TOWN OF POMFRET
HIGHWAY ORDINANCE
Originally Adopted December 3, 1980
Adopted as Amended December 5, 2001
Adopted as Amended December 2, 2009

PART 1. TITLE, AUTHORITY AND ADOPTION

1.1 This ordinance is entitled the Pomfret Highway Ordinance and is based on the authority of Title 24 VSA Sections 1971-1976.

1.2 This ordinance shall be adopted by resolution of the Selectboard in accordance with the procedure outlined in 24 VSA Section 1972.

PART 2. PURPOSE

2.1 The purpose of this ordinance is to establish municipal policy on maintenance and upgrading of existing town roads and to describe construction standards and procedures for accepting new roads into the town highway system.

PART 3. CLASSIFICATION OF TOWN HIGHWAYS

3.1 In accordance with 19 V.S.A. Chapter 3, all town highways shall be categorized into one or another of the following classes:

(1) Class 1 town highways are those town highways which form the extension of a state highway route and which carry a state highway route number. The Agency of Transportation (agency) shall determine which highways are to be Class 1 highways.

(2) Class 2 town highways are those town highways selected as the most important highways. As far as practicable they shall be selected with the purposes of securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amount of traffic. The Selectboard, with the approval of the agency, shall determine which highways are to be Class 2 highways.

(3) Class 3 town highways:

> (A) Class 3 town highways are all traveled town highways other than Class 1 or 2 highways. The Selectboard, after conference with a representative of the agency shall determine which highways are Class 3 town highways.
>
> (B) The minimum standards for Class 3 highways are a highway negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance, except that based on safety considerations for the traveling public and municipal

employees, the Selectboard shall, by rule adopted under 24 V.S.A. chapter 59, and after following the process for providing notice and hearing in section 709 of this title, have authority to determine whether a Class 3 highway, or section of highway, should be plowed and made negotiable during the winter.

(C) A highway not meeting these standards may be reclassified as a provisional Class 3 highway if within five years of the determination, it will meet all Class 3 highway standards.

(4) Class 4 town highways are all town highways that are not Class 1, 2, or 3 town highways. The Selectboard shall determine which highways are Class 4 town highways.

(5) Legal trails are public rights-of-way which are not highways and which:

(A) the town shall not be responsible for any liability or maintenance including culverts and bridges;

(B) previously were a designated town highways having the same width as the designated town highways, or a lesser width if so designated; or

(C) are new public rights-of-way laid out as a trail by the Selectboard for the purpose of providing access to abutting properties or for recreational use.

6) Pent roads are any town highways which, by written allowance of the Selectboard, are enclosed and occupied by the adjoining landowner with unlocked stiles, gates or bars in such places as the Selectboard designate.

PART 4. GENERAL HIGHWAY MAP

4.1 The Vermont General Highway Map of Pomfret is hereby adopted by reference to be the official inventory of public highway Classification and mileage. The General Highway Map shall be updated annually by the Selectboard with the assistance of the Vermont Agency of Transportation personnel. Copies of the map are on file at the Town Clerk's Office.

PART 5. STANDARDS FOR CLASS 3 HIGHWAY CONSTRUCTION, RECLASSIFYING OF CLASS 4 HIGHWAYS TO CLASS 3, DRIVEWAYS AND ACCESS ROADS

5.1 In the event a particular standard within this part is in variance with one contained within the Subdivision regulations, the most stringent standard shall apply.

5.2 Under certain conditions any of the following standards may be waived or varied if specifically approved by the Selectboard and Road Commissioner after consideration of public and private interests, topography, adequacy of highway design, ease of snow removal, drainage, and maintenance of safe conditions in all seasons for the traveling public.

5.3 STANDARDS:

a. Design. Highway design shall be based on projected maximum average daily travel including future extensions and through travel and usage.

b. Inspection. All highway designs, including cut and fill plans, gravel pit plans, surveys, layouts, right-of-way, road construction site, preparation and construction shall be inspected by the Town Road Commissioner and Selectboard. Professional engineering, surveying, and legal competence may be employed by the Town to provide inspection and counseling services to Selectboard as considered necessary in authorizing inspecting and accepting the construction or altering of highways. The selectboard may require that the cost of such professional services be paid for by the person constructing or altering the highway.

