TOWN OF GRAFTON HIGHWAY ACCESS POLICY

[As revised by Selectboard at its June 4, 2018 meeting and Adopted by Selectboard June 18, 2018.]

Section 1 -- Authority.

This Highway Access Policy (hereafter "Policy") is enacted pursuant to the authority granted to the Town under 19 V.S.A. §§ 303 and 1111.

The Town Administrator, or in his/her absence the Highway Foreman, are hereby appointed the designated Administrator of this Policy, herein called "Access Administrator." [19 VSA 1111(b)]

Section 2 -- Purpose.

This Policy regulates access to the Town highway system. It is the purpose of this Policy to protect and preserve the safety and convenience of the inhabitants of the Town and the traveling public and to protect the public investment in the Town highway system through the regulation of highway access.

Section 3 -- Definitions.

For the purpose of this Policy the terms defined in this Policy shall have the following meanings:

"Access Permit" means the permit issued by the Access Administrator to access the town highway system after following the procedural requirements of this Policy. As used in this Policy "Access Permit" also includes Temporary Access Permit, depending on the context in which it is used. "Temporary Access Permit" means an access permit for a limited purpose for a limited length of time, and a date certain. The applicant/landowner shall remove the Access in its entirety and restore the area, which was disturbed by its construction and/or removal, to its former condition. The removal and restoration work must be completed within 30 days of the termination of the permit. The permit shall expire on the occurrence of the earlier of a.) the purpose, for which it was intended, no longer exists or b.) the length of time for which the access was granted has not been extended by the Access administrator and has expired. Except for the work of restoration, the Access Administrator shall deny use of the access when the permit has expired. Appeal: the applicant may appeal such use-denial to the Selectboard.

"Highway" means the highway system for the Town of Grafton, which includes the public rights-ofway, bridges, drainage structures, signs, guardrails, areas to accommodate utilities authorized by law to locate within highway limits, areas used to mitigate the environmental impacts of highway construction, vegetation, scenic enhancements, and structures.

"Notice" means the written Notice of Permission to Proceed, described in Section 5c of this Policy, issued by the Access Administrator after an application for an access permit is approved.

"Person" means an individual corporation, government, governmental subdivision or agency,

business trust, estate, trust, partnership or association, or other legal entity. "Road Foreman" means the Town of Grafton Road Foreman.

"Selectboard" means the Selectboard of the Town of Grafton.

"Tempoprary Access Permit" - See "Access Permit" above.

"Town" means the Town of Grafton.

"Town Administrator" means the Grafton Town Administrator.

"Vermont Agency of Transportation Standards B-71 and A-76" shall mean the most recent versions of the Vermont Agency of Transportation standard sheets B-71, <u>Standards for Residential and Commercial Drives</u> and A-76, <u>Standards for Town and Development Roads</u>.

Section 4 -- Permit required.

No person shall install, develop, construct, regrade, or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a highway right-of-way, or obstruct a ditch, culvert, or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, within the Town unless an Access Permit has been obtained from the Access Administrator in accordance with this Policy.

Section 5 -- Process.

a. Application and Minimum Deposit.

Application. A person may apply for an Access Permit from the Town using the Access Permit Application form provided by the Town Administrator's Office. The application shall be in writing and shall be signed by the applicant or an individual authorized to act for the applicant. A fee of \$25 shall be paid at the time the application is submitted. A completed application must be submitted to the Access Administrator at least ten (10) daysbefore work is scheduled to begin. The Access Administrator may modify the time requirements of this Policy for good cause shown provided the public health and safety will not be jeopardized by such action.

Minimum Deposit. The Selectboard requires a minimum deposit of Five Hundred Dollars (\$500.00) and a maximum to be set by the Access Administrator, which Deposit shall be reimbursed to the Applicant, provided the requirements of f. and g. of this Section have been met, as set forth in subparagraph i. of this Section; provided, however, the deposit for a Temporary Access Permit shall be retained until the requirements of subparagraph h. of this Section have been met, as set forth in subparagraph i. The amount of deposit set by the Access Administrator may be appealed to the Selectboard.

b. Consideration.

