

**TOWN OF POMFRET
Selectboard**

Memorandum of Decision

Property Address: 19 Dinsmoor Road
Pomfret, Vermont

Parcel No.: 3918
Parcel Size: +/- 4.75 acres

Property Owner: Andrew A. and Kathy J. Mann
P.O. Box 20
South Pomfret, Vermont 05067

Applicant: Hillary White and Philip Dechert
P.O. Box 148
South Pomfret, Vermont 05067

This Memorandum of Decision (this “Decision”) is issued by the Selectboard of the Town of Pomfret (the “Selectboard”), in connection with the Application for Town Highway Access Road Permit dated August 7, 2023, by Hillary D. White and Philip Dechert (“Applicant”) and attached hereto as Exhibit A (the “White Application”).

The White Application seeks to modify Dinsmoor Road (a private driveway) where it intersects Bartlett Brook Road (Town Highway No. 39), as more particularly described in Section I.B below.

I. Dinsmoor Road and Proposed Modifications

A. Dinsmoor Road

Dinsmoor Road serves three residential parcels: (1) No. 3918 owned and occupied by Andrew A. and Kathy J. Mann (collectively, the “Landowner”), (2) No. 3918-A owned by the Hillary D. White Revocable Trust and occupied by Applicant (the “White Parcel”), and (3) No. 3918-B owned by Alison Sander and occupied by a lessee (the “Sander Parcel”).

While the area proposed to be modified by the White Application is located on the Landowner’s property, the White Parcel and the Sander Parcel benefit from an easement and right-of-way to traverse the Landowner’s property at and adjacent to this location (the “Existing Easement”).

Bartlett Brook Road begins at Pomfret Road (Town Highway No. 1) and runs north to the joint intersection of Totman Hill Road (Town Highway No. 38) and Legal Trail No. 3. Totman Hill Road then proceeds southwest to Legal Trail No. 4. In Pomfret, the operation of motor vehicles on

Legal Trails requires a permit that may be issued only under limited circumstances.¹ As a result, nearly all traffic utilizing Dinsmoor Road approaches from and departs to the south, in the direction of Pomfret Road.

The existing traveled way of Dinsmoor Road intersects Bartlett Brook Road at a skew angle requiring most users to make sharp turns when approaching from and departing to the south. Dinsmoor Road is also moderately graded uphill from the town highway. As a result, the driveway can be challenging to navigate, particularly in winter conditions.

B. Proposed Driveway Modifications

The White Application proposes to address these challenges by establishing a shared access apron south of the existing traveled way of Dinsmoor Road, supported by a precast concrete headwall at the outlet of the existing culvert at the bottom of Dinsmoor Road and running parallel to Bartlett Brook Road. This would result in an approximately 75-degree intersection between Dinsmoor Road and Bartlett Brook Road, versus the more skewed angle that now exists. By shifting the driveway centerline downhill (due to the proposed apron being off-center and down grade from the existing traveled way), the moderate uphill grade would remain, and in some places become modestly steeper.²

By comparison, the Mann Application (as defined below) proposes to excavate the embankment north of the existing traveled way of Dinsmoor Road with the similar goal of improving intersection navigability, while also reducing the uphill grade.

II. Procedural History

A. The Mann Application and White-Mann Litigation

This Decision is made concurrently with a decision on an Application for Town Highway Access Road Permit dated July 17, 2023, by the Landowner (the “Mann Application”). Like the White Application, the Mann Application also seeks to modify Dinsmoor Road where it intersects Bartlett Brook Road. Each application has been evaluated on its own merits, but with consideration given to whether one or the other better meets the applicable standards described in Section III below.

Both applicants also are engaged in an ongoing dispute concerning their respective rights in the Existing Easement. The particulars of this dispute are beyond the scope of this Decision, but are subject to pending litigation (the “White-Mann Litigation”) to which the Town of Pomfret has been made a party by the Landowner.³ The Town’s status as a party to the White-Mann

¹ Town of Pomfret, Ordinance Pertaining to Travel on Trails, adopted August 4, 2004, *available at* https://pomfretvt.us/files/1014/0068/3275/trails_ordinance__policy.pdf.

² *Compare* Sheet C1.10 with Sheet C2.10 in the MacKenzie Engineering and Construction plans attached hereto as Exhibit B (the “Construction Plans”).

³ See Hillary White et al. v. Andrew Mann et al., No. 23-CV-03473 (Vt. Super. Ct.).

Litigation, and the involuntary means by which it became a party, were not considered by the Selectboard when reaching this Decision.

B. The White Application

Applicant submitted the Application on August 7, 2023, via hard copy to the Town Clerk, and via email from Applicant's counsel to the Town's outside counsel, which email was circulated to the Selectboard the same day. The Selectboard conducted a site visit on August 16, 2023.⁴

A hearing on the White Application was held on September 12, 2023, during a special meeting of the Selectboard at which a hearing on the Mann Application also was held. The events of the White Application hearing are more particularly described in Section 6 of the related Selectboard meeting minutes.⁵

The Selectboard closed the White Application hearing on September 12, 2023, held non-public deliberative sessions on September 20, 2023 and October 4, 2023, and thereafter reached this Decision.

III. Applicable Standards

A. Pomfret Highway Ordinance

Section 5.3(k) of the Town of Pomfret Highway Ordinance (the "Highway Ordinance")⁶ requires that the first 20 feet of a driveway entering upon a town highway meet the following standards, unless the same are waived or varied:

- Intersection angle of 90 degrees to the town highway.
- Minimum sight distance in both directions (the required distance being determined by reference to the speed limit of the intersecting town highway).
- Sixteen foot minimum width.
- Grading and slope such that water from the driveway does not enter the town highway (it being recommended that the driveway have a grade dropping six inches in ten feet before extending either up or down slope).
- Culverts to be installed if necessary to prevent deterioration of the town highway.

⁴ The August 16, 2023, site visit was the latest of several visits made by the Selectboard. An earlier site visit was made on November 4, 2022, to review prior driveway modifications proposed by Applicant and the Landowner that ultimately were not implemented. Selectboard members and the Road Foreman made additional visits at various times during the eighteen months prior to this Decision.

⁵ Town of Pomfret Selectboard, Special Meeting Minutes, September 12, 2023, *available* at https://pomfretvt.us/index.php/download_file/view/2256/265/.

⁶ Town of Pomfret, Highway Ordinance, adopted June 21, 2023, *available* at https://pomfretvt.us/files/4016/8740/6683/Pomfret_Highway_Ordinance_as_adopted_2023-06-21.pdf.

- Vegetation and trees to be removed if necessary to provide for visibility and safety.

B. State Law

Relevant state law at 19 V.S.A. 1111 requires, among other things, that a permit be obtained by anyone wishing to use any part of a highway right-of-way, including to develop, construct, regrade or resurface any driveway, entrance or approach. State law further empowers Vermont municipalities to protect and promote the safety of the traveling public, maintain reasonable levels of service on the existing highway system, and protect the public investment in the existing highway infrastructure.

C. Application of Applicable Standards

Based on the White Application, Construction Plans and testimony of witnesses, the Selectboard finds that the proposed modifications to Dinsmoor Road meet some but not all of the applicable standards set forth in the Highway Ordinance. The proposed modifications also raise concerns around the interests articulated in 19 V.S.A. 1111(b).