c. Right-of-Way. Highways shall be aligned and constructed as to afford safe travel, visibility and access in all weather conditions. The right-of-way shall be 50 feet in width, with additional slope rights where necessary. The highway surface for travel shall be built in the center of the right-of-way to the extent possible. The right-of-way shall be cleared to the extent needed to permit and facilitate snow removal and proper maintenance of drainage ditches, culverts, slopes and banks, accesses, turnouts and turnarounds, and other features of the highway. Dead and diseased trees and stumps shall be removed. Cutting of trees and other vegetation from the right-of-way shall be accomplished in consideration of erosion potential and the development of reasonable and good aesthetic qualities of the highway. Road design and drawings shall reflect the general clearing plan.

d. Highway Width. Class 2 Highways shall be paved with a traveled way of 22 feet. Shoulders shall extend at least 2 feet on each side of the traveled way. An additional 10 feet beyond the shoulders may be cleared to facilitate snow removal.
Class 3 Highways shall have a traveled way of 14 feet. Shoulders shall extend up to 2 feet on each side of the traveled way. An additional 10 feet beyond the shoulders may be cleared to facilitate snow removal.
Class 4 Highways are not maintained for general traffic and as such do not have minimum standards for width, shoulders, and grade and are not plowed in the winter by the Town.

e. Grades. Grades on Class 2 and Class 3 highways shall not exceed 14 percent. Grades exceeding 12% on new Class 3 highways shall be paved or double tracked.

f. Highway Sub-grade and Surface Preparation. The highway shall have a minimum of 18 inches of packed gravel. Where extreme subsoil conditions exist, the builder maybe required to use additional amounts of gravel and/or roadway stabilization fabric. No stones larger than 4 inches shall be placed in the 18-inch depth of gravel and no stone larger than 1-1/2 inches shall be placed in the top 6 inches. Gravel surface shall be fine graded and compacted to the required grade with grader, roller, and hand labor.

Finished grades (transverse and longitudinal) shall be smoothed to eliminate sharp dips in traveled surface and to permit efficient snow removal and proper drainage.

g. Drainage Ditches. Drainage ditches shall be provided where necessary and shall be constructed to prevent infiltration of water into the gravel sub-base and to conduct storm drainage to absorption areas. Accordingly, drainage ditches adjacent to roads are normally to be at least 6 inches below the gravel sub-base or 30 inches below finished grade. Ditches shall be shaped to prevent excessive erosion on both shoulder and right-of-way or bank sides of the ditch cross section. All newly constructed ditches shall be limed, fertilized, seeded and covered with erosion matting. If the slope exceeds 5%, the ditch shall be lined with soil fabric and filled with 3-inch stone to a depth of 6 inches before it is limed, fertilized and seeded. Proper drainage shall be maintained on curves and bridge approaches.

h. Culverts. Culverts shall be installed during construction of the highway subbase and surface preparation. Backfill in excavations for culverts shall be compacted to prevent or minimize settling in surface, shoulders or slopes. Culverts shall be at least 18 inches in diameter under roadways. All access road and driveway culverts shall be at least 15 inches in diameter. Culvert sections shall be properly joined and shall extend at least 2 feet beyond the outer edge of the highway shoulder. Culverts shall be of corrugated coated steel, aluminum or ADS plastic. Inlet and outlet ditches, boxes, and other protection necessary shall be provided to minimize erosion damage at culvert inlet or outlet areas, and to banks; slopes or ditches. Culvert elevations shall be kept as low as possible. Culverts over three feet in diameter shall conform to State of Vermont Highway Department standards, specifications, designs and guidance.

i. Turnarounds. Turnarounds on dead-end highways shall have a radius of 50 feet to accommodate all equipment and vehicles using the road. Drainage shall be provided to prevent impounding of water.

j. Turnoffs. Turnoffs with adequate elevation, 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.

k. Driveways and Access Roads. *The first 20 feet of a driveway or access road of any kind entering upon a Town highway shall be constructed by the applicant and approved by the Selectboard and Road Commissioner before any building construction may be started.* Driveways and access roads entering upon a public highway shall be constructed at a 90 degree angle to such highway. Minimum site distance shall be 150 feet in both directions when viewed from a point 15 feet back from edge of the travelled way. For the first 20 feet back from edge of Town highway, the driveway or access road shall be 16 feet wide and graded and sloped such that water from the driveway or access road does not enter the Town highway. It is recommended that the driveway or access road have a grade dropping six inches in 10 feet before extending either up or down slope. Culverts shall be installed if necessary and shall conform to standards for culverts stated in section (h.) above. Vegetation and trees shall be removed as necessary to provide for visibility and safety.