The Access Administrator will consider a completed application. The Access Administrator may approve, approve with conditions/modifications, or deny an application upon consideration of the approval standards set forth in Section 7 of this Policy. The Applicant may appeal this decision to the Selectboard.

- c. Notice of Permission to Proceed. If an application is approved, the Access Administrator will issue written permission in the form of a Notice of Permission to Proceed ("Notice"). The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town. The Notice will state the date on which construction / development of the Access may proceed.
- d. Notification of completion. The applicant shall notify the Access Administrator within 15 days after construction is completed.
- e. Final inspection. The Access Administrator shall conduct a final inspection within 15 days of receipt of the Notification, described in d. above, to determine if the work has been completed according to the requirements listed in the Notice.
- f. Issuance of Permit. If, after inspection, it is determined that the Access has been constructed / developed in compliance with the Notice, a written Permit shall be issued by the Access Administrator within 7 days after final inspection.
- g. Recording of Permit. A Permit shall not be valid until recorded in the Town Land Records at the expense of the Permittee.
- h. Temporary Access Permit; Removal and Restoration of Site. When the Temporary Access Permit has expired the Applicant shall within 30 days remove the Access in its entirety and restore the area, which was disturbed by its construction and/or removal, to its former condition. The Applicant shall then notify the Access Administrator that the removal and restoration is complete. The Access Administrator shall within 7 days inspect the site and, when the site is in compliance with the Notice to Proceed, provide the Applicant with a written Notice of Compliance stating that the removal and restoration is in compliance with the Notice to Proceed. The Applicant, at its own expense, must record that Notice of Compliance in the Land Records. i. Refund of the Deposit.
 - 1.) For Access Permit. When the Applicant has fulfilled the requirements of f. and g. of this Section 5., the Town shall within 30 days of the recording described in g., above, refund to the Applicant the Deposit paid by the Applicant to the Town as required by a., second paragraph, of this Section 5., and as set forth in the Application.
 - 2.) For Temporary Access Permit. When the Applicant has fulfilled the requirements of h. of this Section 5., the Town shall within 30 days of the recording of the Notice of Compliance described in subparagraph h., above, refund to the Applicant the Deposit paid by the Applicant to the Town as required by a., second paragraph, of this Section 5., and as set forth in the

Application.

Section 6 -- Contents of Application.

An application for an Access Permit shall be on the form provided by the Town and shall be deemed to be complete if it includes the following:

- (1) The name, address, and telephone number of the applicant, the principal officers of the applicant, the individual making the application, and any other individual authorized to represent the person applying for the Permit;
- (2) If the applicant is not the owner of the premises where the access is to be constructed, the name and contact information of the owner or other person that has the authority to consent to the use and development of the premises, and a signed statement from that person stating that consent is given to the applicant;
- (3) The location of the access, including street address (if any), and parcel ID # of the property;
- (4) The date on which construction is proposed to begin; if it is a Temporary Access Permit application so state and state the specific purpose for which the Access is needed, and the length of time, including a specific end date, the Access is expected to be used.
- (5) The Application fee, noting that it has been paid to the Town at the time the Application is presented to the Access Administrator;
- (6) The Minimum Deposit amount as set by the Access Administrator shall be set forth and the application shall indicate whether or not is has been paid to the Town at the time the Application is submitted.
- (7) A visual depiction of the premises indicating location, layout, adjacent state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area;
- (8) Any additional information the applicant wishes to furnish that assists the Access Administrator or its designee in determining that the proposed access will comply with the applicable standards; and
 - (9) The signature of the applicant or an individual authorized to act for the applicant.

Section 7 -- Approval conditions.

