

**NOTICE OF AMENDMENT TO
ORDINANCE
REGULATING ACCESS TO AND USE OF PUBLIC RIGHTS OF WAY**

At a regular meeting held on November 9, 2015, the Waterford Board of Selectmen voted to make the following changes to Article 4 - Procedures to Obtain Permit for Access to Town Roads in the Ordinance Regulating Access to and Use of Public Rights of Way, pursuant to 24 V.S.A. Sections 1971 and 24 V.S.A. 2202(a). This notice is published pursuant to 24 V.S.A. ss 1972 to inform the public of the amended ordinance and the of the citizens' right to petition for a vote to disapprove the amended ordinance.

3. Return the completed application to the Zoning Administrator or Town Clerk, and pay the currently established fee. The Zoning Administrator shall review the application for completeness and shall note any zoning concerns and any open permits associated with the property. After review, the Zoning Administrator shall forward the application to the Road Foreman for his review, comments and suggestions. The Road Foreman shall forward the application with his recommendations for approval, approval with conditions, or disapproval to the Selectboard.

4. The Selectboard shall make the final decision to grant, grant with conditions, or deny the permit, guided by the standards set forth in this ordinance and applicable State law. The granted permit shall allow applicant to perform the construction work required to complete the access intersection, but shall not become effective for use of the access until the Road Foreman inspects the site and certifies to the Selectboard that construction has been completed in accordance with the permit and any conditions thereof.

The full text of the amended ordinance may be examined at the Waterford Town Clerk's office at 532 Maple Street, Lower Waterford VT 05848, during regular office hours, and is available on the Town Website at www.waterfordvt.org.

CITIZENS' RIGHT TO PETITION FOR VOTE

Title 24 V.S.A. ss 1973 grants citizens the right to petition for a vote at a special or annual Town Meeting to disapprove ordinances adopted by the Selectmen. To exercise this right, citizens must present to the Selectboard or the Town Clerk a petition for a vote on the question of disapproving the ordinance signed by not less than five percent (5%) of the Town's qualified voters. The petition must be presented within forty-four (44) days following the date of the adoption of the ordinance. Unless a petition requesting a vote is filed pursuant to 24 V.S.A. ss.1973, the Amendment to the Town's Ordinance Regulating Access to and Use of Public Rights of Way shall become effective January 8, 2016, sixty (60) days from the date of said adoption.

PERSON TO CONTACT Additional information pertaining to this Ordinance may be obtained by contacting the Waterford Town Clerk, 532 Maple Street, Lower Waterford VT 05848, or by calling 802-748-2122 during regular office hours.

Town of Waterford
Ordinance
Regulating Access To and Use of Public Rights of Way

Article 1. Title and Authority.

This ordinance is entitled "Access to and Use of Public Rights of Way for the Town of Waterford and is adopted by authority of Title 19 VSA Sec.1111 and Title 24 VSA Secs. 1971-1976.

Article 2. Purpose

As stated in the VAOT Handbook "Access Management on Roads and Streets" dated September 1996, "Failure to plan driveway placement leads to traffic congestion, unnecessary conflicts, and serious accident problems....The number of curb cuts per mile of roadway directly influences the accident rate." This ordinance is being adopted to promote traffic safety by managing driveway placement, to reduce congestion, unnecessary conflicts, and traffic accidents, and to promote the health, safety and welfare of the citizens of the Town of Waterford and to prevent damage from drainage problems to town highways,.

Article 3. Permits Required for Use of or Access to Rights of Way of Town Highways

It shall be unlawful for any person, firm or corporation or other entity to develop, construct, regrade, or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or in any way affect the grade of a town 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 direct the flow of water onto the highway right of way without first obtaining a written permit from the Selectboard.

Before a change in the use of a lot served by an existing driveway occurs, a new permit shall be required. Once construction of the driveway access is approved by the Selectboard, the permit shall remain valid for one year.

