

## **HIGHWAY ORDINANCE TOWN OF GROTON, VERMONT**

### **ARTICLE I. TITLE, AUTHORITY AND ADOPTION**

This ordinance is entitled the Groton Highway Ordinance and is based on the authority of Title 24 V.S.A., Sections 1971-1976. This ordinance was adopted by resolution of the Board of Selectboard in accordance with the procedure outlined in 24 V.S.A. §1972 on 3-9, 2006. By adoption of this ordinance the Selectboard revokes and rescinds all prior highway ordinances, it being the intent of the Selectboard to have one unified ordinance that addresses all relevant town highway issues. Notwithstanding and foregoing, the adoption of this ordinance shall not have the effect of revoking, rescinding or modifying the Town of Groton Naming of Roads and Numbering Buildings Ordinance adopted July 11, 1995 which shall remain in full force and effect.

### **ARTICLE II. DEFINITIONS OF TOWN HIGHWAYS** (State Classification System Pursuant to 19 VSA §302)

**Class 1.** Those town highways which form the extension of a state highway route and which carry a state highway route number. The Vermont Agency of Transportation (AOT) shall determine which highways are to be class 1 highways.

**Class 2.** Those town highways selected as the most important highways in each town. 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 Vermont AOT, shall determine which highways are to be class 2 highways.

**Class 3.** (A) All traveled town highways other than class 1 or 2 highways. The Selectboard, after conference with a representative of the Vermont AOT shall determine which highways are class 3 town highways.

(B) 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.

(C) 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.

**Class 4.** All other town highways. The Selectboard shall determine which highways are class 4 town highways. Untraveled class 4 town highways will not be maintained.

Trails. Trails shall not be considered highways and the town shall not be responsible for any maintenance including culverts and bridges.

"DISCONTINUED HIGHWAY". A previously designated class 1, 2, 3 or 4 town highway as to which, through the process of discontinuance, all rights have been reconveyed to the adjoining landowners. (19 VSA §301).

### **ARTICLE III. GENERAL HIGHWAY MAP**

The current General Highway map as prepared by the Vermont AOT and all subsequent amendments thereto is hereby adopted as the official inventory of public highway classification and mileage.

### **ARTICLE IV. STANDARDS FOR NEW CONSTRUCTION AND UPGRADING OF CLASS 4 HIGHWAYS**

**4.1 DRIVEWAYS AND APPROACHES.** Driveways and approach roads entering upon a public highway shall be constructed at 90° angle to such highway, or shall be provided with a surfaces area of sufficient size to permit a vehicle entering the highway to enter at a 90° angle. Recommended site distance shall be 110 feet for each 10 mph of vehicle speed on the highway intersected. Using Vermont A O T standard B-71 or other current standards as guidance.

**4.2 SEWER AND WATER LINES.** Where required, sewer mains or lines to each building shall be laid on opposite sides of the road from the water mains or lines. Sewer or water sleeves shall be inserted at a minimum depth of five feet at intervals as required by the Selectboard wherever a paved road is required under this ordinance. Services shall be laid at the proper pitch and shall connect to the sewer or water lines at a place to be designated by the Selectboard. After any pipes, conduits, drains or other underground structures are laid, or any excavation is made in the roadway the trenches, or openings shall be properly back-filled with suitable materials; the back-fill shall be thoroughly tamped, and the surface of the road over said structures shall be left even with the adjoining ground. If the work is done in cold weather, no frozen materials shall be used for back filling.

Whenever the hardened surface of the roadway, gutters or any part of the surface of the highway is disturbed, it shall be replaced in as good condition as before it was disturbed, and if new materials are required, they shall correspond with those already in place on the road.

Where service pipes are to cross the highway, the connections shall be made without disturbing the hardened surface of the roadway, by driving the pipes under the roadway, or the service pipes shall be carried under and across the road in a large pipe, unless otherwise ordered by the Selectboard.