l. Agricultural/forestry Access Roads. Agricultural/forestry access roads entering upon a Town highway shall be constructed at a 90 degree angle to such highway. Minimum site distance shall be 150 feet in both directions when viewed from a point 15 feet back from edge of the travelled way. The access road shall be graded and sloped such that water from the access road does not enter the Town highway. Culverts shall be installed if necessary and shall conform to standards for culverts stated in section (h.) above. Vegetation and trees shall be removed as necessary to provide for visibility and safety.

m. Slopes and Banks. Vertical and sharp cut faces, excepting ledge, shall not be permitted. Slopes and banks shall be no greater than 1 on 1-1/2. Soil stability of banks shall be a design consideration, and slopes or banks shall be designed and constructed to prevent instability, slides, washes, or other disturbance to the slope or bank surface or sub-surface. Banks shall not interfere with snow removal. After construction and final grading of banks, banks will be seeded to minimize surface erosion. Cribbing or rip rap shall be provided where necessary.

n. Guard Rails and Posts for Town Highways. Guard rails and posts will be provided to meet essential traffic control and safety need and shall not interfere with snow removal. Any highway with a slope or bank falling away on a slope of 4: 1 or steeper from the road surface, and which is 10 feet or higher in elevation, shall be protected with a guard rail and posts. Guard posts and rails shall also be provided to warn and protect traffic from ledge and other obstruction where necessary in consideration of traffic volume, road width, and safety.

PART 6. HIGHWAY ACCEPTANCE CONDITIONS AND PROCEDURES

6.1 Before the Pomfret Selectboard accepts any new highway into the town highway system, the reclassification of any existing highway or the improvement of any Class 4 highway , it shall be designed, laid out and constructed by the owner(s) or developer in conformance with the standards prescribed in Part 5 of this ordinance. If an application is made to the Selectboard to upgrade a Class 4 town highway to Class 3, or to improve Class 4 highway, the Selectboard may require as a condition of approval that applicant(s) comply at their sole expense with any or all of the standards prescribed in Part 5.

6.2 T AX BASE. Before the Pomfret Selectboard accepts any new highway into the town highway system, the reclassification of any existing highway or the improvement of any Class 4 highway the following facts should be considered:
a. The number of dwellings or structures being served by the highway;
b. The number of people and vehicles intending to use the highway;
c. The need for year-round emergency vehicle access to the property
d. Public benefit such as providing access to public land or a connection between two existing town highways
e. The environmental impact of the loss of tree stands or agricultural land

6.3 APPLICATION PROCESS: Before the Selectboard accepts any new highway into the town highway system, the reclassification of an existing highway or the improvement any Town highway by a resident, an application including technical data, designs and drawings shall be submitted to the Selectboard. The Selectboard shall consider the application in accordance with19 VSA Chapter 7, which requires a public examination, a public hearing and a formal report of the Selectboard findings filed with the Town Clerk. The Selectboard shall hold a legally warned final inspection of the highway in question before accepting any new highway into the Town highway system or improvement of a Town highway by a resident.

6.4 COMPLETION DATE. Highways are to be completed by November 15 so that inspections and acceptance can be completed before winter. Any highway completed after November 15 will not be accepted until after June 1 the following spring.

6.5 TRIAL PERIOD. For the first 12 months after a new highway has been added to the town's highway system, the owner or developer shall provide summer maintenance on the road and correct deficiencies which develop during this 12 month trial period.

6.6 DEED TO TOWN. For new highways accepted into the Town Highway System, after the trial period is completed, the owners shall deed to the town a 50 foot right-of-way, 25 feet each side of the centerline, including slope rights if necessary. Such deed to be a Vermont warranty deed free and clear of all encumbrances and properly supported by a survey showing roadway and right-of-way center lines, driveways, utility lines (surface or sub-surface), and major road features, alignment and curves.

PART 7. POLICIES AND PERMITS RELATING TO THIS ORDINANCE

7.1 HIGHWAY MAINTENANCE. Highways shown on the general highway map will be maintained as required by state statue and commensurate with public safety and convenience as judged by the Selectboard and Road Commissioner. Routine improvements will be made as required.

7.2 WINTER PLOWING: Class 2 town highways will be given highest priority when winter plowing. All Class 3 highways will be plowed to the extent necessary to allow access. No Class 4 highways will be plowed by the Town of Pomfret.

