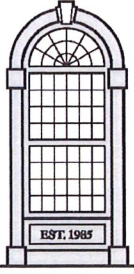


**Town of Pomfret
 Selectboard Meeting Agenda
 Town Offices
 5218 Pomfret Road, No. Pomfret 05053
 November 16, 2022, 7:00 pm**

Zoom instructions below

Business Items	7:00 pm
1. Call to Order	Chair
2. Public Comment	
3. Agenda Review	
4. Road Foreman's Report & Highway Items a. Mason Driveway Access Permit b. Highway Ordinance Amendment c. Dinsmore Road Driveway Modification	
5. Items for Discussion or Vote a. 2024 Municipal Budget Preparation b. Warrants c. Approval of 11/02 & 11/09 Minutes	8:00
6. Meeting Wrap Up a. Correspondence b. Review of Assignments c. Agenda for Next Meeting d. Executive Session for Legal Matters	
7. Adjournment	
<i>Time frames are approximate. Members of the public wishing to attend for specific business items are encouraged to arrive before the time indicated</i>	

- Join Zoom Meeting via Computer or Smartphone
 Click <https://zoom.us/j/95395079923?pwd=ZjBEd3ZuZWgvWmx2MotpOE8zbjg2dz09> to start or join a scheduled Zoom meeting
- Join Zoom Meeting via Mobile Phone +19292056099,,95395079923#,,#,306922#
- Join Zoom Meeting via Landline or Mobile Phone Dial +1 301 715 8592, followed by the Meeting ID: 953 9507 9923 and Password: 306922



Housewright Construction, Inc
5365 Main Street S
Newbury, VT 05051
P: 802-866-5520 F: 802-866-5461

www.housewright.net

October 18, 2022

Town of Pomfret
5218 Pomfret Rd.
North Pomfret, VT 05053

To Whom It May Concern.

I am working on behalf of Sarah and Jay Marson. Please forward all permit information to my attention, jeff.page@housewright.net or by mail, to the following address:

Housewright Construction, Inc.
5365 Main Street S.
Newbury, VT 05051

Thank You,

Jeffery Page
Owner/President
Housewright Construction, Inc.

TOWN OF POMFRET
APPLICATION FOR A DRIVEWAY OR APPROACH ROAD ACCESS PERMIT

Landowner Sarah and Jay Marson Phone 914-954-3469
Address 20 Avon Rd Lascowmont State NY Zip 10538

The undersigned requests an Access Permit to construct an access to serve the landowner's property; located on the left side of Galaxy Hill Rd (E911 highway name) Town Highway No. #6

The proposed access will be located approximately 2010 FT (ft./ mi.) from the intersection of this road with Pomfret Rd (E911 highway name).

(DETAILED SKETCH MUST ACCOMPANY THIS APPLICATION.)

Driveways and approach roads entering a town highway shall meet the following standards:

1. Be constructed at a 90-degree angle to the town highway
2. Have a minimum site distance shall be 150 feet both ways when viewed 15 feet back from the edge of the travelled way.
3. Have a minimum width of 16 feet for the first 20 feet back from edge of town highway shoulder.
4. Be graded and ditched so that water does not run onto the town highway.

Both sides of proposed driveway shall have stakes with ribbons to indicate desired location at point of access to the town highway. The applicant agrees to maintain said access and adhere to the directions, restrictions and conditions forming a part of this permit.

Dated at 8 am this 18 day of October, 2022.

[Signature]
Signature, Applicant or Applicant's Agent

Jeffery Page Housewright Construction
Applicant or Applicant's Agent's Name
{printed or typed}

Application fee of \$100. Received Date 10/24/2022 by [Signature]

Directions, restrictions and conditions:

18-inch culvert required yes no

Other restrictions or conditions

This permit is issued in accordance with Title 19, V.S.A. relative to all highways within the jurisdiction of the Town of Pomfret. This permit may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake construction of the access within one year of the date of approval.

Permit to construct access is given this day of , 20 .

 Road Commissioner Chair, Selectboard

Final Approval: The first 20 feet of a driveway or access road entering a Town highway shall be constructed by the applicant and approved by the Selectboard and Road Commissioner before any building construction may be started.

This access has been installed in accordance with the above directions, restrictions and conditions and is acceptable under State and local regulations. This day of , 20 .