The proposed modifications would meet the minimum sight distance and width standards in the Highway Ordinance, and the Construction Plans adequately provide for improvements to the existing culvert that would be necessitated by the new apron.

Although the proposed modifications would improve the existing skew angle intersection with Bartlett Brook Road, they would not create a 90-degree intersection. Vehicles entering onto and exiting from Dinsmoor Road still would need to make sharp turns, albeit through a wider turning radius than they do presently. As the proposed modifications would not reduce the existing grade, vehicles would remain at risk of overrunning the traveled way of Dinsmoor Road or Bartlett Brook Road, particularly in winter conditions, endangering the traveling public within the highway right-of-way.

While the Construction Plans provide for a drainage swale south of the proposed apron, the post-construction grade still presents a risk that runoff will enter the town highway during heavy rain events, causing erosion of the existing highway infrastructure. The apron, swale and headwall would occupy the area now used for driveway snow removal, increasing the likelihood that snow must be pushed into the highway right-of-way, further jeopardizing the highway infrastructure.⁷

The Selectboard acknowledges that the proposed modifications would improve elements of the existing driveway, despite not meeting all of the Applicable Standards described in Section III above. Were there no immediately available and more conforming alternative, the Selectboard

⁷ Leaving snow in the plowed portion of the highway right-of-way also would contravene the Town's Winter Road Maintenance Policy. See Town of Pomfret, Winter Road Maintenance Policy, adopted February 5, 1992, available at https://pomfretvt.us/files/4314/0068/3230/Summer_and_Winter_Road_Maintenance_Policy_2-5-1992.pdf.

would consider whether waivers and/or variances of the unmet standards were appropriate under the circumstances.

It is not necessary to reach that question, however, as an immediately available and more conforming alternative exists in the Mann Application, provided the same is appropriately conditioned, including to ensure that Applicant will enjoy the same or greater easement rights over the Mann Application area as they do now over the existing traveled way of Dinsmoor Road.

The Selectboard recognizes that considerable time and resources were spent to prepare the Application, Construction Plans and related land survey by Rockwood Land Services, LLC, and appreciates the professionalism and diligence of each party who prepared these materials for the Selectboard's review.

IV. Decision

Based on the White Application, Construction Plans, testimony of witnesses, the findings and conclusions described above, and **subject to the further limitations specified in Section V below**, a permit to construct a residential driveway is **denied**.

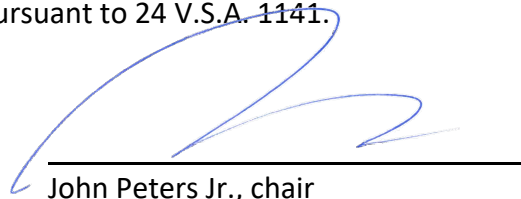
V. Further Limitations

The decision described in Section IV above is subject to the following further limitations:

- A. This Decision shall not be construed as a conveyance by the town of any interest in the town highway right-of-way, or a waiver or relinquishment of its authority therein and thereover, and the town shall continue to own, operate, control and maintain the town highway right-of-way consistent with its current practice and applicable federal, state and local laws, whether or not the same have been expressly referenced herein.
- B. This Decision applies only to the subject matter contained herein. The conformity of any other structures, uses, or activities with the Highway Ordinance or any other applicable federal, state and local laws was not considered and is not addressed in this Decision. Any prior decision of the Selectboard or other agent or tribunal of the town affecting the subject location shall continue in full force and effect, except as otherwise provided herein.

[Remainder of page intentionally blank. Signature page follows.]

This Decision approved at Pomfret, Vermont, this 13th day of October, 2023, and signed by the chair of the Pomfret Selectboard on its behalf pursuant to 24 V.S.A. 1141.



John Peters Jr., chair
Pomfret Selectboard

Selectboard members John Peters Jr., Benjamin Brickner, Steve Chamberlin, Meg Emmons and Emily Grube voted in the affirmative.

NOTICE: This Decision may be reviewed in the manner provided by law pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

EXHIBIT A

White Application

Attached.

TOWN OF POMFRET

APPLICATION FOR TOWN HIGHWAY ACCESS ROAD PERMIT
(Application fee of \$100 payable to Town of Pomfret)

Access Road Type (check one): Private Drive* Agricultural Forestry

Applicant Name: Hillary White and Philip Dechert Phone: [REDACTED] Email: [REDACTED]

Applicant Mailing Address: 195 Dinsmoor Road, So. Pomfret State: VT Zip: 05067

(Complete only if Applicant is not the Landowner)

Landowner Name: _____ Phone: _____ Email: _____

Landowner Mailing Address: _____ State: _____ Zip: _____

The undersigned Applicant requests permission to develop, construct, or regrade the access road type indicated above.

Access Road Location: on the east side (cardinal direction) of Bartlett Brook Road (town highway name)
at approximately 5,100 (feet) from the intersection of Pomfret Road (nearest town highway intersection).

Please provide a brief description of the work to be done: See Attached with Exhibits. This is not an application for a permit to create a new driveway access. It is an application to restore and improve an existing access located in the Town's ROW which has been utilized by the applicants for 35 years (+/-). Access has been rendered unsafe and the proposed plan remedies the current state of the access.

(PROVIDE DETAILED SKETCH OF ACCESS LOCATION AND LAYOUT ABOVE)

The following conditions, standards and restrictions shall apply to the first 20 feet of a newly developed, constructed, or regraded access road (measured from the edge of the traveled way) unless waived herein:

General Conditions

1. *Application Fee.* A \$100 non-refundable application fee shall be submitted before an application will be considered.
2. *Site Visit.* The Selectboard and Road Commissioner shall make a site visit prior to approving a permit.
3. *Final Site Inspection.* Upon completion of work, the Applicant or its agent shall notify the Town within ten days to arrange a final site inspection.
4. *Noncompliance.* Any work deemed not in compliance with the permit shall be corrected and reinspected for approval.
5. *Final Approval.* Work shall be approved by the Selectboard or its designee before any use of the access may be started.

* Each residence is limited to one driveway access.

Design Standards[†]

1. *Intersection Angle.* Access roads shall be constructed at a 90 degree angle to the town highway.
2. *Minimum Sight Distance.* Sight distances shall be at least as shown in the table below in both directions when viewed from a point 15 feet back from edge of the traveled way and at a height of eye of 3.5 feet on the drive to a height of eye of 2.0 feet on the roadway. The "posted speed" for unposted Class 3 highways shall be deemed to be 30 mph.

Minimum Sight Distance

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

3. *Access Road Width.* Access roads shall be 16 feet wide and graded and sloped such that water from the 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.
4. *Culverts.* Culverts shall be installed if deemed necessary by the Selectboard or its designee and shall conform to standards described in Section 5.3(h) of the Pomfret Highway Ordinance.
5. *Vegetation.* Vegetation and trees shall be removed as necessary to provide for visibility and safety.