When issuing a Notice of Permission to Proceed under this Policy (See APPENDIX B), the Access Administrator shall require that the proposed access will be constructed or developed according to the standards in "Vermont Agency of Transportation Standards B-71 and A-76" (See APPENDIX D). Should exeption be made to B-71 or A-76 Standards, the Access Administrator may require Applicant, in addition to the conditions set forth in the next paragraph, to meet other standards, including water bars and regular maintenance of the improvements, drainage systems and road base

to prohibit the flow of stormwater and debris from the access onto the Highway ROW.

The Selectboard shall require conditions to avoid: (1) undue adverse traffic congestion and unsafe conditions regarding the use of public roads, sidewalks and other public rights-of-ways; (2) unhealthy conditions regarding water supply, sewage disposal or solid waste disposal; and (3) adverse effects on drainage ditches, culverts or other drainage facilities.

The minimum security deposit, cash or bond, or a higher deposit if Access Administrator so requires, as described in Section 5a., shall be deposited with the Town or posted in favor of the town to ensure compliance with the conditions of the Notice or Permit and protection of the town highway system. In addition, the Access Administrator may attach any such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts reviewable under the approval standards set forth above.

Section 8 -- Expiration of Notice of Permit.

The authorization conveyed by a Notice of Permit shall expire one (1) year after the issuance of that Notice unless the work authorized by such Notice has been substantially commenced.

Section 9 -- Damage to Town Highways.

In the event that damage to a town highway is caused by improper construction, maintenance, or grading of a driveway or other highway access point, it shall be the responsibility of the property owner to compensate the Town for any expenses involved in restoring that highway to its original condition.

Section 10 -- Responsibility for culverts and headwalls

Culverts and headwalls installed on private property, but located within the municipal right of way, are the responsibility of the Town. Property owner retains exclusive legal and financial responsibility to repair, replace, and maintain its access on its private property in order to keep stormwaters from damaging Towh Highway ROW

Section 11 -- Applicability of other laws and ordinances.

The Permit required under this Policy shall not replace or eliminate any requirement to obtain approval under any other applicable State laws or municipal land use ordinances. Applicants and Owners are solely responsible for ensuring that their access is in compliance with applicable State laws and municipal land use ordinances.

Section 12 -- Enforcement and Penalties.

In the event that a person fails to obtain a Notice/Permit as required by this Policy, fails to abide by the terms and/or conditions of a Notice/Permit, or misrepresents any information contained within or in support of a Notice/Permit application, the Selectboard may resort to any or all of the following enforcement options: M____amenien

a. Optional Notice of Violation

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Prior to instituting any legal action or proceeding to enforce this Policy, the Selectboard or its designee may issue a notice of violation setting forth the nature of the violation, the corrective action necessary to abate the violation, and notice of intention to institute an action or proceeding against the person responsible for the violation. 19 V.S.A. § 1111(i).

b. Assurance of Discontinuance

The Selectboard or its designee may accept an "assurance of discontinuance" of any violation of this Policy, including a schedule for abatement of a violation. 19 V.S.A. § 1111(i). When such assurances are allowed, they must be in writing and must be filed not only with the town, but also with the attorney general, the Superior Court, and the town clerk's land records.

c. Permit Suspension

The Selectboard or its designee may suspend a Permit until compliance with State statute and this Policy is obtained. 19 V.S.A. § 1111(g). The Selectboard or its designee may physically close the driveway or access point, if there is continued use or activity after suspension of a Permit, and in the opinion of the Selectboard, or its designee, the safety of highway users is or may be affected. 19 V.S.A. § 1111(g).

d. Injunction

If the Selectboard believes that any person is in violation of the provisions of Title 19 V.S.A. §§ 1111 et seq., it may bring an action in the name of the town against the person to collect civil penalties as provided in 19 V.S.A. § 1111(j) and to restrain by temporary or permanent injunction the continuation or repetition of the violation. 19 V.S.A. § 1111(h).

e. Civil Penalties

Persons who violate the requirements of this Policy or fail to adhere to Permit conditions, or the terms of an order issued by a court of law may be subject to civil penalties of not less than \$100.00 and not more than \$10,000.00 for each violation. When the violation of an order is of a continuing nature, each day during which the violation continues after the date fixed by the court for correction or termination of the violation constitutes an additional separate and distinct offense except during the time an appeal from the order may be taken or is pending.