 Road Commissioner Chair, Selectboard



X Location of Proposed Driveway

~~HTOWN OF POMFRET~~ HIGHWAY ORDINANCE¹

Town of Pomfret, Vermont

Originally Adopted December 3, 1980

Adopted as Amended December 5, 2001

Adopted as Amended December 2, 2009

Adopted as Amended [REDACTED], 2022

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~~ 24 V.S.A. Sections 1971-1976.
- 1.2. This ordinance shall be adopted by resolution of the Selectboard in accordance with the procedure outlined in 24 ~~VSA~~ V.S.A. 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)~~ (a) 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)~~ (b) 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~~ Agency of Transportation, shall determine which highways are to be Class 2 highways.

¹ Note to Reader: This draft remains subject to review and comment by the Selectboard and legal counsel to the Town.

~~(3)~~(c) Class 3 town highways:

~~(A)~~(1) 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~~ Agency of Transportation, shall determine which highways are Class 3 town highways.

~~(B)~~(2) 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~~ Chapter 59, and after following the process for providing notice and hearing in ~~section 709 of this title~~ 19 V.S.A. Section 709, have authority to determine whether a Class 3 highway, or section of highway, should be plowed and made negotiable during the winter.

~~(C)~~(3) 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)~~(d) 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)~~(e) Legal trails are public rights-of-way which are not highways and which:

~~(A)~~(1) the ~~town~~ Town shall not be responsible for any liability or maintenance including culverts and bridges;

~~(B)~~(2) previously were a designated town highways having the same width as the designated town highways, or a lesser width if so designated; or;

~~(C)~~(3) 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)~~(f) 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~~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~~any other Town of Pomfret ordinance or regulation, 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:⁺
 - ~~(1)~~(a) **Design.** Highway design shall be based on projected maximum average daily travel including future extensions and through travel and usage.
 - ~~(2)~~(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~~Selectboard may require that the cost of such professional services be paid for by the person constructing or altering the highway.
 - ~~(3)~~(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,

⁺ ~~Note to Selectboard: Section number hierarchy is not consistent in the original (e.g., subsections in this Section 5.3 are designated "a, b, c" etc. As a result, some section cross references in this version are incorrect.~~

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.

~~(4)~~(d) **Highway Width.** Class 2 ~~Highways~~ town 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~~ town 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~~ town 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.

~~(5)~~(e) **Grades.** Grades on Class 2 and Class 3 highways shall not exceed 14 percent (14%). Grades exceeding twelve percent (12%-) on new Class 3 highways shall be paved or double tracked.

~~(6)~~(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.

~~(7)~~(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.

~~(8)~~(h) **Culverts.**² Culverts shall be installed during construction of the highway subbase and surface preparation. Backfill in excavations for culverts shall be compacted in six to 8 inch lifts 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.~~ access roads and driveways. 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~~, CPP (corrugated polypropylene) or HDPE (high-density polyethylene), as directed by the Town. 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 Agency~~ of Transportation standards, specifications, designs and guidance.

~~(9)~~(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.

~~(10)~~(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.

~~(11)~~(k) **Driveways and Access Roads.**³ The first 20 feet of a driveway or access road of any kind (including for agricultural or forestry purposes) entering upon a Town highway shall be developed and constructed by the applicant and approved by the Selectboard ~~and Road Commissioner before any building construction or its designee before any use thereof may be started.~~ Regrading or resurfacing of the first 20 feet of a driveway or access road of any kind (including for agricultural or forestry purposes) entering upon a Town highway shall be subject to prior written approval by the Selectboard or its designee before such work 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~~ Sight distances shall be ~~150 feet at least those shown in Table 5.3(k) below~~ in both directions when viewed from a point 15 feet back from edge of the travelled way and at a height of eye of 3.5 feet on the drive to a height of eye of 3.5 feet on the

² Note to Draft: Changes in this paragraph will require conforming changes in the "Application for a Driveway or Approach Road Access Permit" and "Application for an Agricultural/Forestry Access Road Permit".

³ Note to Draft: Changes in this paragraph will require conforming changes in the "Application for a Driveway or Approach Road Access Permit".

roadway. For purposes of the preceding sentence, the “posted speed” for unposted Class 3 highways shall be deemed to be 30 mph⁴. 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.)~~ Section 5.3(h) above. Vegetation and trees shall be removed as necessary to provide for visibility and safety.

~~Agricultural/forestry Access Roads. Agricultural/forestry access roads~~ Table 5.3(k) Sight Distance Table⁵

<u>Posted Speed (mph)</u>	<u>Minimum Sight Distance (feet)</u>
<u>25</u>	<u>155</u>
<u>30</u>	<u>200</u>
<u>35</u>	<u>250</u>
<u>40</u>	<u>305</u>
<u>45</u>	<u>360</u>

~~(12)(l) 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.~~ **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~~ 1.5 (horizontal) to 1.0 (vertical). 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

⁴ Note to Selectboard: Please confirm. This translates to a minimum sight distance in both directions of 200 feet.