The party or parties to whom the permit is granted shall maintain the surface of the roadway over said structures as long as the Selectboard may deem necessary, until all signs of the trenches shall have been eliminated.

**4.3 RIGHT OF WAY.** The right of way shall be at least 50 feet in width with maximum slope grades of one on 1 1/2 for both cut and fill slopes. The highway surface for travel shall be built in the center of the right of way and the right of way shall be cleared to permit and facilitate snow removal and proper maintenance of drainage ditches, culverts, slopes and bank, accesses, turnouts and turnarounds, and other features of the highway. Dead and diseased trees, brush and stumps shall be removed. Cutting of all 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 designs and drawings shall reflect the general clearing plan.

**4.4 SHOULDERS.** Shoulders shall extend at least two feet on each side of the traveled surface of highways built or improved in Groton. Shoulders shall be slightly pitched to prevent excessive erosion and unsafe conditions. There shall be a variable equal to a minimum of 1 1/2 times the height of shoulder above ground elevation from the toe of shoulder to toe of slope.

**4.5 HIGHWAY SUBGRADE AND SURFACE PREPARATION.** The highway shall have a minimum of twelve inches of packed gravel with fabric to be used under all newly constructed highways. Where extreme subsoil conditions exist the Selectboard may require the use of additional amounts of gravel. The traveled portion of all public roads shall be a minimum of 20 feet in width for the travel portion plus 2 foot gravel shoulders and shall conform to Vermont AOT Standard Sheet appropriate for the projected traffic volume or as specified in particular locations by the Selectmen in consideration of sub-surface conditions, banks and slopes, grades, turnouts, access ways, and other highway features. Gravel shall be good bank run, meeting Vermont AOT specifications for gradation. No stone larger than six inches shall be placed in the twelve-inch depth of gravel. Gravel surface shall be fine graded and compacted to the required grade with grader, roller and hand labor. Material specifications are to be as set forth in the standard specifications for construction as prepared by Vermont AOT which specifications are available from the Groton road commissioner.

**4.6 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 waterways and absorption areas. Accordingly, drainage ditches adjacent to roads are normally to be at least six inches below the gravel sub-base or eighteen inches below finished grade to minimize spring breakup conditions. Ditches shall be shaped to prevent excessive erosion on both shoulder and right of way or bank sides of the ditch cross-section. All ditches are to be stone lined if over 5% grade with minimum 6-inch stone.

**4.7 CULVERTS.** Culverts shall be installed during construction of the highway sub-base and surface preparation. Backfill in excavations for culverts shall be compacted to prevent or minimize settling in surface, shoulders or slopes. Culvert size shall be 18-inch minimum for road crossing and 15-inch minimum for driveways. However, the Selectboard or their designated agent shall determine the size to meet 25-year flood event. Culvert sections shall be properly joined and shall extend to the toe of the slope, or a minimum of 1 1/2 times the height of fill from the shoulder

point. This can be reduced if adequate headwalls are provided to catch the slope. Culverts shall be corrugated or helical coated steel, or plastic. Inlet and outlet ditches, boxes, headers and other protection necessary shall be provided to minimize erosion damage. Culvert elevations shall be kept as low as possible. All fill shall be compacted in six-inch lifts to 90% maximum density.

**4.8 GRADES.** Highway grades shall not exceed seven percent unless paved or double tacked and in no case shall grades exceed ten percent unless otherwise approved by the Selectboard. In no event shall grades exceed eighteen percent.

**4.9 ALIGNMENT AND CURVES.** Highways shall be aligned and constructed as to afford safe travel, visibility and access in all weather conditions. Proper drainage shall be maintained on curves and bridge approaches. In no event shall any grade exceed 18%.

**4.10 BRIDGES.** Bridge design and construction shall conform to current State of Vermont Highway Department standards.

**4.11 TURNAROUNDS.** All future turnarounds on dead end highways shall have a radius large enough to accommodate properly all equipment and vehicles using or servicing the road and area, including school buses. Drainage shall be provided to prevent impounding of water. Roadside features shall permit proper snow storage on turnarounds.