7.3 CLASS 4 TOWN HIGHWAYS. Class 4 highways are not maintained for general traffic and are not plowed in the winter by the Town. The Road Commissioner will evaluate each Class 4 highway annually and as time permits perform minimal summer maintenance. Replacement of culverts and bridges will be accomplished as necessary to prevent the deterioration of the roads. Homeowners on Class 4 highways or their agents may plow these roads at their own expense with written permission of and under the supervision of the Selectboard and Road Commissioner. Homeowners on Class 4 highways who wish to improve the condition of the highway at their own expense may do so with written permission of the Selectboard in accordance with19 V.S.A. Chapter 7,

which requires a public examination, a public hearing and a formal report of the Selectboard findings filed with the Town Clerk. An application fee may be charged by the Selectboard. In evaluating whether to grant permission to plowing of or improvements to any Class 4 town highway, the Selectboard shall consider the following:
a. Assurances that the Town will have no responsibility for maintenance or any legal liability for damages to persons or property occurring within the right-of-way limits.
b. The potential loss of the Class 4 highway for winter recreation uses if the landowner chooses to plow the highway at his own expense.
c. Maintenance of a permanent access way to all parcels of land served by the Class 4 highway.
d. The concerns of the abutting landowners with respect to the desirability of making improvements to or plowing the highway.
e. The environmental impact of the loss of tree stands or agricultural land.

7.5 DRIVEWAY AND ACCESS ROAD PERMITS. In accordance with 19 V.S.A. Section 1111, the Selectboard shall require a driveway/access road access permit whenever a property owner proposes to construct or improve a private driveway or access road which will intersect a Town highway. Standards to guide the design and construction are contained within Part 5.3(k).The Selectboard and Road Commissioner shall make a site visit to view the proposed driveway or access road prior to approving the permit. *The first 20 feet of a driveway or access road of any kind entering upon a Town highway shall be constructed by the applicant and approved by the Selectboard and Road Commissioner before any building construction may be started.* Each residence will be limited to one driveway access. The fee for a driveway or access road permit will be set by the selectboard.

7.6 AGRICULTURAL/FORESTRY ACCESS PERMITS. In accordance with 19 V.S.A. Section 1111, the Selectboard shall require an agricultural/forestry access permit approved by the Selectboard and Road Commissioner whenever a property owner proposes to construct or improve an agricultural/forestry access road which will intersect a Town highway. The Selectboard and Road Commissioner shall make a site visit to view the proposed agricultural/forestry access prior to approving the permit .Standards to guide the design and construction are contained within Part 5.3(l). An agricultural/forestry access road is defined as a road that accesses land which is:
a. used for growing hay, food, fiber, Christmas trees, maple sap, horticultural crops, orchard crops or forest crops; or
b. used to raise, feed or manage livestock, poultry, fish or bees; or
c. used to operate a greenhouse; or
d. at least two (2) acres in size and is mowed at least every 2 years.
There will be no fee for an agricultural/forestry access permit. Existing agricultural/forestry access roads are grandfathered on the date of the adoption of this ordinance.

7.7 LOAD LIMITS: Unless otherwise posted by the Selectboard in accordance with 23VSA, Section 1400b (the statute authorizing Spring posting), the legal load limit on all

Class 2 and Class 3 town highways in Pomfret is TWELVE (12) tons. Vehicles, including load, traveling on Class 4 roads shall not exceed EIGHT (8) tons.

a. Overload Permits. Requests for temporary permits to exceed the legal load limit can be made to the Selectboard. In considering whether to grant such permit the Selectboard shall take into account possible damage to the roadway and the financial responsibility of the permittee. If a permit is issued and damage to roadways, bridges or culverts occurs, the permittee will be held responsible to repair the highway. Failure to repair such damage will result in the town completing the work and billing the permittee.

PART 8. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

PART 9. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Pomfret Selectboard and shall supersede and replace all previous ordinances to establish municipal policy on maintenance and upgrading of existing town roads and to describe construction standards and procedures for accepting new roads into the town highway system.

Neil Lamson, Chair Selectboard

12-4-09

DATE

Robert Harrington, Selectboard member

Douglas Tuthill, Selectboard member

Adoption History

1. Agenda item at regular Selectboard meeting held on June 17, 2009.
2. Read and approved at regular Selectboard meeting on December 2, 2009 and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]