

TOWN OF PITTSFORD HIGHWAY ACCESS POLICY

Section 1 -- Authority.

This Highway Access Policy (hereafter "Policy") is enacted pursuant to the authority granted to the Town under 19 V.S.A. §§ 303 and 1111.

Section 2 -- Purpose.

This Policy regulates access to the Town highway system. It is the purpose of this Policy to protect and preserve the safety and convenience of the inhabitants of the Town and the traveling public and to protect the public investment in the Town highway system through the regulation of highway access.

Section 3 -- Definitions.

For the purpose of this Policy the terms defined shall have the following meanings:

"**Access Permit**" means the permit issued by the Highway Foreman to access the town highway system after following the procedural requirements of this Policy.

"**Highway**" means the highway system for the Town of Pittsford, which includes the public rights-of-way, bridges, drainage structures, signs, guardrails, areas to accommodate utilities authorized by law to locate within highway limits, areas used to mitigate the environmental impacts of highway construction, vegetation, scenic enhancements, and structures.

"**Notice**" means the written Notice of Permission to Proceed, described in Section 5c of this Policy, issued by the Town Manager after an application for an access permit is approved.

"**Person**" means an individual corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or other legal entity.

"**Selectboard**" means the Selectboard of the Town of Pittsford.

"**Town**" means the Town of Pittsford.

"**Vermont Agency of Transportation Standards B-71 and A-76**" shall mean the most recent versions of the Vermont Agency of Transportation standard sheets B-71, Standards for Residential and Commercial Drives and A-76, Standards for Town and Development Roads.

Section 4 -- Permit required.

No person shall install, develop, construct, regrade, or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a highway right-of-way, or obstruct a ditch, culvert, or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, within the Town unless an Access Permit has been obtained from the Highway Foreman in accordance with this Policy. A driveway or other access created or

developed by the Town for official Town purposes is not required to obtain an Access Permit.

Section 5 -- Process.

A. **Application.** A person may apply for an Access Permit from the Town using the Access Permit Application form provided by the Town Clerk's Office or Zoning Administrator. The application shall be in writing and shall be signed by the applicant or an individual authorized to act for the applicant. A filing fee of \$25 is required for all access permits and a bond fee of \$1,000 shall be required if there is encroachment onto the Town highways. Fees are to be paid at the time the application is submitted. A completed application must be submitted to the Town Manager or Highway Foreman at least 30 days before work is scheduled to begin. The Town Manager or Highway Foreman may modify the time requirements of this Policy for good cause shown provided the public health and safety will not be jeopardized by such action.

B. **Consideration.** Prior to any action by the Highway Foreman, the Town Manager shall cause the application to be reviewed by Town departments including, but not limited to, highway, police, fire, and rescue. The Town Manager or Highway Foreman may approve, approve with conditions/modifications, or deny an application upon consideration of the approval standards set forth in Section 7 of this Policy.

C. **Notice of Permission to Proceed.** If an application is approved, the Town Manager will issue written permission in the form of a Notice of Permission to Proceed ("Notice"). The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town. The Notice will state the date on which construction / development of the Access may proceed.

D. **Notification of completion.** The applicant shall notify the Town Manager within 14 of days after construction is completed.

E. **Final inspection.** The Highway Foreman shall conduct a final inspection to determine if the work has been completed according to the requirements listed in the Notice.

F. **Issuance of Permit.** If, after inspection, it is determined that the Access has been constructed/ developed in compliance with the Notice, a written Permit shall be issued by the Town Manager or Highway Foreman within 14 days after final inspection.

G. **Recording of Permit.** A Permit shall not be valid until recorded in the Town Land Records at the expense of the Permittee.

Section 6 -- Contents of Application.

An application for an Access Permit shall be on the form provided by the Town and shall be deemed to be complete if it includes the following:

- 1) The name, address, and telephone number of the applicant, the principal officers of the applicant, the individual making the application, and any other individual authorized to represent the person applying for the Permit;

- 2) If the applicant is not the owner of the premises where the access is to be constructed, the name and contact information of the owner or other person that has the authority to consent to the use and development of the premises, and a signed statement from that person stating that consent is given to the applicant;
- 3) The location of the access, including street address (if any), and parcel ID # of the property;
- 4) The date on which construction is proposed to begin;
- 5) A visual depiction of the premises indicating location, layout, adjacent state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area;
- 6) Any additional information the applicant wishes to furnish that assists the Town Manager or the Highway Foreman in determining that the proposed access will comply with the applicable standards; and
- 7) The signature of the applicant or an individual authorized to act for the applicant.

Section 7 -- Approval conditions.

When issuing a Notice under this Policy, the Town Manager or Highway Foreman shall require that the proposed access will be constructed or developed according to the standards in Vermont Agency of Transportation Standards B-71 and A-76.

In addition, the Town Manager or Highway Foreman shall require conditions to avoid:

- (1) undue adverse traffic congestion and unsafe conditions regarding the use of public roads, sidewalks and other public rights-of-ways;
- (2) unhealthy conditions regarding water supply, sewage disposal or solid waste disposal; and
- (3) adverse effects on drainage ditches, culverts or other drainage facilities.

In addition, the Town Manager may require the posting of a security bond or the establishment of an escrow account to ensure compliance with the conditions of the Notice or Permit and protection of the town highway system. In addition, the Town Manager may attach any such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts reviewable under the approval standards set forth above.

Section 8 -- Expiration of Notice of Permit.

The authorization conveyed by a Notice of Permit shall expire 1 year after the issuance of that Notice unless the work authorized by such Notice has been substantially commenced.

Section 9 --Damage to Town highways.

In the event that damage to a town highway is caused by improper construction, maintenance, or grading of a driveway or other highway access point, it shall be the responsibility of the property owner to compensate the Town for any expenses involved in restoring that highway to its original condition.

Section 10 -- Revocation of Permit; Frontage road.

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

Section 11 -- Responsibility for culverts and headwalls

Culverts and headwalls installed on private property, even when located within the municipal right of way, are the responsibility of the property owner. Property owner retains legal and financial responsibility to repair, replace, and maintain those culverts and headwalls. Nevertheless, property owner must obtain permission from the Town in the form of a written Notice of Permission to Proceed before any repair or replacement may take place.

Section 12 -- Applicability of other laws and ordinances.

The Permit required under this Policy shall not replace or eliminate any requirement to obtain approval under any other applicable State laws or municipal land use ordinances. Applicants and Permittees are solely responsible for ensuring that their access is in compliance with applicable State laws and municipal land use ordinances.

Section 13 -- Enforcement and Penalties.

In the event that a person fails to obtain a Notice/Permit as required by this Policy, fails to abide by the terms and/or conditions of a Notice/Permit, or misrepresents any information contained within or in support of a Notice/Permit application, the Town Manager may resort to any or all of the following enforcement options:

A. Optional Notice of Violation

Prior to instituting any legal action or proceeding to enforce this Policy, the Town Manager or its designee may issue a notice of violation setting forth the nature of the violation, the corrective action necessary to abate the violation, and notice of intention to institute an action or proceeding against the person responsible for the violation. 19 V.S.A. § 1111(i).

B. Assurance of Discontinuance

The Town Manager or its designee may accept an "assurance of discontinuance" of any violation of this Policy, including a schedule for abatement of a violation. 19 V.S.A. § 1111(i). When such assurances are allowed, they must be in writing and must be filed not only with the town, but also with the attorney general, the Superior Court, and the town clerk's land records.

C. Permit Suspension