⁵ Note to Selectboard: This table is adapted from Vtrans Standard B-71b, but using the shorter “minimum stopping sight distances” instead of the longer “minimum intersection sight distance” values. Note that Section 5.2 above allows the board to waive or vary this requirement for any of a variety of reasons.

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.

~~(13)~~(m) 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. TAX 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:

~~(1)~~(a) The number of dwellings or structures being served by the highway;

~~(2)~~(b) The number of people and vehicles intending to use the highway;

~~(3)~~(c) The need for year-round emergency vehicle access to the property;

~~(4)~~(d) Public benefit such as providing access to public land or a connection between two existing town highways; and

~~(5)~~(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 ~~with 19 V.S.A.~~ with 19 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. The Selectboard shall hold a legally warned final inspection of the highway in question before accepting any new highway into the ~~Town~~ 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~~[town highway system](#), after the trial period is completed, the owners shall deed to the ~~town~~[Town](#) a 50 foot right-of-way, 25 feet each side of the centerline, including slope rights if necessary. Such deed is 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~~[General Highway Map](#) will be maintained as required by state statute 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](#)⁶ 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 ~~with 19~~[with 19](#) 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

⁶ [Note to Selectboard: The term "homeowner" is used earlier in this section, implying that only homeowners \(and not just any landowner\) can request permission to plow Class 4 highways. This should be made consistent one way or the other.](#)

improvements to any Class 4 town highway, the Selectboard shall consider the following:

~~(1)~~(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.

~~(2)~~(b) The potential loss of the Class 4 highway for winter recreation uses if the landowner chooses to plow the highway at his-/her own expense.

~~(3)~~(c) Maintenance of a permanent access way to all parcels of land served by the Class 4 highway.

~~(4)~~(d) The concerns of the abutting landowners with respect to the desirability of making improvements to or plowing the highway.

~~(5)~~(e) The environmental impact of the loss of tree stands or agricultural land.

~~7.5.7.4.~~ DRIVEWAY AND ACCESS ROAD PERMITS.² In accordance with 19 V.S.A. Section 1111, the Selectboard shall require a driveway/access road access permit approved by the Selectboard or its designee whenever a property owner proposes to develop, construct~~or improve, regrade, or resurface~~ a private driveway or access road which will intersect a Town highway. Standards to guide the design and construction are contained within ~~Part~~ Section 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.~~ Upon completion of work, the property owner or owner's agent shall notify the Town within a reasonable time, not to exceed ten days after completion of work, to arrange a site inspection. The work shall be approved by the Selectboard or its designee before any use thereof may be started. Any work that is deemed not in compliance with the permit shall be corrected and reinspected for approval. Each residence will be limited to one driveway access. The fee for a driveway or access road permit will be set by the ~~selectboard~~ Selectboard.

~~7.6.7.5.~~ 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~~ or its designee whenever a property owner proposes to develop, construct~~or improve, regrade, or resurface~~ an agricultural/forestry access road which will intersect a Town highway. Standards to guide the design and construction are contained within Section 5.3(k). 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~~

² ~~Note to Selectboard:~~ There is no Section 7.4 in the original.

~~contained within Part 5.3(1)~~ Upon completion of work, the property owner or owner's agent shall notify the Town within a reasonable time, not to exceed ten days after completion of work, to arrange a site inspection. The work shall be approved by the Selectboard or its designee before any use thereof may be started. Any work that is deemed not in compliance with the permit shall be corrected and reinspected for approval. The fee for a driveway or access road permit will be set by the Selectboard. An agricultural/forestry access road is defined as a road that accesses land which is:

- (1) used for growing hay, food, fiber, Christmas trees, maple sap, horticultural crops, orchard crops or forest crops; or
- (2) used to raise, feed or manage livestock, poultry, fish or bees; or
- (3) used to operate a greenhouse; or
- (4) at least two (2) acres in size and is mowed at least every 2 years [for agricultural/forestry purposes]⁷.