**4.12 PAVING.** The Selectboard reserves the right to require that all new roads serving more than one lot or parcel be paved considering slope, traffic volume, projected traffic volume and possibility of development. All paving shall provide, at a minimum, a two inch base with a 1" top coat of hot mix or equivalent cold mix with seal coat (specifications available from the Groton road commissioner).

**4.13 DESIGN.** Highway design shall be based on projected maximum average daily travel including future extensions and through travel and usage.

**4.14 INSPECTION.** All highway designs, including cut and fill plans, gravel pit plans, surveys, layouts, rights of way, road construction site, preparation and construction shall be inspected by the Selectboard or their designated agent. Town will use Vermont A O T standard A-76, B-11, D-2, D-3 along with typical A-21, A-22, A23, A24, A25, and A-26 or any other current standard as guidance. Professional engineering, surveying and legal assistance may be contracted by the Town at the owner's and/or developer's expense to provide inspection and counseling services to the Selectboard as considered necessary in authorizing, inspecting and accepting the construction or altering of highways.

## **ARTICLE V HIGHWAY ACCEPTANCE: CONDITIONS AND PROCEDURES**

The process for consideration of the acceptance of a road into the town highway system shall conform to V.S.A. Title 19 §§708-711 of Vermont State Statutes. In all cases, any newly constructed road must be designed, laid out and constructed by the owner(s) in conformance with the standards prescribed in Article IV of this ordinance. If a petition made by the voters and/or

landowners of the Town of Groton consistent with 19 V.S.A. §708(a) is presented to the Selectboard to reclassify a Class 4 highway, the Board may require as a condition of the approval that the petitioner(s) comply, at their own expense, with any or all standards prescribed in Article IV which the Selectboard determine to be necessary under the circumstance. Prior to commencement of the statutory process to layout, accept, or reclassify a road, the Selectboard may require that the requesting party provide the Selectboard with a survey satisfying the requirements of 19 V.S.A. §§33, 704 and 710.

## **ARTICLE VI POLICIES AND PERMITS**

**6.1 Winter Plowing.** All class 2 and 3 town highways will be plowed to the extent necessary to allow access to homes of winter residents, except as provided in. 19 V.S.A. § 310(d). The Town of Groton will not plow any class 4 town highways. The winter operations shall be reviewed and approved by the Selectboard annually.

**6.2 Class 4 Town Highways.** It is the policy of the Selectboard to maintain class 4 highways as seasonal highways. Also, they are not expected to be fully serviceable during "mud season". Grading, installation and/or replacement of culverts, ditch work, and addition of gravel will be accomplished to improve the stability of the roadway as funds, manpower and other necessary work allow.

Any prospective landowner wishing to purchase or improve a property served by a Class 4 highway should contact the Selectboard prior to purchase to ascertain the current level of maintenance. Should any landowner with property adjacent to a Class 4 highway desire to improve and/or maintain the condition of the highway, he may do so at his own expense provided an application is made, in writing, and the Selectboard grants approval.

In evaluating whether to grant permission to allow improvements and/or maintenance to any Class 4 highways, the Selectboard shall consider the following:

- (A). Assurance that the Town of Groton will have no responsibility for maintenance or any legal liability for damages to persons or property occurring within the right of way limits as a result of the improvements and/or maintenance.
- (B). The potential loss of the highways for winter recreational uses if the landowner(s) choose to plow the highway at their own expense. If this is a relevant issue, the landowner shall attempt to maintain existing recreational linkages through negotiations with private landowners abutting the roadway.
- (C). Maintenance of a permanent access way to all parcels of land served by the highway.
- (D). The testimony of all abutting landowners with respect to the desirability of making road improvements and/or providing maintenance.

- (E) The improvements are consistent with the standards described in Article IV, so that unnecessary reworking can be avoided should highway be classified as class 3 at some future date.
- (F) The need to have a bond posted and held for a one-year period after completion of all work.

