

**TOWN OF WEATHERSFIELD, VERMONT**  
**HIGHWAY ACCESS ORDINANCE**

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**I. AUTHORITY**

Pursuant to Title 19, Section 1111 (b), of the Vermont Statutes Annotated, the Select Board has the authority to regulate the construction standards of accesses onto public roads within Town rights-of-way, and drainage into the Town rights-of-way.

**II. HIGHWAY ACCESS PERMIT PROCEDURES**

**A. Town Objectives**

The purpose of this Ordinance is to ensure safe and efficient entrances and exits from public highways, provide adequate emergency vehicle access to properties, reduce damage from flood events, mitigate erosion and stormwater runoff impacts, and ensure quality construction of driveway and road accesses.

The Town of Weathersfield provides for emergency services [ie: Fire, Emergency Medical Services, Police]; however, the Town does not bear any responsibility to provide emergency services if the driveway or private roadway serving the property is not accessible to emergency vehicles. Owner(s) of such driveways and private roadways should be discouraged from accessing such, for the protection and safety of themselves, their families, guests, and future owners.

**B. Applicability**

- (1) The Town Manager, or his/her designee, administers Town highway access permits.
- (2) Any new access or any change in an existing access onto a Town highway must obtain an access permit.

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- (3) For the purposes of this Ordinance, “change” shall mean a project which changes the use of the land served by the access, significantly increases the volume of traffic, and/or changes the type of vehicle using the access; examples include, but are not limited to, converting a residence to any commercial use, or changing the use to any commercial or industrial use.
- (4) Access permits regulate the location, design, and construction of the access as it affects the Town right-of-way.
- (5) A State permit is required for any new access onto a State highway or any work within State rights-of-way.
- (6) The appropriate Town panel has the authority to regulate the location and design of those portions of accesses outside of the Town rights-of-way pursuant to the Town’s Subdivision Regulations. The appropriate Town panel also has the authority to regulate access to properties that do not have frontage on a public road or public waters pursuant to the Town’s Zoning Bylaws.
- (7) Compensation for damages to Town highways caused by acts of noncompliance with this Ordinance may be assessed against violators by the Select Board, as provided in Title 19, Section 1111, of the Vermont Statutes Annotated.
- (8) Any access which serves more than two (2) lots which are in separate ownership shall be considered a private roadway. The owner shall be responsible for providing a unique road name that is acceptable to the Select Board.

**C. Initiating Proceedings**

An application for a highway access permit shall be submitted to the Town Manager, or his/her designee, at least seven (7) days prior to the anticipated construction. No construction or site preparation shall take place until the Town has issued a highway access permit.

**D. Review Standards**

All accesses shall meet standards established in the Vermont Agency of Transportation’s B-71 Standard [see Appendix 1], as most recently amended, and as modified in Article III of this Ordinance.

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### E. Decisions

The Town Manager, or his/her designee, shall review all applications and issue access permits only in instances where the application meets all applicable standards. The Town Manager, or his/her designee, may seek input from Town department heads before issuing an access permit. When an application is denied, the applicant may appeal the decision to the Select Board, requesting the standard be waived or varied [See Article V].

### F. Recording Requirements

All access permits shall be recorded in the Town's land records.

## III. HIGHWAY ACCESS STANDARDS

These highway access standards establish minimum standards for location, design, construction, and maintenance of driveway accesses.

### A. Reasonable Access

- (1) The Town Manager, or his/her designee, may not deny reasonable access to public highways. However, the Town Manager, or his/her designee, shall balance the individual's right for access with the safety of the traveling public when difficulties arise. In difficult cases, the Town Manager, or his/her designee, may direct applicants to consider alternate driveway locations, sharing a right-of-way with others, limiting the use of the property, or pursuing additional engineering and construction.
- (2) Certain conditions may make reasonable access impossible [e.g., a landlocked parcel or where all road frontage is a Class 2 wetland]. It is not the responsibility of the Town Manager, or his/her designee, to obtain or remedy a lack of frontage or access for a property owner.

### B. Design Standards

- (1) Lots shall be limited to a single access unless a second access would result in greater safety or is required based upon the traffic volume produced by the development of the lot.

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- (2) Where a site occupies a corner of two (2) intersecting roads, the roadway access shall be on the less traveled road as determined by the Town Manager or his/her designee.
- (3) No access shall be within one hundred feet (100') of a road intersection or another driveway unless the driveways or roads directly oppose each other. Pursuant to the Zoning Bylaws, one (1) and two (2) family residences within the Village District shall have a minimum distance of fifty feet (50') between driveways or road intersections.
- (4) Private roadways serving two (2) or more lots shall be constructed to the Town's Highway and Bridge specifications.