The undersigned Applicant agrees to adhere to the conditions, standards and restrictions forming a part of this permit, and understands that this permit, if issued, will be issued in accordance with 19 V.S.A. 1111 and the Pomfret Highway Ordinance and may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake development, construction, or regrading of the access road within one year of the date of approval. If Applicant is not the Landowner, Applicant has provided the Landowner with a copy of this completed Application and obtained the Landowner's signature below.

x <u>Philip Dechert Jr.</u> <u>Hillary D. White</u> Applicant Signature	<u>PHILIP DECHERT JR.</u> <u>HILLARY D. WHITE</u> Applicant Printed Name	<u>8.7.23</u> <u>8.7.23</u> Date
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(Complete only if Applicant is not the Landowner)

The undersigned Landowner acknowledges they have received a copy of this completed Application.

_____ Landowner Signature	_____ Landowner Printed Name	_____ Date
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[Remainder of page intentionally blank. Application form continues on next page.]

[†] Any of the standards listed herein may be waived or varied upon the Applicant's request and following consideration by the Selectboard and Road Commissioner 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.

OFFICIAL USE ONLY

Application fee of \$100 received on _____, 20____ by _____.

Culvert Required (*min. 18-inch diameter*)? Yes No

Additional conditions, standards and restrictions; waivers of design standards (if any):

PERMIT APPROVED this _____ day of _____, 20____.

Road Commissioner

Selectboard Chair

FINAL APPROVAL. The work described in this permit has been constructed in accordance with the above conditions, standards and restrictions and is acceptable under State and local regulations.

Road Commissioner

Selectboard Chair

Date

Form adopted by the Pomfret Selectboard January 4, 2023. Supersedes all prior dated forms.

Attachment to Application for Town Highway Access Reconstruction/Improvement Road Permit
Town of Pomfret, Vermont

This attachment and the appended exhibits are submitted as part of Dr. White's Application for Town Highway Access Road Permit dated August 7, 2023.

Description of the topography of the Dinsmoor Rd easement and the Public ROW.

The area of travelled way subject to Dr. White's and Mr. Dechert's application allows access by Dr. White and Mr. Dechert via a deeded ROW (see Exhibit) to their dwelling, as well as other property owners uphill from the intersection of Dinsmoor Road and Bartlett Brook Road. As you enter Dinsmoor road from Bartlett Brook Road, there begins a steep ascent adjacent to (and north of) the north apron and a deep ravine adjacent to (and south of) the south apron onto Bartlett Brook Road. The turn into Dr. White's and Mr. Dechert's driveway, as it currently exists requires navigating a sharp and narrow angle with immediate/abrupt/steep/dangerous elevation gain and which can require multi-point turns or travel into oncoming traffic.

Dinsmoor Rd is a grandfathered and preexisting shared driveway.

Dr. White and Mr. Dechert are parties to the shared driveway, which was first set up by the original division of land into parcels by Ehrick Wood (1965/1966 Wood to Maynes to Griglik to White/Dechert to White) who conveyed a deeded ROW easement access to every parcel along Dinsmoor Rd (as recorded in the town's records). **Book 29, Page 225 (recorded 7/18/1966)**

As title owner of 195 Dinsmoor Rd, Dr. White and Mr. Dechert holds a right to use this 1966 ROW access easement described within the original warranty deed referenced above. This 1966 easement governs the parts of Dinsmoor Rd not specified in the 1987 easement (referenced below): the town ROW access below the 1987 easement, and the section of Dinsmoor Rd that is above Mr. and Mrs. Mann's lower parcel.

Dr. White and Mr. Dechert are also grantees of the 1987 Dinsmoor Rd ROW easement

In 1987 Mr. and Mrs. Mann conveyed an easement to Dr. White and Mr. Dechert which only covers a section of the lower portion of Dinsmoor Rd that runs along Mr. and Mrs. Mann's lower parcel. **Book 36, Page 137-39 (recorded 6/12/1987)**

This easement does not include the Public ROW, nor the bulk of the length of Dinsmoor Rd. The 1987 Dinsmoor Rd easement establishes, amongst other rights, that Dr. White and Mr. Dechert have the right to repair Dinsmoor Rd as necessary to protect their rights of access.

Safety issues for the town road and its intersection with Dinsmoor Rd.

In 2022, the downhill half of the rolling crown at the bottom of Dinsmoor Road was chiseled out to create an abrupt and steep grade change. Prior to 2022, access was had in the manner and along the route of the plan provided as part of this application. The 2022 change blocked access across the south apron. In 2023, a more substantial berm was constructed within a foot or so of the town travel way.

This "berm" has had the effect of obstructing access to Dinsmoor Road via the south apron and created significant safety issues, to Wit:

1. The berm blocks safe and convenient passage by emergency vehicles.
2. That berm will be in the path of the town plow lane in winter.

3. That berm prevented the Dinsmoor Road plow truck from being able to properly clear the apron lying in the highway right of way.
4. Delivery vehicles frequently cannot make the turn onto Dinsmoor Road, so they park at the bottom and block traffic on the town road.
5. Service vehicles frequently have to back up Dinsmoor Road or go past and turn around and approach the driveway from the north (this not being suitable for trucks with trailers or other oversized vehicles needing to access uphill landowners).
6. The berm forces oncoming traffic into the opposite lane of travel in order to access the driveway. Bartlett Brook Road is slightly curved and has an elevation gain right where Dinsmoor Road meets it, making it difficult to assess oncoming town highway traffic due to such a narrow, angular entryway.
7. The berm obstructs the sightlines of those persons entering Bartlett Brook Road from Dinsmoor Road. Drivers who cannot turn their neck far enough to the left are at high risk of not being able to see oncoming traffic on Bartlett Brook Road as it currently exists.
8. The berm has the potential to cause harmful water drainage onto the town road since there is no proper drainage swale.

The engineering plan presented by Dr. White and Mr. Dechert in the permit application provides a solution for all of these safety issues.

The engineering plan prepared by Ian McKensie, PE and the survey prepared by Tim Rockwood (licensed surveyor) that define the boundaries of the Dinsmoor Road easement demonstrate that Mr. McKenzie's plan will provide safe, convenient, and long-term access by property owners benefitted by the above referenced easement deeds all within the recorded easement boundaries.

The proposed work is predominantly within the Public ROW. As such, and in consultation with the Town, Dr. White and Mr. Dechert are submitting this permit application. In so doing, however, they reserve all available rights they have in law or equity to maintain safe access along the deeded right of way from Bartlett Brook Road to their property either as between Dr. White and Mr. Dechert and the Town and/or Dr. White and Mr. Dechert and Mr. and Mrs. Mann.

Dr. White's and Mr. Dechert's deeded right of way grants are appended as Exhibit 1.

Tim Rockwood's survey of Dinsmoor Road and Dr. White's and Mr. Dechert's property is appended as Exhibit 2.

Ian MacKenzie's Executive Summary of the proposed plan is appended as Exhibit 3.

Ian MacKenzie's Engineering plans are appended as Exhibit 4

Pictures of the berm and gravel pile as of July 29, 2023 are appended as Exhibit 5

1984 and 1986 Bruno and Associates survey of Mr. and Mrs. Mann's property as referenced in Tim Rockwood' Survey is appended as Exhibit 6.

Engineering plan highlights:

1. The current 1-foot turning radius will become a 15-foot turning radius.
2. The current 46-degree angle between town road and driveway centerlines will become a 75-degree angle within the first 15-feet. (A minimum of 60-degrees is preferable.)