Section 13 -- Severability.

If any section of this Policy is held by a court of competent jurisdiction to be invalid such finding shall not invalidate any other part of this Policy.

Section 14 -- Effective Date.

This Policy shall become effective upon adoption by the Selectboard.

Adopted this 18th day of June Selectboard of the Town of Grafton:	7000 CLERK'S OFFICE, GRAFTON, VERMONT Received for record Tank 21 20 18
Alle Faor	at 10 o'clock 60 minutes 6. M. and recorded in Book Misc Page Attest 6 Town Clerk
C. Sernosfordeven Cynthia Libbs) IOMII OICIK

APPENDIX A Town of Grafton, VT Access Permit Application Form

Application	#	
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NOTICE TO APPLICANT: This form is for use in conjunction with the Town's Highway Access Policy. Before submitting an application, applicants are urged to review the Town's Highway Access Policy in full.

If an application is approved, the Access Administrator will issue written permission in the form of a Notice of Permission to Proceed ("Notice"). The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town. The Notice will state the date on which construction / development of the Access may proceed. Once construction/development is completed, the Access Administrator shall conduct a final inspection to determine if the work has been completed according to the requirements listed in the Notice.

If, after inspection, it is determined that the Access has been constructed / developed in compliance with the Notice, a written Permit shall be issued by the Access Administrator within 7 days after

final inspection. An access is not considered legally permitted until the written Permit has been recorded in the Town Land Records at the expense of the Applicant.
*
Name of Applicant:
Address and telephone number of Applicant:
If Applicant is an organization or corporate entity, list the name address, email and telephone number of individual making the application:
Location of the proposed access:
If the applicant is not the owner of the premises where the proposed access will be constructed, list the name and contact information of the owner or other person that has the authority to consent to the use of the premises and attach a signed statement from that person stating that consent is given to the applicant to have the access constructed on those premises:

The date on which construction is proposed to beg	ṛin:	
This is an Application for a Temporary Access	Permit for the specific p	_
for the duration of (length of time expected)		; and
for the duration of (length of time expected) when the specific purpose is completed or on (specoccurs.	cific date)	, whichever first
Attach a visual depiction of the premises indicating entrances and exits, traffic flow patterns, parking a		
Describe the arrangements that have been made to convenience of the traveling public during construtor traffic control, crowd control, and waste and sa	ction including, but not	
Applicant may provide any additional information	that may assist the Selec	etboard.
Fee paid: \$		
	t be filled out until amount is	set by Access Administrator
, , , , , , , , , , , , , , , , , , , ,	0.000	
Signature of the applicant Or an individual authorized to act for the applicant	t	Date
FOR TOWN USE ONLY:		
Application received by	_ [town official] on _	[date]
Application fee of \$, received by	[fc	orm of payment]
Security Deposit of \$, received by_		form of payment]

APPENDIX B

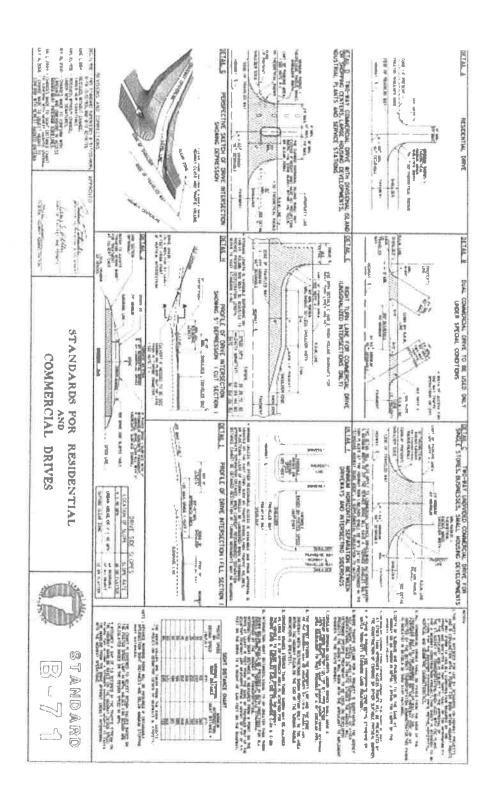
Town of Grafton

Notice of Permission to Proceed with Construction / Development of Access / Right of Way