**6.3 Private Roads.** The Town of Groton will provide no highway maintenance or snowplowing of private roads

**6.4 Obstructions to Highway/Mailboxes/Access Permits.**

(A). It shall be unlawful:

1. Within a highway right of way:
  - a. to build any structure including, but not limited to, fences, buildings, stone walls or to erect signs;
  - b. or to deposit material of any kind; 23 V.S.A. § 1126a.
  - c. or to affect in any way the grade;
2. To obstruct a ditch, culvert or drainage course that drains a highway;
3. To fill or grade the land adjacent to a highway so as to divert the flow onto the highway right of way;

without an Access/Right of Way Permit from the Selectboard. The Town shall not be responsible for damage to any structures located within the right of way limits.

(B). Trees within right of way:

It shall be unlawful to cut trees within right of way with out permission of the Tree Warden. V.S.A. 24 § 2508

(C). Mailboxes and Newspaper Delivery Boxes:

1. No mailbox or newspaper delivery box (hereinafter referred to as mailbox) will be allowed to exist on the town's right of way if it interferes with the safety of the traveling public, or the function, maintenance, or operation of the highway system; a mailbox installation that does not conform to the provisions of this regulation is an unauthorized encroachment; the location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service as well as to standards established in this ordinance.

2. Location: Mailboxes shall be located on the right hand side of the roadway in the direction of travel by carrier. The bottom of the box shall be set at an elevation established by the U.S. Postal Service, usually 42" above the surface; the roadside face of the box shall be offset from the edge of the traveled way and any shoulder, curbs or ditch a minimum of 12 inches; where a mailbox is located at an intersecting road, it shall be located a minimum of 25 feet from the edge of the intersected road.
3. Structure: Mailboxes shall be made of light material that conforms to the requirements of the U.S. Postal Service; mailbox supports shall not be set in or filled with concrete; mailbox supports shall not have the anchor plates or metal guards; no more than two mailboxes may be on a common support; a single 4 inch by 4 inch or 4 1/2 inch diameter wooden post or a metal post with a strength no greater than a 2 inch diameter standard strength steel pipe and embedded no more than 24 inches into the ground will be acceptable as a mailbox support; mailbox supports and installations not described in this regulation may be acceptable only if approved by the town in advance of installation.
4. Removal: The owner upon notification by the town shall remove any mailbox that is found to violate the intent of this regulation. At the discretion of the town, based on an assessment of hazard to the public, the owner will be granted not less than 24 hours nor more than 30 days to remove an unacceptable mailbox. After the specified time period has expired, the mailbox will be removed by the town at the owner's expense; the town is not responsible for damages to any mailbox within the town's rights of way; the owner will be responsible for any damage to the road, shoulders and ditches caused by mail deliveries and pickup.

(D). Permits

- (1) Permits, issued by the Selectboard, shall be required to develop, construct or regrade any driveway, entrance or approach to a town highway. 19 V.S.A. § 1111
- (2) Property owners must obtain an access permit when altering landings, loading areas, logging roads and farm roads that intersect a Town of Groton right of way.
- (3) Logging roads and landings must meet State regulations under the State of Vermont publication Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont.
- (4) Applications will be required to have a map attached showing the location of work and distances to nearest driveways or intersection
- (5) After review and approval the Selectboard will issue a Notice of Approval to Proceed. The property owner or agent shall notify the Town of Groton a minimum of three days in advance of construction taking place so that the Town has an opportunity to inspect during installation.
- (6) Upon completion of work, the property owner or agent shall notify the Town of Groton with in a reasonable time, not to exceed ten days, that intended work has been completed. After inspection and approval the Selectboard will issue

