

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-of-way, 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.

"Temporary 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, Standards for Residential and Commercial Drives and A-76, Standards for Town and Development Roads.

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) days before 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 it 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 exception 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 Town 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:

a. Optional Notice of Violation

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.

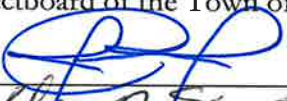
Section 13 -- Severability.

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, 2018.
Selectboard of the Town of Grafton:



Allan F. Farnsworth
Town Moderator

C. Susan Farnsworth
Cynthia Gibbs

TOWN CLERK'S OFFICE, GRAFTON, VERMONT
Received for record June 21 2018
at 10 o'clock 00 minutes A. M.
and recorded in Book misc Page _____
Attest Keim Record
Town Clerk

APPENDIX A
Town of Grafton, VT
Access Permit Application Form

Application # _____

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 principal officers of Applicant and any other individual authorized to represent the applicant group or entity applying for the Permit:

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 begin: _____

__ This is an Application for a Temporary Access Permit for the specific purpose of _____; and
for the duration of (length of time expected) _____ ending
when the specific purpose is completed or on (specific date) _____, whichever first
occurs.

Attach a visual depiction of the premises indicating location, layout, state and local highways,
entrances and exits, traffic flow patterns, parking and land uses of the surrounding area.

Describe the arrangements that have been made to protect the public health, safety, welfare and
convenience of the traveling public during construction including, but not limited to, arrangements
for traffic control, crowd control, and waste and sanitation facilities:

Applicant may provide any additional information that may assist the Selectboard.

Fee paid: \$ _____

Security deposit paid: \$ _____ (This should not be filled out until amount is set by Access Administrator)

Signature of the applicant
Or an individual authorized to act for the applicant

Date

FOR TOWN USE ONLY:

Application received by _____ [town official] on _____ [date]

Application fee of \$ _____, received by _____ [form 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 Administrator hereby acknowledges the Town has received from the Applicant/Property Owner the fee in the amount of \$_____ and the security deposit required for this project in the sum of \$_____.

Notice is hereby given to _____ [name of Applicant / Property Owner] that the Access Administrator of the Town of Grafton hereby grants permission to proceed with the construction / development of the proposed access/driveway/curb cut at Parcel #_____, Street Address _____, which provides access to / connects with Town Highway # and Name: _____ as per the Access Permit Application # _____, submitted to the Town on _____ [date]. Construction / development may begin on or after _____ [date] and must proceed according to the following conditions and restrictions:

[If necessary, attach or continue on reverse side of this sheet.]

Permission granted in this Notice will expire _____ days from the date of issuance and is not transferrable.

This Notice does not constitute an Access Permit. A Permit authorizing the use of the access and recognizing completion of the project will be issued and become effective only after it is determined that compliance with all conditions, specifications, maintenance requirements, and restrictions described in this Notice to Proceed are met. The Access Administrator for the Town of Grafton will have the authority and responsibility to determine when the conditions, restrictions, and specifications above are met.

Upon receipt of this Notice, you are hereby authorized to proceed with the project in accord with the conditions, specifications, maintenance requirements, and restrictions described herein. Approval covers only the work described in your Access Permit Application, as modified by the conditions, restrictions, and specifications listed above. You will be held financially responsible for any damage caused to the Town highway system resulting from the development or construction of a driveway/access, regardless of whether such development or construction has been authorized by the Town.

This Notice does not relieve you from any requirements imposed by other local, regional, or State agencies.

Issued on: _____ [date] By: _____, Access Administrator

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 Application # _____, as modified by the relevant Notice to Proceed, which was issued by the Town on _____ [date], have been met [For Temporary Access Permit check the following:
____ “Except for the requirements for removal of access and restoration of site at expiration of the permit”.]

Therefore, Permit # _____ is hereby issued to _____
[Applicant / Property Owner], as Permittee for the access/driveway/curb cut located at Parcel # _____, Street Address _____, which provides access to / connects with town highway (name and #) _____. All of the conditions, restrictions, maintenance requirements and specifications described in Access Permit Application # _____, as modified by the relevant Notice to Proceed, which was issued by the Town on _____, 20____, remain in force as conditions of this Permit as long as the present land use continues. Any change in the present land use will require a new Permit.

This Permit shall not be valid and no security deposit shall be returned to Applicant until this Permit is recorded in the Town Land Records at the expense of the Applicant.

The issuance of this Permit does not relieve Applicant from any requirements imposed by other local, regional, or State agencies.