The Access Admini	strator hereby acknowledges th	e Town has received from the
Applicant/Property C	Owner the fee in the amount of \$_	and the security deposit required
for this project in the	sum of \$	W .
that the Access Admir construction / develo Street Address Town Highway # and Application #	nistrator of the Town of Grafton pment of the proposed access/dr Name:, submitted to the Town on _ gin on or after [date] an	[name of Applicant / Property Owner] hereby grants permission to proceed with the iveway/curb cut at Parcel #, which provides access to / connects withas per the Access Permit[date]. Construction / ad must proceed according to the following
LT.	f necessary, attach or continue on	reverse side of this sheet.]
Permission granted in transferrable.	this Notice will expireday	s from the date of issuance and is not
and recognizing comp determined that comp restrictions described	pletion of the project will be issued bliance with all conditions, specific in this Notice to Proceed are met authority and responsibility to de	A Permit authorizing the use of the access d and become effective only after it is cations, maintenance requirements, and . The Access Administrator for the Town of termine when the conditions, restrictions,
the conditions, specific Approval covers only conditions, restriction any damage caused to	the work described in your Access, and specifications listed above. the Town highway system resulting	to proceed with the project in accord with its, and restrictions described herein. Its Permit Application, as modified by the You will be held financially responsible for ang from the development or construction of ment or construction has been authorized by
This Notice does not agencies.	relieve you from any requirement	s imposed by other local, regional, or State
Issued on: Administrator	[date]By:	, Access

APPENDIX C Town of Grafton Access / Right of Way Permit

It is the determination of the Access Administrator of the Town of	that all of the
conditions, restrictions, and specifications described in Access Permit Ap	
modified by the relevant Notice to Proceed, which was issued by the To	
have been met [For Temporary Access Permit check the following:	,
"Except for the requirements for removal of access and restoration	n of site at expiration of the
permit".]	•
Therefore, Permit # is hereby issued to	
[Applicant / Property Owner], as Permitee for the access/driveway/curl	o cut located at Parcel #
, Street Address	, which provides access to /
, Street Address connects with town highway (name and #)	All of the conditions,
restrictions, maintenance requirements and specifications described in A	ccess Permit Application #
, as modified by the relevant Notice to Proceed, which was is	ssued by the Town on
, 20, remain in force as conditions of this Permit as	
use continues. Any change in the present land use will require a new Per	
This Permit shall not be valid and no security deposit shall be retu	
this Permit is recorded in the Town Land Records at the expense of	of the Applicant.
The issuance of this Permit does not relieve Applicant from any requirer	nents imposed by other
local, regional, or State agencies.	
and the second section of the section of th	
In the event that there is a failure to adhere to the conditions, restriction	
requirements, and specifications described above, this Permit may be sus	
until compliance is obtained. If there is continued use or activity after su	
may physically close the driveway or access point if, in the opinion of the	e Selectboard, the safety of
highway users is or may be affected.	
A MOTTO A CAMANO I OI I I I I I I I I I I I I I I I I	The second second second
As per 19 V.S.A § 1111(f), the Selectboard may, as development occurs of	
Highway, require the elimination of an access previously permitted and r	
common frontage road or other access improvements which may serve	more than one property or
lot.	The second second
D 16.1 1 20	
Permit issued on, 20	
By: Access Administrator	
Received for recording on, 20	
By: Town Clerk	
Dys TOWN CIEIK	100



APPENDIX D Town of Grafton A-76 and B-71 Standards