Article 4. Procedure to Obtain Permit for Access to Town Roads

An applicant shall follow the following procedure to obtain a permit:

1. Obtain an application form from the Zoning Administrator or Town Clerk and receive information regarding the application process.
2. Prepare the application, preferably in consultation with the Town Road Foreman who may advise applicant of design, drainage, visibility, or other health or safety concerns.
3. Return the completed application to the Zoning Administrator or Town Clerk, and pay the currently established fee. The Zoning Administrator shall review the application for completeness and shall note any zoning concerns and any open permits associated with the property. After review, the Zoning Administrator shall forward the application to the Road Foreman for his review, comments and suggestions. The Road Foreman shall forward the application with his recommendations for approval, approval with conditions, or disapproval to the Selectboard. *see amendment 1-8-16*

4. The Selectboard shall make the final decision to grant, grant with conditions, or deny the permit, guided by the standards set forth in this ordinance and applicable State law. The granted permit shall allow applicant to perform the construction work required to complete the access intersection, but shall not become effective for use of the access until the Road Foreman inspects the site and certifies to the Selectboard that construction has been completed in accordance with the permit and any conditions thereof. *see amendment 1-8-16*

5. Should applicant dispute the Road Foreman's decision of completeness, the Selectboard shall make the final decision of completeness.

6. The Selectboard shall make final approval for use.

Article 5. Standards for Review of Applications

Construction standards for all permits shall be in accordance with the Vermont Agency of Transportation Standard B-71 form "Standards for Residential and Commercial Drives". Additionally, for approval, applicants must meet the following standards to adequately protect and promote the safety of the traveling public:

1. Proposed driveway entrances shall be located so that adequate sight distance exists to allow safe stopping by vehicles traveling on the highway when confronted by vehicles using the driveway to enter or exit the highway.
2. Proposed driveway entrances shall, where possible, enter the highway at a right angle, but in no event at less than a 60 degree angle.
3. Where reasonably possible, proposed driveways shall be separated by at least 100 feet from any existing driveway or intersecting roadway.
4. All proposed driveway entrances shall be graded and drained so as to keep all surface water flowing on the proposed driveway from flowing onto the highway.
5. All proposed driveways shall be designed to have culverts or other drainage facilities with sufficient capacity to allow adequate lateral drainage of the highway.
6. All proposed driveway entrances shall not have any slope, grade or curve that might impede the easy travel of any vehicle between the highway and the proposed driveway, or impede the visibility of drivers on either the highway or the proposed driveway, or create a danger of a vehicle sliding, slipping or skidding from the proposed driveway into the highway.
7. Where visibility of drivers on either the highway or the proposed driveway may be impaired by existing fences, walls, trees or other vegetation or material, the applicant shall provide for the removal or relocation of these impediments.
8. The proposed driveway entrance shall be designed to have any other safety feature reasonably necessary to protect the traveling public, maintain reasonable levels of service on the existing highway system, or to facilitate the proper care and maintenance of the highway
9. Where development is proposed for land abutting any highway, the Selectboard may require, as a condition of approval, the elimination of 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.

10. The Selectboard shall in no case unreasonably deny entrance or exit to or from property abutting a highway, using safety, maintenance of reasonable levels of service on the public highway, and protection of the public investment in the highway infrastructure as the test for reasonableness, and except as necessary to be compatible with the town and regional plans.

Article 6. Enforcement

The Selectboard shall be the body charged with the enforcement of this ordinance. The Selectboard may suspend any permit issued under this ordinance until compliance with the permit is obtained. If there is continued use or activity after suspension, the Selectboard may physically close the driveway or access point if, in its opinion, the safety of highway users is or may be affected. The Selectboard shall have all other enforcement powers provided by law.

Violations of this ordinance are subject to the penalties set forth in Title 19, Section 1111, V.S.A. of fines not less than \$100, nor more than \$10,000 for each violation.

Article 7. Definitions

Words and phrases contained in this Ordinance shall have the meanings listed below unless the context implies a different meaning. Words and phrases not listed shall have the meaning prescribed by law, or if not so prescribed, shall have their ordinary meanings, taken in context.

1. Administrator: the Selectboard or its duly appointed representative
2. Change of Use: any intensification of existing use, or any change from an existing use to a new use, which is likely to increase traffic entering and exiting a proposed or existing driveway
3. Driveway: any access or entry point to any town road or highway
4. Selectboard: the legislative and governing body of the Town of Waterford.
5. VAOT: the Vermont Agency of Transportation or its successors
6. DRB: Development Review Board


Article 8. Severability

If any part of this Ordinance is found illegal or unconstitutional by a court of competent jurisdiction, the remainder shall remain in full force and effect.


Article 9. Effective Date

This Ordinance shall become effective sixty (60) days after the adoption date shown below.

Adopted by the Selectboard this 9th day of Nov. 2015.


Brent Beck


Gary Allard


Fred Saar