**C. Width**

- (1) The travel portion of residential driveways shall be between twelve feet (12') and fifteen feet (15') wide. A minimum turning radius of five feet (5') is required.
- (2) Widths for non-residential drives shall meet the Vermont Agency of Transportation B-71 Standard.

**D. Grade.**

**(1) Entrance Grade**

All accesses shall be at grade or shall not exceed a minus five per cent (-5%) grade, from the edge of travel way to a distance of at least twenty feet (20'), in order to allow for proper drainage and provide a safe stopping area for motor vehicle egress onto the Town highway.

**(2) Alignment**

Driveways and roadways should intersect the highway at a preferred angle of ninety degrees (90°), but at no instance shall it be less than sixty degrees (60°).

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**E. Access Construction Standards**

**(1) Upper Base**

Gravel accesses shall have a minimum aggregate surface course of four inches (4"). Paved accesses shall have a minimum of three and one-half inches (3½") of bituminous concrete pavement [two inch (2") base, and one and one-half inch (1½") wearing surface].

**(2) Roadway Crown and Side Slope**

- a. Paved accesses shall have a cross slope from centerline to edge of travel lane, of one quarter inch (¼") inch per foot.
- b. Gravel accesses shall have a cross slope from centerline to edge of shoulder of one-half inch (½") per foot.
- c. The cross slope of the shoulder, if present, shall be three-quarters inch (¾") per foot.

**(3) Paved Apron**

Where a gravel drive or access road is accessing a paved highway, a paved apron at least ten feet (10') in length from the edge of the paved travel way is required.

**(4) Culverts and Headers.**

- (a) Driveway culverts shall be a minimum of eighteen inches (18") in diameter, or be of sufficient diameter/flow capacity to handle twenty-five (25) year storm events.
- (b) Culverts and headers shall be installed in accordance with specifications and under the supervision of the Town Highway Superintendent.
- (c) Refer to the American Association of State Highway and Transportation Officials (A.A.S.H.T.O) "Green Book" for additional construction details.
- (d) Culverts under driveways and access roads shall be placed away from the road as far as practical while maintaining good drainage.

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**(5) 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 water retention or absorption areas. See *Article III: Highway Standards, Section C (6): Ditches* for additional construction details.

**IV. MAINTENANCE**

- A. All driveways and driveway aprons shall be maintained in a safe and passable condition. Except as provided below, any drainage ditches, culverts, or bridges involved shall be maintained in a functional and structurally sound condition. Such maintenance is the sole responsibility of the applicant(s), or other individual(s), or entity(ies) as legally established pursuant to the access permit.
- B. A homeowners association, or similar entity, shall be created, which shall provide for the full cost and responsibility of maintaining a private roadway.
- C. Regular maintenance of drainage ditches and culverts within the Town's right-of-way shall be the responsibility of the Town's Highway Department. However, repair of damage to the Town drainage ditches or structures resulting from poorly constructed or maintained accesses, shall be the responsibility of the owner of the access.
- D. Pursuant to Title 19, Section 1111, of the Vermont Statutes Annotated, after installation of any required drainage culvert for any driveway or access, the Town shall assume responsibility for those constructed in compliance with Town standards and which lie within the public right-of-way.

**V. WAIVERS**

Requests for waiver of any portion of these standards shall be made in writing to the Select Board. A waiver may be granted by the Select Board, with appropriate conditions, if all of the following are found in favor of the applicant:

- A. There are unique physical circumstances or conditions that are peculiar to the particular property. Such circumstances may include the size or shape of the lot or the presence of exceptional topography;

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- B. Because of these unique circumstances or conditions, it is impossible to conform to the standards of this Ordinance, and the waiver is necessary to enable the reasonable use of the property;
- C. The waiver, if granted, will not substantially impair the appropriate use or development of adjacent property;
- D. The waiver, if granted, will not be detrimental, or jeopardize, the public safety and welfare;
- E. The waiver, if granted, represents the minimum waiver that will afford relief and will represent the least deviation possible from the Ordinance.

**VI. SPECIAL FLOOD HAZARD AREAS (SFHA)**

To effect the purposes of Title 10, Chapter 32, of the Vermont Statutes Annotated, all new accesses that must pass through any special flood hazard areas as shown on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP) shall conform to the standards of Section 6.20 of the Weathersfield Zoning Bylaws.

**VII. INCONSISTENT ORDINANCES REPEALED**

Any provisions of any Ordinance of the Town of Weathersfield in effect at the time of enactment of this Ordinance governing any activity included in this Ordinance is hereby revoked.