an Access/Right of Way Permit

- (7) Temporary Permits may be issued by the Selectboard for short-term access to Town right of ways.
  - (8) In addition to any other enforcement powers, the Selectboard may suspend any permit until compliance is obtained. If there is continued use or activity after suspension the Selectboard may physically close driveway or access point if the safety of the highway users is or may be affected.
- (E) The Selectboard may make such rules and regulations to carry out the provisions of this section as will adequately protect and promote the safety of the traveling public, and shall in no case deny reasonable ingress and egress to property abutting the highways, using said safety as the test for reasonableness
- (F) An application to the Selectboard for a permit by reason of development subject to the provisions of this section shall include a proposed highway access plan for the entire tract of land. The Board of Selectmen may impose reasonable conditions in order to reduce the number of accesses that will be required for the tract of land. Such conditions may include set-back of any construction or improvements from the highway to allow for provision of frontage road or roads, acceleration and deceleration lanes and other areas for off-highway control and management of vehicles and may require reimbursement for costs to the Town of installation of traffic control devices or road improvements reasonably required by reason of development; and to permit integration of such access and on-site traffic control facilities and connection of frontage roads between contiguous tracts of land as development is occurring or may occur along the highway.
- (G) In addition, the Selectboard, may, as development occurs on land abutting such highway, provide as a condition of any permit, for the elimination of other existing access to the degree a common frontage road may make elimination feasible and practical.

**6.5 Construction and Maintenance of Access to Town Highways.**

- (A) All costs of developing and installing access to town highways shall be the responsibility of the individual requesting an access permit under section 6.4 of this Ordinance and/or landowners utilizing such access for their convenience. Such costs shall include paving or repaving of surfaces, the installation of culverts, ditches, and necessary traffic control devices, including signs incidental to such access.
- (B) Landowner will be responsible for all maintenance for one year.
- (C) When existing culvert has failed it will be determined by the Town of Groton the need of replacement. The Landowner will pay purchase price of culvert only.
- (D) If it is determined by the Town of Groton that the size needs to be increased the property owner will pay only price for same size diameter as existing pipe or current price for a minimum size of 15 inch whichever the circumstance may be.



**6.6 Load Limits.** Unless otherwise posted by the Selectboard in accordance with 23 V.S.A. §1396, the legal load limit on all Class 2 and Class 3 town highways in Groton is twelve tons. Vehicles, including load, traveling on Class 4 roads shall not exceed eight ton.

**6.7 Overload Permits.** Requests for temporary permits can be made to the Selectboard or their designated agent. In considering whether to grant such permit the Board shall take into account possible damage to the roadway and the financial responsibility of the permit holder. If a permit is issued and damage to roadways, bridges or culverts occurs the permit holder will be held financially responsible. Failure to repair such damage will result in the town completing the work and billing the permit holder.

### **6.8 Utilities**

(A). All rock-blasting as well as other work shall comply with all the laws and regulations of the State of Vermont. The permit holder must, in every case where there is a possibility of injury to life or property in blasting, batten down the blast with heavy chair logs and to prevent the stone from scattering, he shall place on said logs a blasting mat or bags of sand as a makeweight to hold the blast.

(B). During the progress of the work, all structures under ground and above ground shall be properly protected from damage or injury; such barrier shall be erected and maintained as may be necessary for the protection of the traveling public, the same shall be properly lighted at night; and the party or parties to whom this permit is issued shall be responsible for all damages to person or property due to or resulting from any work done under this permit.

(C). Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the Town Highway in such a manner as to interfere unnecessarily with the travel over said road.

(D). If any grading or sidewalk work done under this permit interferes with the drainage of the Town Highway in any way, such catch basins and outlets shall be constructed as may be necessary, in the opinion of the Selectboard, to take proper care of said drainage.

(E). Wherever the hardened surface of the roadway or sidewalk is disturbed and the Selectboard may consider it necessary or advisable to do so, said surface will be restored by the employees of the Town, at such time as the Selectboard may direct, and the expenses thereof shall be borne by the party or parties to whom the permit is issued, who shall purchase and deliver on the road the materials necessary for said work, as directed by the Selectboard. All payments to laborers, inspectors, etc. employed by the Selectboard for or on account of the work herein contemplated shall be made by said party or parties forthwith on the receipt of written order, payrolls, or voucher approved by the Town.