There will be no fee for an agricultural/forestry access permit. ~~Existing agricultural/forestry~~ Agricultural/forestry access roads ~~are in existence on December 2, 2009 shall be grandfathered on the date of the adoption of this ordinance in the condition thereof as of such date.~~⁸

~~7.7.7.6.~~ LOAD LIMITS: Unless otherwise posted by the Selectboard in accordance with 23VSA23 V.S.A., Section 1400b (the statute authorizing ~~Spring posting~~ special weight limits), the legal load limit on all Class 2 and Class 3 town highways in Pomfret is ~~TWELVE~~ Twelve (12) tons. Vehicles, including load, traveling on Class 4 roads shall not exceed ~~EIGHT~~ Eight (8) tons.

- (1) 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~~ 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.

⁷ Note to Selectboard: This is added to avoid the (presumably) unintended consequence of qualifying large residential lawns for agricultural access.

⁸ Note to Selectboard: The prior Highway Ordinance (adopted December 2, 2009) contained a grandfather clause. This change is to prevent expansion of the existing grandfathering.

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.~~ the Highway Ordinance adopted December 2, 2009.

* * * * *

Pursuant to 24 V.S.A. Section 1972 this ordinance is adopted by the Selectboard at its meeting on the ___ day of _____ 2022 and shall become effective on the ___ day of _____ 2022.

~~Neil Lamson, Chair Selectboard~~
Emily Grube, Chair

DATE

John Peters Jr., Vice-Chair

Benjamin Brickner

Steve Chamberlin

~~Robert~~
Jonathan Harrington

Douglas Tuthill

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.]~~

Summary Report	
Title	pdfDocs compareDocs Comparison Results
Date & Time	11/14/2022 11:25:26 AM
Comparison Time	3.28 seconds
compareDocs version	v5.0.100.42

Sources	
Original Document	Pomfret Highway Ordinance (as adopted 2009-12-02).docx
Modified Document	Pomfret Highway Ordinance (DRAFT 2022-11-14) [Limited Update].docx

Comparison Statistics	
Insertions	64
Deletions	24
Changes	49
Moves	0
Font Changes	0
Paragraph Style Changes	0
Character Style Changes	0
TOTAL CHANGES	137

Word Rendering Set Markup Options	
Name	
<u>Insertions</u>	
Deletions	
<u>Moves</u> / Moves	
Font Changes	
Paragraph Style Changes	
Character Style Changes	
Inserted cells	
Deleted cells	
Merged cells	
Changed lines	Mark left border.

compareDocs Settings Used	Category	Option Selected
Open Comparison Report after saving	General	Always
Report Type	Word	TrackChanges
Character Level	Word	False
Include Comments	Word	False
Include Field Codes	Word	True
Flatten Field Codes	Word	True
Include Footnotes / Endnotes	Word	True
Include Headers / Footers	Word	True
Image compare mode	Word	Insert/Delete
Include List Numbers	Word	True
Include Quotation Marks	Word	False
Show Moves	Word	False
Include Tables	Word	True
Include Text Boxes	Word	True
Show Reviewing Pane	Word	True
Summary Report	Word	End
Detail Report	Word	Separate (View Only)
Document View	Word	Print

Town of Pomfret Select Board
Draft Meeting Minutes
November 2, 2022

Present: Emily Grube, John Peters, Benjamin Brickner, Steve Chamberlin, Jon Harrington

Public: Jim Potter (Road Foreman), Cathy Emmons, Neil Lamson (Lister), Karen Osnoe (Zoning Administrator), Nancy Matthews (Auditor), Connor Rigney, Sue Heston, James Rattigan, Betsy Rhodes, Bill Emmons, others via Zoom.

1. Emily called the meeting to order at 7:01 pm
2. Public Comments – Cathy Emmons raised the matter of fences in highway ROW. She asked to be part of the discussion when Jim speaks with Bill Emmons about this.
3. Agenda Review – Add new truck quotes, zoning violations, Greg Greene ROW crossing application, and scheduling a site visit for Dinsmore Road. Emily moved and Ben seconded these items be added. Unanimous.
4. Road Foreman Report & Highway Items
Jim continues to grade the roads. The Wild Apple Road project is completed.
 - a. Library Street Intersection – There are no plans to perform further work on the intersection until the South Pomfret Scoping Study is completed next year.
 - b. New Truck – Ted Green has a truck available; Viking is already scheduled to do the body. Cost will be ±\$137,000. Jon moved and John seconded that Jim continue to pursue this purchase. Unanimous.
 - c. Highway Ordinance – Ben will pare back the proposed amendment to include changes only to the culvert and driveway access provisions. He will circulate a new draft before the next meeting.
 - d. TH 24 Right-of-Way Relocation – After discussion John moved and Jon seconded to go proceed with a survey, the cost of which will be split between the town and Mr. Rattigan. Unanimous. Ben will revert to Mr. Rattigan on the two surveyor quotes Ben obtained so the board can approve one or the other at the next meeting.
 - e. Jim will ask Ellen to hold the payment to Pike for paving until he gets confirmation from Caleb that the band rail replacement has been scheduled.
 - f. A site visit was scheduled for Friday at 8 AM on Dinsmore road, with all landowners and the board.
 - g. Ben moved and Steve seconded that Greg Green’s ROW crossing application be approved. Unanimous.
 - h. Generators – Jim will be in touch with VT Generator and Emily will work on the Emergency Management Performance subgrant application which is due on 11/15/2022.
5. Items for Discussion or Vote
 - a. LHMP Contract – John moved and Ben seconded approval with minor amendments. Unanimous.
 - b. Scoping Study Alternative Presentation to be scheduled on Tuesday, 11/29/2022 at 7pm at the town office. This will be warned as a special Selectboard meeting for Open Meeting Law purposes.