3. An 18-inch precast concrete headwall near the culvert outflow will stabilize the south apron and help prevent erosion, control drainage, etc.
4. The town shoulder will be restored.
5. A drainage swale with appropriate specifications will be added to improve drainage and protect the town highway.
6. Specifications for materials deemed suitable by the engineer will be confirmed prior to placement. Construction with these materials will be a significant improvement for stabilization and drainage:
 - a. Subbase material. An 18-inch minimum layer of 3-inch minus dense grade crushed stone (VAOT 704.06) will be used for the subbase material and crowned.
 - b. Surface material. A 4-inch-thick surface fine (VAOT 704.05B) will be used for the surface material.
7. Culverts: The culvert at the bottom of the driveway and parallel to the town road was recently replaced (~2021-2022) as allowed by the town.
8. Vegetation: as needed with approval by the town.

Dr. White and Mr. Dechert's engineer carefully considered a north apron expansion but rejected the same since a more northerly access will not meet engineering standards, will prevent reasonable ingress and egress on Dinsmoor Road, and will prevent gain of momentum under icy conditions (i.e., vehicles will not have sufficient travel momentum to ascend Dinsmoor Road if icy).

Dr. White and Mr. Dechert have standing to submit this permit application request: "The nature of a right of way is such that travel or usage as access is encouraged." *Patch v. Baird*, 140 Vt. 60, 64, 435 A.2d 690, 692 (1981) "[T]he owner of the easement is entitled to a convenient, reasonable, and accessible way, having regard to the interest and convenience of the owner of the land as well as their own." *VTRE Invs. v. MontChilly, Inc.*, 2020 VT 77, ¶ 23 (references omitted). A grantee of an easement "has the same right of property therein as he has in land. He is entitled to his specific property and cannot be divested thereof without his consent." *La Fleur v. Zelenko*, 101 Vt. 64, 72, 141 A. 603, 606 (1928). The grantee of a right of way has the duty and the right "to construct or keep in repair the way granted." *Walker v. Pierce*, 38 Vt. 94, 98 (1865).

Respectfully submitted,

Dr. Hillary White
Mr. Philip Dechert, Jr.

Hillary D. White
Philip Dechert, Jr.

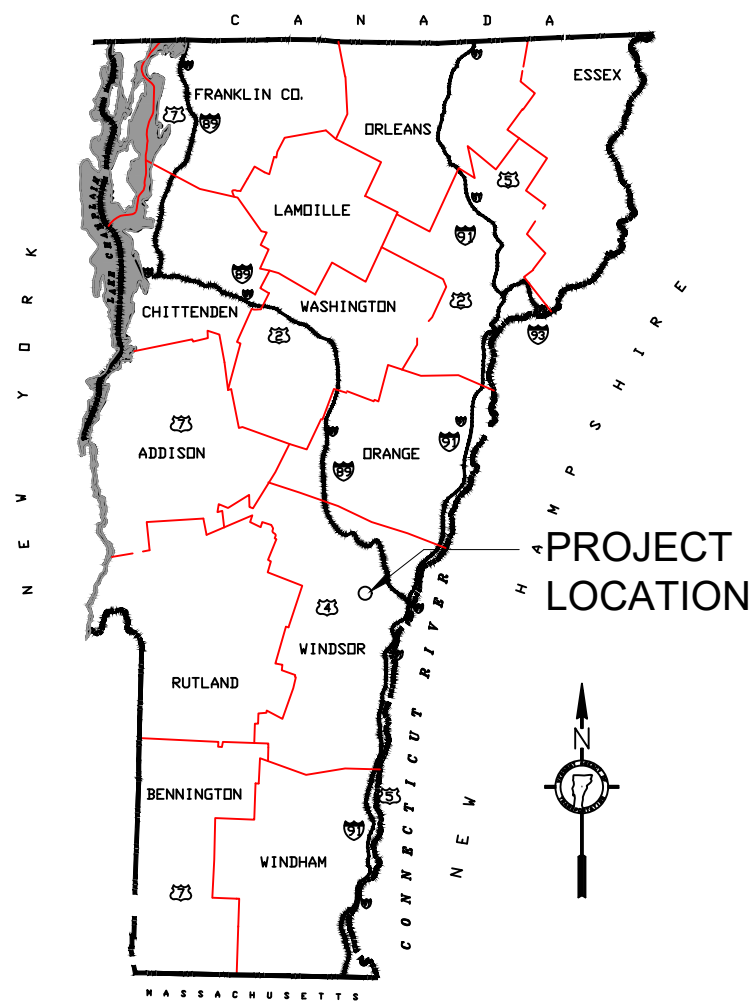
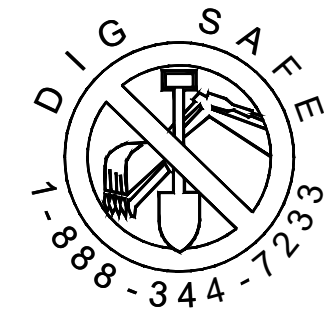
EXHIBIT B

Construction Plans

Attached.

Project: Dinsmoor Road Access to Bartlett Brook Road
Client: Hillary White
Location: Bartlett Brook Road
Windsor County
Pomfret, Vermont

Exhibit 4



PREPARED BY:

Mackenzie
Engineering and Construction







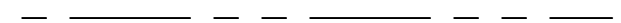



1313 VT Route 110
South Royalton, VT 05068
Email: ian@mack-eng.com

DATE: JUNE 13, 2023

GENERAL NOTES:

1. RIGHT OF WAY AND PROPERTY BOUNDARY INFORMATION IS AS PROVIDED BY ROCKWOOD LAND SERVICES, LLC. OF HARTLAND, VERMONT.
2. PROPERTY LINES, EASEMENTS AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED IN THIS PLAN SET ARE FOR THE USE OF SHARED ACCESS IMPROVEMENT PLANNING ONLY. THEY DO NOT DEFINE LEGAL RIGHTS OR MEET LEGAL REQUIREMENTS FOR A LAND SURVEY AS DESCRIBED IN 26 V.S.A. s-2502(4), AND SHALL NOT BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHT.
3. IAN S. MACKENZIE, PE DOES NOT TAKE WITNESS TO PROPERTY BOUNDARY INFORMATION.
4. EXISTING CONTOUR AND ELEVATION INFORMATION AS SHOWN IS RELATIVE AND NOT BASED ON ACTUAL MEAN SEA LEVEL DATUM.
5. PROPOSED INFORMATION AND FEATURES INDICATED BY FRAMED TEXT
6. PLAN NORTH ORIENTATION IS APPROXIMATE BASED ON TRUE NORTH.
7. ALTERATION OF ANY INFORMATION AS DEPICTED WITHIN THESE PLANS IS PROHIBITED AND SHALL RENDER THESE DOCUMENTS VOID.
8. AGENT/OWNER/CLIENT IS RESPONSIBLE FOR OBTAINING AND MAINTAINING COMPLIANCE WITH ALL LIFE, SAFETY, OSHA, AND BUILDING PERMITS PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION AS NECESSARY.
9. CONTRACTOR(S) IS(ARE) RESPONSIBLE TO PERFORM ALL SERVICES IN ACCORDANCE TO ALL APPLICABLE STATE AND FEDERAL WORK SAFETY CODES.
10. ALL EARTHWORK SHALL BE PERFORMED IN ACCORDANCE TO THE VERMONT LOW RISK SITE HANDBOOK. CONTRACTOR IS RESPONSIBLE FOR ALL EROSION AND SEDIMENT CONTROL.
11. LOCATIONS, ELEVATIONS AND ORIENTATION OF ALL PHYSICAL ITEMS IN WORK AREA SHALL BE VERIFIED AND FURTHER IDENTIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY DISCREPANCY IN ELEVATIONS OR DIMENSIONS SHOWN ON THE PLANS SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER.
12. CONTRACTOR SHALL BE RESPONSIBLE TO PROPERLY DIGSAFE THE WORK SITE AND ALSO LOCATE EXISTING PRIVATE & NON-MEMBER UNDERGROUND UTILITIES THAT MAY NOT BE LOCATED BY A DIGSAFE EFFORT.
13. CONTRACTOR IS RESPONSIBLE FOR BEING FAMILIAR WITH ALL CURRENT APPLICABLE VERMONT ENVIRONMENTAL PROTECTION RULE CHAPTERS.
14. BURIED AND OVERHEAD UTILITIES WERE NOT LOCATED.
15. BASE SURVEY, PHYSICAL AND TOPOGRAPHIC INFORMATION IS PER TOPOGRAPHIC SURVEY AS PERFORMED BY MACKENZIE ENGINEERING AND CONSTRUCTION, LLC FOR THE PURPOSE OF SHARED ACCESS IMPROVEMENT ONLY.
16. TOPOGRAPHIC SURVEY WAS PERFORMED WITH LEICA TOTAL STATION.

LEGEND

- CONTOUR – MAJOR 
- CONTOUR – MINOR 
- CONTOUR – PROPOSED 
- EDGE OF STREAM 
- TOP OF BANK 
- EXISTING CULVERT 
- EASEMENT 
- EXISTING EDGE OF GRAVEL 
- EXISTING TREELINE 
- DIRECTION OF STREAM FLOW 

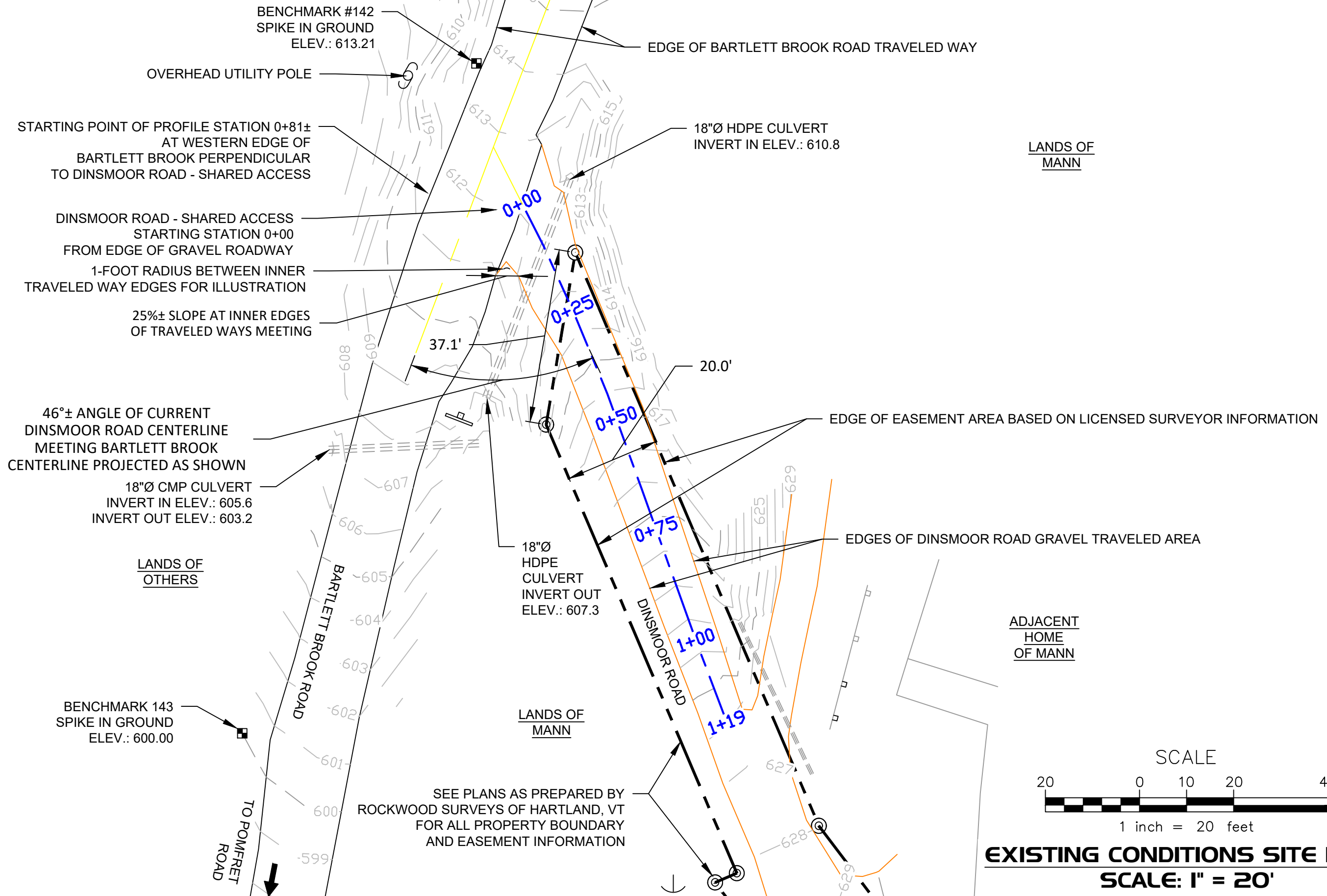
**PROJECT NOTES
AND LEGEND SHEET**

PROJECT TITLE:	SHARED ACCESS ENTRANCE TO BARTLETT BROOK
SHEET TITLE:	NOTES AND LEGEND
PROJECT NO.:	2304
SHEET NO.:	CO.00
DATE:	6-12-23

DINSMOOR ROAD
SHARED ACCESS
Bartlett Brook
Pomfret, Vermont



MACKENZIE
Engineering and Construction
1313 VT Route 110, So. Royalton, VT 05068
Mobile No.: 802 - 356 - 5617
E-mail: ian@mack-eng.com