(F). If the party or parties to whom this permit is issued does work contrary to the order of the Selectboard and a due notice fails to correct such work or to remove such structure or materials as he or they may be ordered to remove, the Selectboard may, with or without notice, correct such work or remove such structures or material; and the party or parties to whom this permit is issued

shall reimburse the Town for any expense incurred in correcting the work or removing structure or material.

(G). All of the work herein contemplated shall be done under the supervision and to the satisfaction of the Selectboard, and the entire expense thereof shall be borne by the party or parties to whom this permit is issued.

(H). On the completion of the work herein all rubbish and debris shall be removed and the roadway and roadsides shall be left neat and presentable and satisfactory to the Selectboard.

(I). The Selectboard hereby reserve the right to order the change of location or the removal of any structure or structures authorized by this permit at any time; said change or removal to be made by and at the expense of the party or parties to whom this permit is granted, or their successors or assigns.

(J). This permit may be modified or revoked at any time by the Selectboard without rendering said Selectboard or the Town of Groton liable in any way.

(K). All of the above conditions shall be applicable to the work herein authorized, unless the same are inconsistent with the conditions on the face of this permit, in which case the conditions written or printed on the face of the permit shall apply.

(L). The acceptance of this permit or the doing of any work there under shall constitute an agreement by the party or parties to whom the permit is granted to comply with all of the conditions and restrictions printed or written herein.

(M) The Selectboard may require a bond to be placed before permit is issued. This bond shall be held for one-year period after completion of all work.

(N) Before any Notice of Approval to Proceed are issued the Selectboard shall give notice to the Tree Warden because of the value of shade trees, both aesthetically and monetarily and the Road Commissioner to review impact on Town Highway.

## **ARTICLE VII MISCELLANEOUS**

**7.1 Winter Parking.** Parking within a town right of way, including turnarounds and/or Culda-sacs, shall be prohibited between November 1 and March 31 of each year except for town owned parking areas where there will be no parking between midnight and 6:00 am. Violators will be towed at the vehicle owner's expense.

**7.2 Signs.** It shall be unlawful for any person to intentionally remove, injure, obstruct, deface, alter or tamper with any traffic control device. For the purpose of this ordinance Traffic Control Devices shall be defined as all signs, signals, markings, street signs and other devices used to warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian

facility, or bikeway by authority of the Town Of Groton.

**7.3 Waiver.** If it is in the public good and otherwise consistent with the purposes of this ordinance, the Selectboard may waive one or more of the provisions of this ordinance if justified by the specifics of the situation under review.

**7.4 Severability:** The provisions of this ordinance are declared to be severable and if any provisions hereof be adjudged invalid such judgment shall not affect the validity of any other provisions.

**7.5 Working within right of way.** Working within town highway right of way will require compliance with current work zone standards adopted by Vermont Agency of Transportation.

**7.6 Enforcement.** This ordinance is designated a civil ordinance. A civil penalty of not more than \$500.00 may be imposed for a violation of this ordinance, however, where violation of an order is of a continuing nature, each day during which the violation continues after the date fixed by the Selectboard for the correction or termination of the violation shall constitute an additional separate and distinct offense except during the time an appeal from the order may be taken or is pending. Enforcement of violations shall be made pursuant to 24 V.S.A. §1974(a) and §1977 et seq. that are incorporated herein by reference or by any other enforcement powers provided by law.

Adopted by resolution of the Selectboard on March 9, 2006.

**ADOPTION HISTORY:**

1. Agenda item at regular Selectboard meeting held on March 9, 2006.
2. Read and approved at regular Selectboard meeting on March 9, 2006 and entered in the minutes of that meeting which were approved on March 16, 2006.
3. Posted in public places on March 18, 2006.
4. Notice of adoption published in the Caledonian Record Newspaper on March 18, 2006 with a notice of the right to petition.
5. Other actions [petitions, etc.]