- c. Zoning violations – Karen Osnoe reports 7-day letters will be sent to Broad Brook and Caper Street owners this week. She also has 6 properties going up for tax sale; and two property liens to be recorded in the land records.
- d. Warrants – Emily moved and Steve seconded approval of the following warrants.
Unanimous.

23038	A/P	610.27
23042	A/P	406,709.47 (but with Pike check to be held per 4(e) above)
23401	P/R	10,283.17
- e. Steve moved and Ben Seconded approval of 10/19/2022 Minutes. Unanimous.
- 6. Meeting wrap up
 - a. Correspondence – Becky to refer VSP’s dog bite report to the County Sheriff.
 - b. Review of Assignments – Jim VT Generator, Emily grant application, Ellen withhold Pike Check, Jon 09/29 meeting, Rattigan survey, Ben highway ordinance
- 7. John moved and Steve seconded for adjournment at 9:18 pm. Unanimous.

Town of Pomfret Select Board
Draft Special Meeting Minutes
November 9, 2022

Present: Emily Grube, John Peters, Benjamin Brickner, Steve Chamberlin
Absent: Jon Harrington

Public: Nancy Matthews (Auditor), Kristen Esty, John Moore (Planning Commission), Cathy Peters, Andrew Mann, Neil Lamson (Lister), Andrew Oatway, Scott Pearce

1. Emily called the meeting to order at 7:03 pm
2. No public comment.
3. Agenda Review -- Add Local Emergency Management Plan; postpone Highway Budget
Steve Moved and John seconded changes to the agenda. Unanimous.
4. Road Foreman's Report
 - a. Truck trade-in value is not good; the new truck is in. Steve moved and Ben seconded we purchase the new truck; sell the old one ourselves. Unanimous.
5. Items for Discussion or Vote
 - a. Highway Budget – Postponed due to Road Foreman's absence. Jimmy will prepare an estimate of when trucks and equipment need to be replaced in the coming years, which will assist with vehicle reserve funding and budget planning.
 - b. TH 24 Relocation Survey – Following consultation with the land owners (who will split the cost with the town), Ben moved and Steve seconded we accept the Holt Gilmour survey proposal and submit the \$1,000 retainer. Unanimous.
 - c. Dinsmore Road – Ben moved and John seconded that the driveway permit application by Dr. White be dismissed without consideration of the merits; that the application fee be refunded; that a new, joint submission by all three interested parties be encouraged instead; and that Jim Potter be asked to review and decide the new application as the Selectboard's designee. Unanimous. Ben will relay the foregoing result to the interested parties.
 - d. Highway Ordinance – Ben reviewed the proposed changes to the Ordinance; this will be included on the November 15 agenda for discussion and adoption.
 - e. Eydt Estate Highway Access – The Selectboard received a letter from the applicants' attorney; to be discussed in executive session.
 - f. Two Rivers has not received a completed LEMP. Ben will be follow up with Chief Rice and Two Rivers.
6. Executive Session
 - a. Ben moved and Steve seconded that the Selectboard enter executive session pursuant to 1 V.S.A. 313(a)(1)(F) to discuss confidential attorney-client communication. Unanimous. The Selectboard entered executive session at 8:13 pm.
 - b. The Selectboard exited executive session at 8:31 pm, no decisions having been made therein.
7. Ben moved and John seconded we engage the town's attorney regarding the Eydt Estate highway access application. Unanimous.

8. Ben moved and John seconded adjournment. Unanimous. The meeting was adjourned at 8:36 pm.