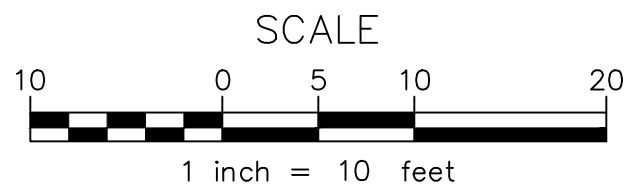
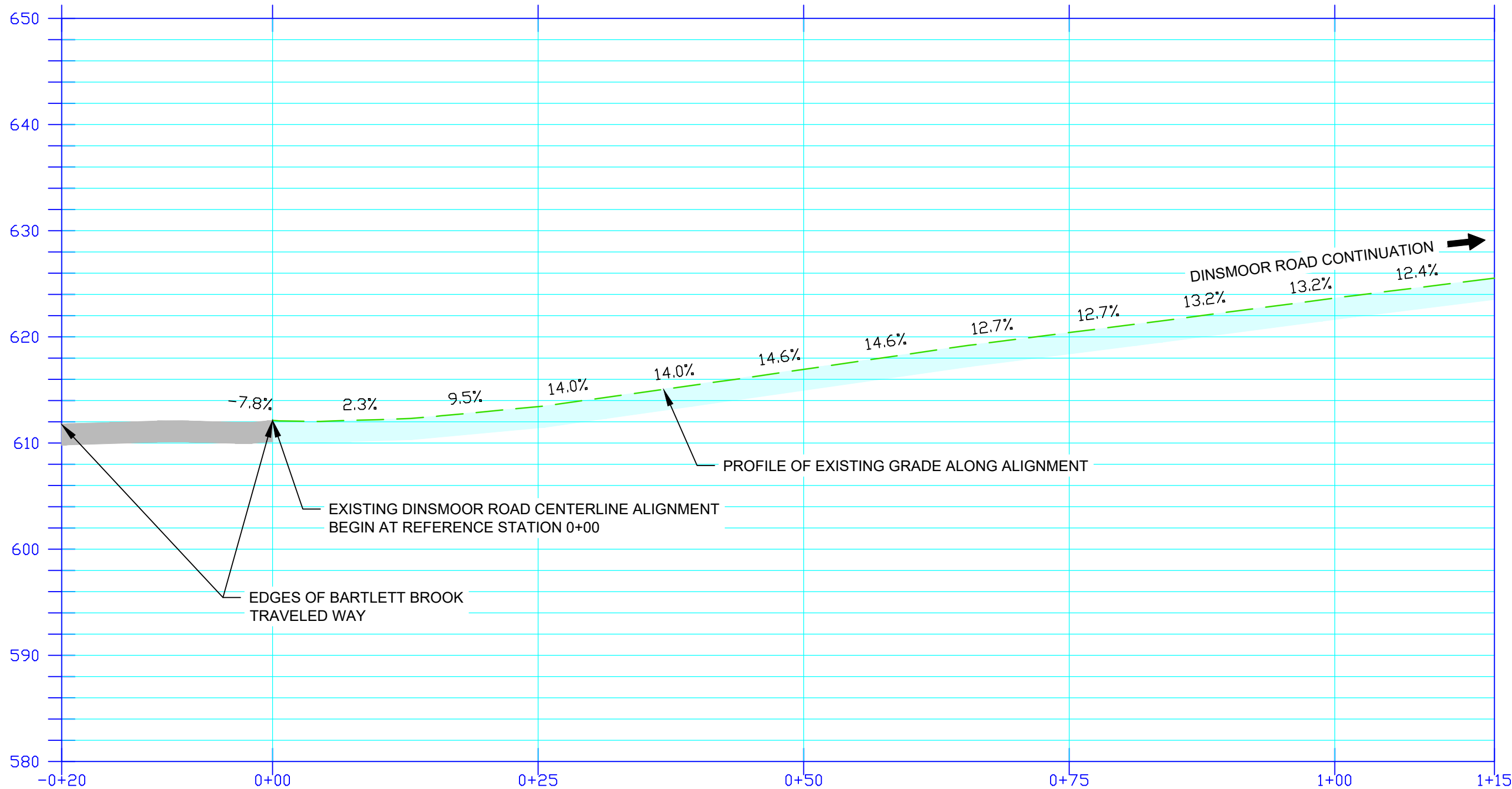


PROJECT TITLE:	SHARED ACCESS ENTRANCE TO BARTLETT BROOK	PROJECT NO.:	2304
SHEET TITLE:	EXISTING CONDITIONS SITE PLAN	SHEET NO.:	C1.00
		DATE:	5-8-23

DINSMOOR ROAD
SHARED ACCESS
Bartlett Brook
Pomfret, Vermont



MACKENZIE
Engineering and Construction
1313 VT Route 110, So. Royalton, VT 05068
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Email: ian@mack-eng.com



DINSMOOR ROAD
EXISTING CENTERLINE ALIGNMENT PROFILE
SCALE: 1" = 10' (HORIZONTAL & VERTICAL)

PROJECT TITLE:	SHARED ACCESS ENTRANCE TO BARTLETT BROOK
SHEET TITLE:	EXISTING CENTERLINE PROFILE
PROJECT NO.:	2304
SHEET NO.:	C1.10
DATE:	6-12-23

DINSMOOR ROAD
 SHARED ACCESS
 Bartlett Brook
 Pomfret, Vermont



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BENCHMARK #142
SPIKE IN GROUND
ELEV.: 613.21

PROPOSED CENTERLINE ALIGNMENT
STARTING POINT OF STATION 1+00

LANDS OF
OTHERS

75°± ANGLE OF PROPOSED
DINSMOOR ROAD CENTERLINE
MEETING BARTLETT BROOK
CENTERLINE PROJECT AS SHOWN

TAPER ROAD SHOULDER
GRADE TO APRON,
TRANSITION GRADES
AS SHOWN

INSTALL STONE-LINED
DRAINAGE SWALE
AT SOUTH SIDE
OF SHARED ACCESS

RESTORE TOWN
ROAD SHOULDER

18"Ø PRECAST
CONCRETE HEADWALL
SEE DETAIL SHEET C2.20

FINISH GRADING (TYP)

15' RADIUS AS
SHOWN PROPOSED

EASEMENT BOUNDARY
MONUMENT TO BE SET
BY LIC. SURVEYOR

LIMITS OF DISTURBANCE
TO PROVIDE PROPER FINISH SURFACE GRADING AND TRANSITIONS AS NECESSARY

MAINTAIN NORTH DRIVEWAY EDGE

EASEMENT BOUNDARY MONUMENT
TO BE SET BY LICENSED SURVEYOR

MAINTAIN NORTH DRAINAGE DITCH

PROVIDE 16% MAX GRADE ALONG CENTRAL PORTION OF SHARED ACCESS

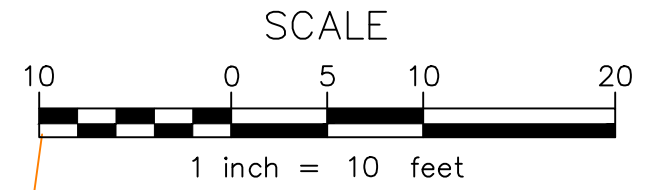
WIDENING OF SHARED ACCESS TO MEET 15' RADIUS