In the event that there is a failure to adhere to the conditions, restrictions, maintenance requirements, and specifications described above, this Permit may be suspended by the Selectboard until compliance is obtained. If there is continued use or activity after suspension, the Selectboard may physically close the driveway or access point if, in the opinion of the Selectboard, the safety of highway users is or may be affected.

As per 19 V.S.A § 1111(f), the Selectboard may, as development occurs on land abutting a Town Highway, require the elimination of an access previously permitted and require the construction of a common frontage road or other access improvements which may serve more than one property or lot.

Permit issued on _____, 20____
By: _____ Access Administrator

Received for recording on _____, 20____.
By: _____ Town Clerk

<p>DETAIL A RESIDENTIAL DRIVE</p>	<p>DETAIL B DUAL COMMERCIAL DRIVE TO BE USED ONLY UNDER SPECIAL CONDITIONS</p>	<p>DETAIL C TWO-WAY IMPROVED COMMERCIAL DRIVE FOR SINGLE STREET DEVELOPMENT</p>	<p>NOTES</p> <ol style="list-style-type: none"> 1. THE DISTANCE FROM THE POINT OF INTERSECTION TO THE POINT OF BEGINNING OF THE DRIVE SHALL BE AS SHOWN ON THE PLAN. 2. THE DISTANCE FROM THE POINT OF INTERSECTION TO THE POINT OF BEGINNING OF THE DRIVE SHALL BE AS SHOWN ON THE PLAN. 3. THE DISTANCE FROM THE POINT OF INTERSECTION TO THE POINT OF BEGINNING OF THE DRIVE SHALL BE AS SHOWN ON THE PLAN. 4. THE DISTANCE FROM THE POINT OF INTERSECTION TO THE POINT OF BEGINNING OF THE DRIVE SHALL BE AS SHOWN ON THE PLAN. 5. THE DISTANCE FROM THE POINT OF INTERSECTION TO THE POINT OF BEGINNING OF THE DRIVE SHALL BE AS SHOWN ON THE PLAN. 																
<p>DETAIL D TWO-WAY COMMERCIAL DRIVE WITH PARALLEL DRIVE OR DRIVING CENTER, LANE HOUSING DEVELOPMENT, DIVERSION BY DRIVE AND DRIVE STATIONS</p>	<p>DETAIL E RIGHT TURN LANE FOR COMMERCIAL DRIVE UNDER SPECIAL INTERSECTION ONLY</p>	<p>DETAIL F PROFILE OF DRIVE INTERSECTION - FULL SECTION</p>	<p>SHORT DISTANCE DRIVE</p> <table border="1"> <thead> <tr> <th>DRIVE TYPE</th> <th>MINIMUM DISTANCE</th> <th>MINIMUM WIDTH</th> <th>MINIMUM RIGHT OF WAY</th> </tr> </thead> <tbody> <tr> <td>RESIDENTIAL</td> <td>100 FT</td> <td>20 FT</td> <td>40 FT</td> </tr> <tr> <td>COMMERCIAL</td> <td>150 FT</td> <td>30 FT</td> <td>60 FT</td> </tr> <tr> <td>DUAL COMMERCIAL</td> <td>200 FT</td> <td>40 FT</td> <td>80 FT</td> </tr> </tbody> </table>	DRIVE TYPE	MINIMUM DISTANCE	MINIMUM WIDTH	MINIMUM RIGHT OF WAY	RESIDENTIAL	100 FT	20 FT	40 FT	COMMERCIAL	150 FT	30 FT	60 FT	DUAL COMMERCIAL	200 FT	40 FT	80 FT
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APPENDIX D Town of Grafton A-76 and B-71 Standards

INTERSECTION OF INTERSECTION ROAD AND SIDE ROAD

PROFILE OF INTERSECTION ROAD SECTION

PROFILE OF INTERSECTION SIDE ROAD SECTION

ROADWAY TYPICALS

TYPICAL CROSS-SECTION WITH 10' SHOULDERS

TYPICAL CROSS-SECTION WITH 12' SHOULDERS

GENERAL NOTES FOR LOCAL ROADS

1. ALL ROADWAY CONSTRUCTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE TOWN OF GRAFTON ZONING BY-LAW AND THE TOWN OF GRAFTON SUBDIVISION ACT.
2. THE TOWN ENGINEER SHALL BE CONSULTED PRIOR TO THE COMMENCEMENT OF ANY ROADWAY CONSTRUCTION PROJECT.
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STANDARD A-76