

**POLICY AND PROCEDURE FOR HIGHWAY ACCESS
PERMIT
TOWN OF CHARLOTTE**

Under 19 V.S.A. Section 1111(b), the Town of Charlotte Selectboard has the authority to regulate access onto public roads. The rules contained in this policy shall guide the Town of Charlotte Board of Selectmen in providing reasonable and safe access onto public roads and preventing unsafe conditions.

In the performance of its statutory duty to issue highway access permits and in the fulfillment of its responsibility to adequately protect and promote the safety of the traveling public, maintain reasonable levels of service on existing town highways, provide for the adequate provisions for life safety services and to protect the public investment in the existing highway system, the Selectboard of the Town of Charlotte has adopted the following official policy and procedure. The Selectboard will be guided by the Recommended Standards for Access Roads and Driveways adopted by the Charlotte Planning Commission on September 2, 1997 and by the Vermont Agency of Transportation standard sheets, B-71, Standards for Residential and Commercial Drives A-76, Standards for Town and Development Roads. Proposals should be in compliance with these standards as well as the terms and provisions of the Town's Municipal Plan, Zoning By-Laws and Subdivision Regulations, as may be amended from time to time.

Permit Required

A permit approved by the Selectboard is required for all driveways, entrances, curb cuts and approaches ("access points") within a town highway right-of-way. No construction may take place until the town has issued a highway access permit.

General Provisions

The following Town policies will guide decisions on applications for an access permit:

1. Any proposed driveway, entrance, curb cut or approach within a town highway right-of-way shall be allowed only as necessary to provide reasonable access to and from the subject property. For reasons of safety, costs and aesthetics, the Selectboard will normally allow only one access point for a single property. Exceptions will be made only in cases of hardship or unusual topography or in the interest of improved safety.
2. Subject to the recommendation of the Planning Commission, access points will generally be located on less traveled roads rather than more highly traveled roads.
3. Access points will minimize impacts on agricultural soils and operations, wildlife habitat, wetlands and scenic areas.
4. Any additional lots created from the lot for which an access point is approved may be required to use the same access.

Procedure

1. Applicants must obtain a **Highway Access Application Form** from the Town Planning and Zoning Office. The completed application form is then submitted to the Town Planning and Zoning Office with the application fee. All requests will include a description of the proposed project with location of the property including parcel identification and E-9-1-1 address (if available), anticipated scope of required clearing, excavation and/or fill, and names of adjacent property owners, to include those across the highway. All requests will also include a sketch of the project with scaled dimensions of the proposed curb cut, proposed drainage including culverts, with sizes, clear line-of-sight distances in two directions, distance to nearest driveways in two directions, and locations of all existing and proposed structures, utilities or other easements, septic systems and replacement areas, wellheads, bodies of water, and property lines with dimensions. The Selectboard may, in its discretion, required professionally engineered designs.
2. The request will be forwarded by Planning and Zoning to the Selectboard for review. Copies of the request will also be forwarded to the Road Commissioner and to the Chair of the Planning Commission.
3. The Road Commissioner will conduct a site visit to the proposed location and prepare a recommendation regarding the request to the Selectboard and to the Planning Commission.
4. A hearing before the Selectboard on any new highway access request will be scheduled within 10 days after such a request is deemed administratively complete by the Chair of the Selectboard or designee.
5. The hearing will not be held until:
 - A. The Road Commissioner has conducted a site visit and prepared a recommendation to the Selectboard and the Planning Commission.
 - B. The adjoining property owners have been notified by the zoning office.
 - C. If the property is to be subdivided, a recommendation from the Planning Commission must also be received prior to the hearing. The findings of the Road Commissioner will be considered in this recommendation. For a minor subdivision, this recommendation from the Planning Commission will be given after the sketch plan review and before the final review. For a major subdivision the recommendation will be given after the preliminary review and before the final review. The Selectboard may also, at times, request a recommendation from the Planning Commission when the subject property is not being subdivided.

6. The applicant, or representative, must attend the scheduled hearing in person. The applicant must be the owner of record of the property subject to the proposed access. If the applicant chooses to send a representative to the hearing, the Selectboard, prior to the date of the hearing, must receive written authorization from the applicant for such representation.
7. The Selectboard will render a decision on the request within 30 days of the close of the hearing and notify the applicant of the decision.
8. Approvals will be recorded in the Town of Charlotte land records.
9. If construction has not commenced within two years of the date of the issuance of the highway access permit, the permit shall expire.

Inspection

The applicant will be expected to arrange the above-referenced site visit with the Road Commissioner and a second site visit with the Selectboard or its agent upon completion of construction. No construction activity may commence within a town highway right-of-way without prior notification to the Road Commissioner.

Forms

The Town will provide the necessary form for applying for an access permit.

Temporary Highway Accesses

Temporary accesses may be considered independent of this process. However temporary accesses require a recommendation from the Road Commissioner and Selectboard approval. Requests for temporary accesses should be sent to the Chair of the Selectboard in the form of a letter that states the purpose of the access and justifies the need. After receiving a recommendation from the Road Commissioner the Selectboard will conduct a site visit and invite the applicant to present the request at a routine Selectboard meeting for a decision. Temporary requests will be granted for a specific length of time and for a specific purpose, such as for construction vehicle access.

Liability

The property owner shall indemnify, defend and hold harmless the Town of Charlotte, its officers, employees and agents from any claims for damages to persons or property that may occur as a consequence of work performed within a town highway right-of-way under the authority of an access permit issued pursuant to the provisions described herein. Any damage to the Town's utilities, property or appurtenances as a consequence of work performed shall be repaired by the Town at the expense of the property owner, unless otherwise formally agreed to.

Approved on: _____
Date

By: _____
Charles Russell,
Selectboard Chair

Paul Arthaud

Jennifer Cole

Deborah Ramsdell

Eleanor Russell