EXTENT OF SHARED ACCESS BOX-CUT AND GRADING
SEE SHARED ACCESS SECTION DETAIL, SHEET C2.20

MAINTAIN WORK WITHIN EASEMENT BOUNDARY
SEE PLANS AS PREPARED BY LICENSED SURVEYOR

LANDS OF
MANN

LANDS
OF MANN



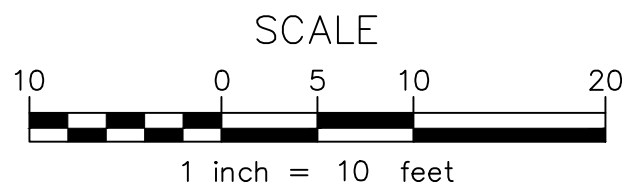
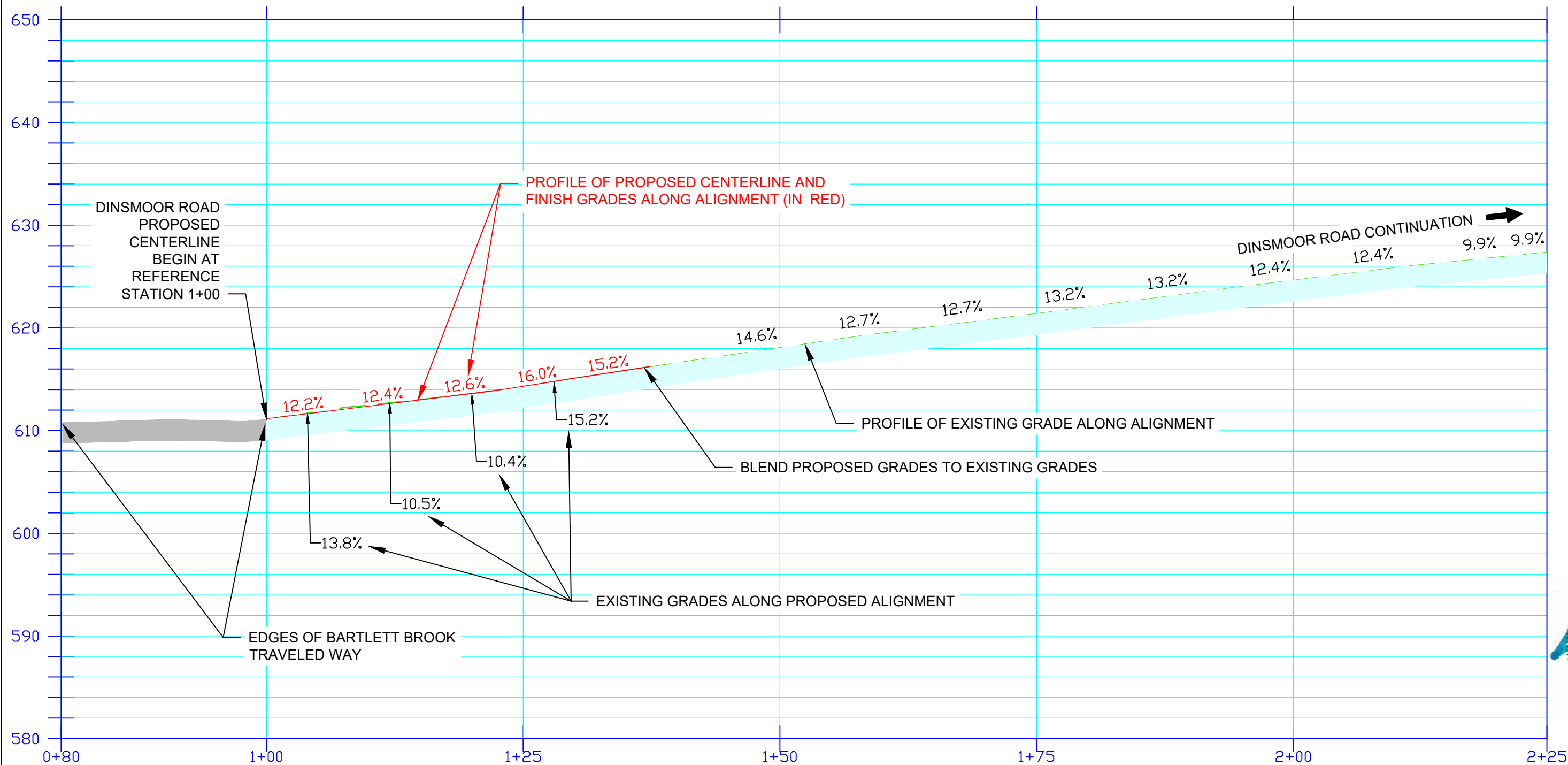
PROPOSED IMPROVEMENTS PLAN
SCALE: 1" = 10'

PROJECT TITLE:	SHARED ACCESS ENTRANCE TO BARTLETT BROOK	PROJECT NO.:	2304	SHEET NO.:	C2.00	DATE:	6-13-23
SHEET TITLE:	PROPOSED IMPROVEMENTS PLAN - OPTION "A"						

DINSMOOR ROAD
SHARED ACCESS
Bartlett Brook
Pomfret, Vermont



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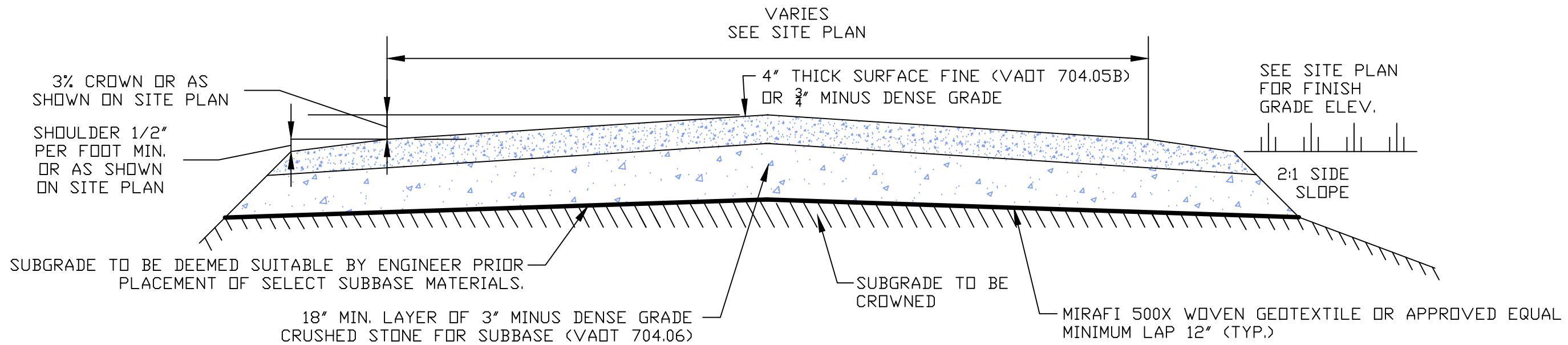
DINSMOOR ROAD
PROPOSED CENTERLINE ALIGNMENT PROFILE
SCALE: 1" = 10' (HORIZONTAL & VERTICAL)

PROJECT TITLE:	SHARED ACCESS ENTRANCE TO BARTLETT BROOK
SHEET TITLE:	PROPOSED CENTERLINE PROFILE
PROJECT NO.:	2304
SHEET NO.:	C2.10
DATE:	6-13-23

