

HIGHWAY ORDINANCE

Town of Pomfret, Vermont

Originally Adopted December 3, 1980
Adopted as Amended December 5, 2001
Adopted as Amended December 2, 2009
Adopted as Amended November 16, 2022

PART 1. TITLE, AUTHORITY AND ADOPTION

- 1.1. This ordinance is entitled the Highway Ordinance and is based on the authority of 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 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:
 - (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 shall determine which highways are to be Class 1 highways.
 - (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 of Transportation, shall determine which highways are to be Class 2 highways.
 - (c) Class 3 town highways:
 - (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 of Transportation shall determine which highways are Class 3 town highways.

- (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 59, and after following the process for providing notice and hearing in 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.
- (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.
- (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.
- (e) Legal trails are public rights-of-way which are not highways and which:
 - (1) the Town shall not be responsible for any liability or maintenance including culverts and bridges;
 - (2) previously were a designated town highways having the same width as the designated town highways, or a lesser width if so designated; or
 - (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.
- (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 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 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 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:
- (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 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 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 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 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.

- (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.
- (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 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, 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, 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 Agency of Transportation 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 (including for agricultural or forestry purposes) entering upon a Town highway shall be developed and constructed by the applicant and approved by the Selectboard or its designee before any use thereof may be started. Regrading 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. Sight distances shall be 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 2.0 feet on the roadway. For purposes of the preceding sentence, the “posted speed” for unposted Class 3 highways shall be deemed to be 30 mph. 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 5.3(h) above. Vegetation and trees shall be removed as necessary to provide for visibility and safety.

**Table 5.3(k)
Sight Distance Table**

<i>Posted Speed (mph)</i>	<i>Minimum Sight Distance (feet)</i>
25	155
30	200

35	250
40	305
45	360

- (l) **Slopes and Banks.** Vertical and sharp cut faces, excepting ledge, shall not be permitted. Slopes and banks shall be no greater than 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 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.
- (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 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 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; and
 - (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. 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 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 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. Abutting landowners 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. Abutting landowners 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 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 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 abutting landowner chooses to plow the highway at his/her 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.

7.4. DRIVEWAY AND ACCESS ROAD PERMITS. 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 regrade the first 20 feet of a private driveway or 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 driveway or access road prior to approving the permit. 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.

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 or its designee whenever a property owner proposes to develop, construct, or regrade the first 20 feet of 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. 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.

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

7.6. **LOAD LIMITS:** Unless otherwise posted by the Selectboard in accordance with 23 V.S.A., Section 1400b (the statute authorizing special weight limits), 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.

- (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 completing the work and billing the permittee.

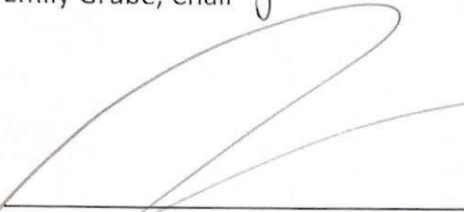
PART 8. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

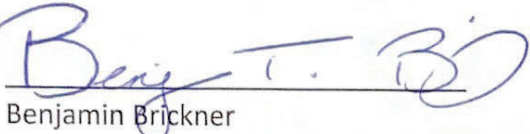
PART 9. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Selectboard and shall supersede and replace the Highway Ordinance adopted December 2, 2009.

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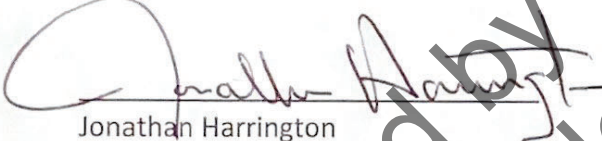
Pursuant to 24 V.S.A. Section 1972 this ordinance is adopted by the Selectboard at its meeting on the 16th day of November 2022 and shall become effective on the 15th day of January 2023.


Emily Grube, Chair


John Peters Jr., Vice-Chair


Benjamin Brickner


Steve Chamberlin


Jonathan Harrington

Superseded by Highway Ordinance
as amended June 21, 2023