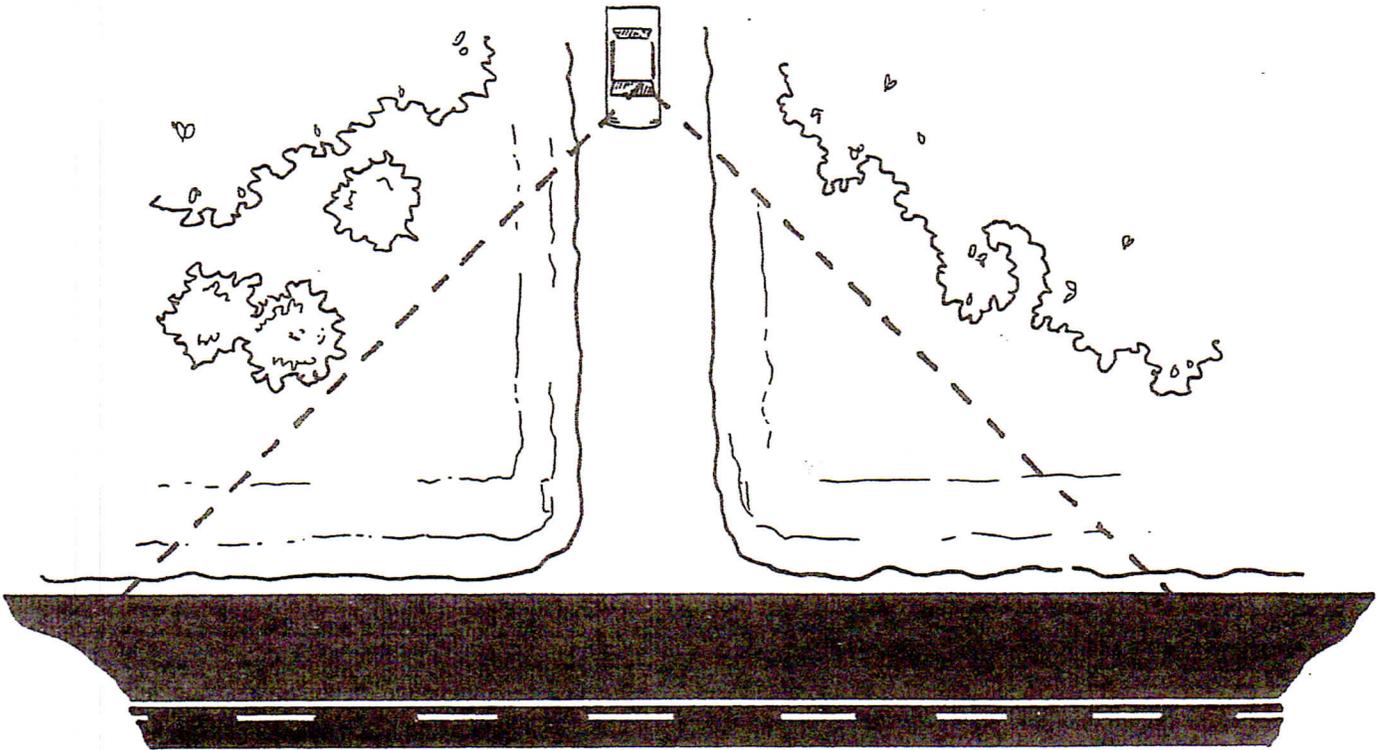
Water dispersed into vegetated areas will cause less erosion and will not overburden the culverts and road ditches.



Divert water into vegetated areas.

## Sight Distance

A vehicle operator preparing to exit the access point should be able to see without obstruction a minimum of 150 feet in either direction.



*Posted Speed or  
Design Speed  
(mph)*

*Minimum Stopping  
Sight Distance  
(feet)*

*Minimum Corner  
Sight Distance  
(feet)*

25

150

275

30

200

355

35

225

445

40

275

560

45

325

660

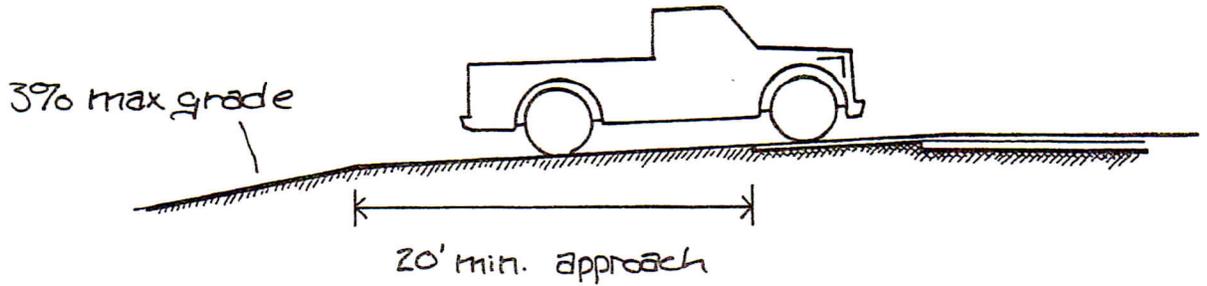
50

400

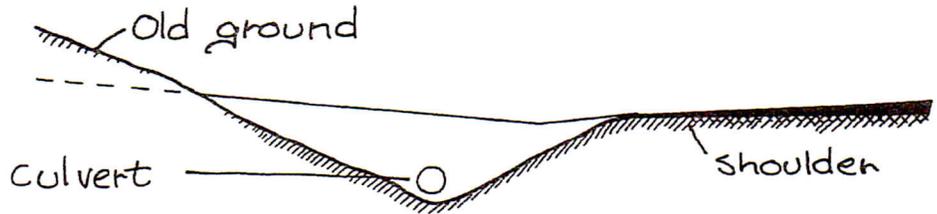
770

*Measured from a vehicle fifteen feet back of the pavement edge.*

Grades immediately adjacent to the roadway pavement and within the road right-of-way can be critical. See details "H" and "T", VAOT Standard B-71.



Drive approach to road (fill section)



Drive approach to road (cut section)

This helps to prevent stones from being kicked out onto the paved surface.

A town might consider requiring that an asphalt bar be built into the road at the leading edge of the apron. This prevents water coming down the gravel driveway from "lifting" the asphalt surface.