DINSMOOR ROAD
 SHARED ACCESS
 Bartlett Brook
 Pomfret, Vermont



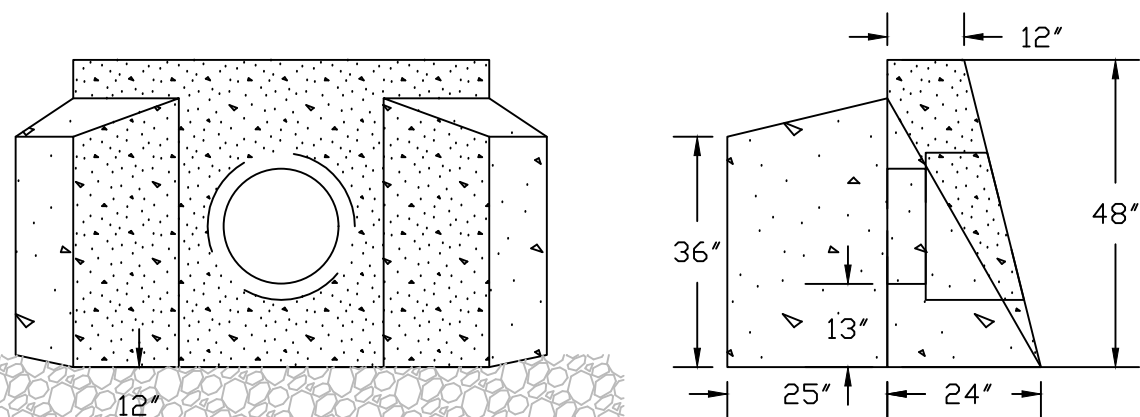
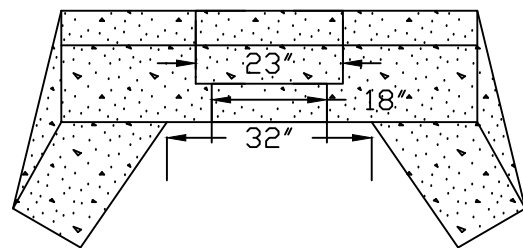
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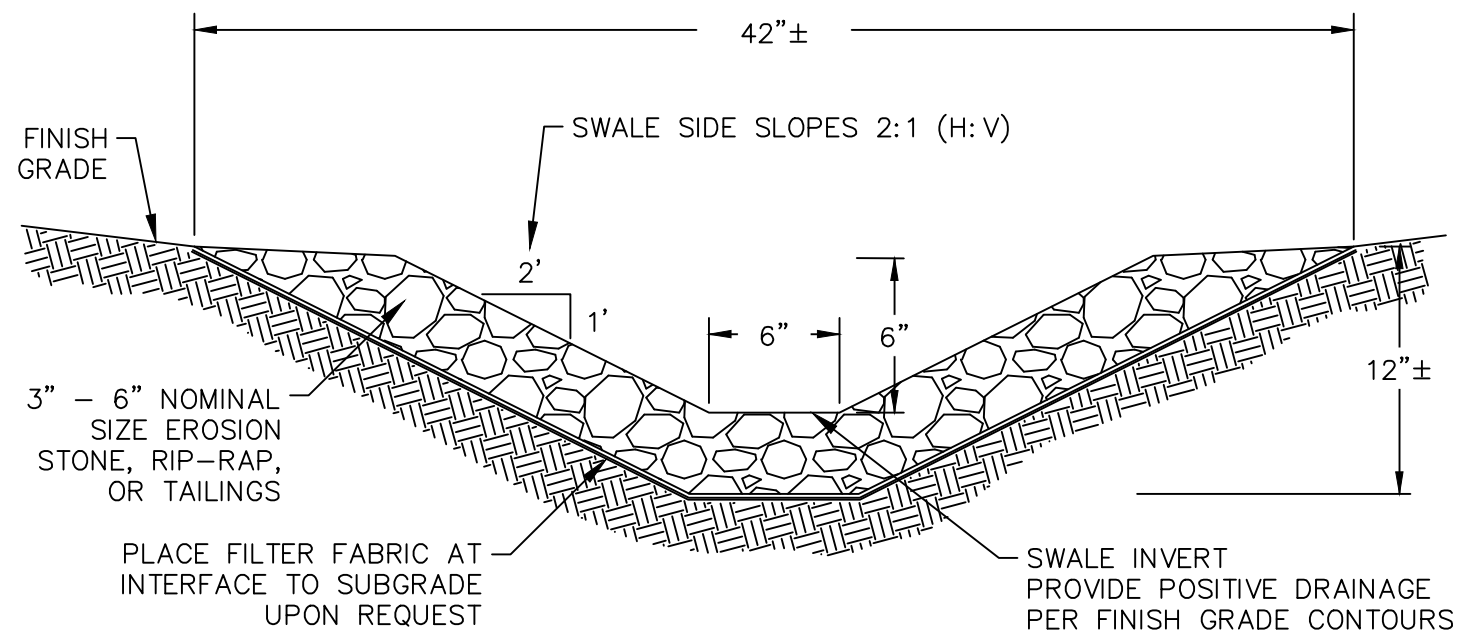
**SHARED ACCESS BOX-CUT AND GRADING
CROSS SECTION DETAIL
NOT TO SCALE**

- FINAL ROADWAY CONSTRUCTION WILL REQUIRE:
- REMOVAL OF ALL CONTAMINATED CRUSHED GRAVEL BASE MATERIALS CAUSED BY CONSTRUCTION ACTIVITIES.
 - REFILL, REPLACEMENT AND COMPACTION OF THE SUBBASE TO PROVIDE A MINIMUM DEPTH AS SHOWN.
 - GRANULAR MATERIALS SHALL BE COMPACTED TO 95% OF THE MODIFIED PROCTOR DENSITY.

NOTE:
 PRECAST CONCRETE HEADWALL AS SHOWN IS BY WEED PRECAST OF WHITE RIVER JCT., VT. CONSTRUCTED OF 4000 PSI COMPRESSIVE STRENGTH CONCRETE BASED ON 28 DAY CURE WITH STANDARD FIBERMESH AT 1.5 PCY. 6X6X10 GA. WELDED WIRE MATT WITH #3 AND #4 REBAR REINFORCEMENT TO BE PROVIDED ACCORDING TO MANUFACTURER'S SPECIFICATIONS. JOINT SEAL OR MORTAR CULVERT PIPE TO STRUCTURE ACCORDING TO MANUFACTURER'S SPECIFICATIONS. PRECAST HEADWALL IS 5,800# PER MANUFACTURER. PLACE ON 12" COMPACTED 1 1/2" CLEAN CRUSHED STONE PAD WITH MIRAFI 160N FABRIC AT SUBGRADE INTERFACE. BACKFILL WITH CLEAN GRANULAR BACKFILL.



**PRECAST CONCRETE HEADWALL DETAIL
NOT TO SCALE**



**STONE-LINED SWALE DETAIL
NOT TO SCALE**



PROJECT TITLE:	SHARED ACCESS ENTRANCE TO BARTLETT BROOK	PROJECT NO.:	2304
SHEET TITLE:	MISCELLANEOUS DETAILS	SHEET NO.:	C2.20
		DATE:	6-13-23

DINSMOOR ROAD
 SHARED ACCESS
 Bartlett Brook
 Pomfret, Vermont

DOCUMENT NOT VALID
 WITHOUT ORIGINAL
 STAMP & SIGNATURE

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