**VIII. SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof.

**IX. EFFECT**

No section of this Ordinance shall be construed to supersede or replace any Vermont statute.

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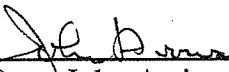
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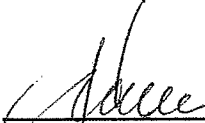
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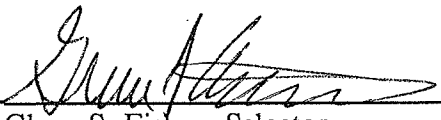
This Ordinance shall be entered in the minutes of the Select Board's meeting, and posted in at least five (5) conspicuous places with the Town of Weathersfield and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the Ordinance is adopted.

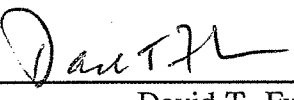
This Ordinance will become effective on the second day of November, 2009, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed with the Town Clerk by the seventeenth day of October, 2009, forty-four (44) days after the date of its adoption. The petition should be addressed to the Select Board, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the Ordinance. Questions about the Ordinance may be directed to the Municipal Offices, Post Office Box 550, Ascutney, Vermont, 05030-0550 or by calling [802] 674-2626.

The foregoing Ordinance is hereby adopted by the Select Board of the Town of Weathersfield, Vermont, this third day of September, 2009.

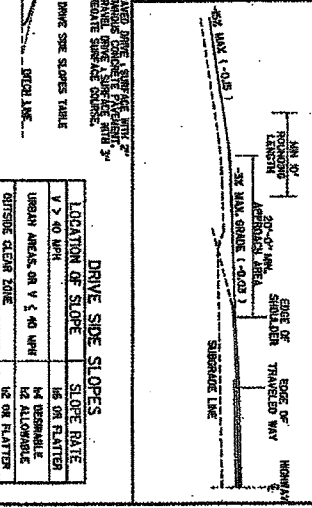
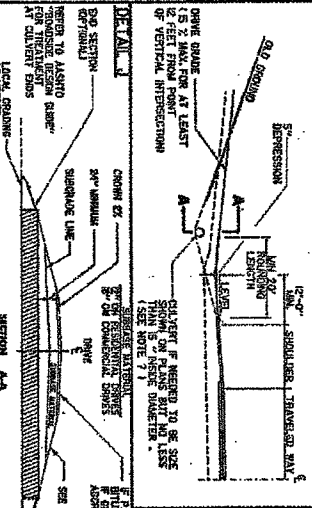
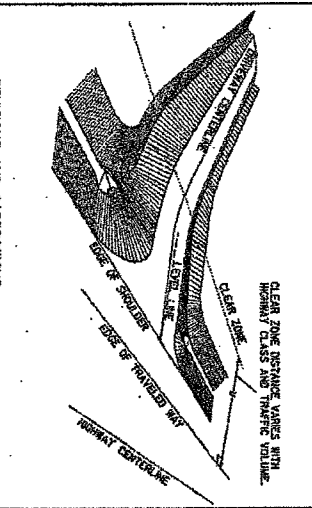
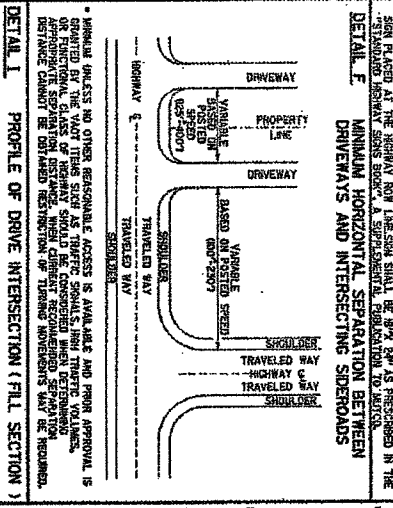
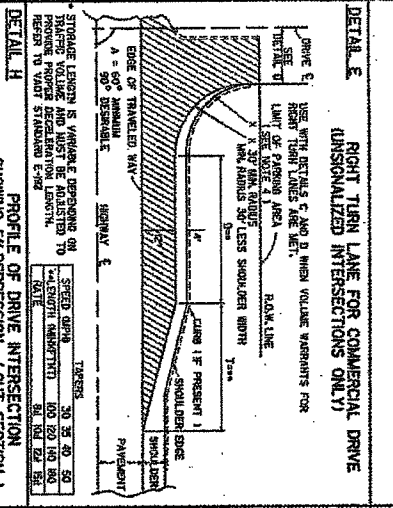
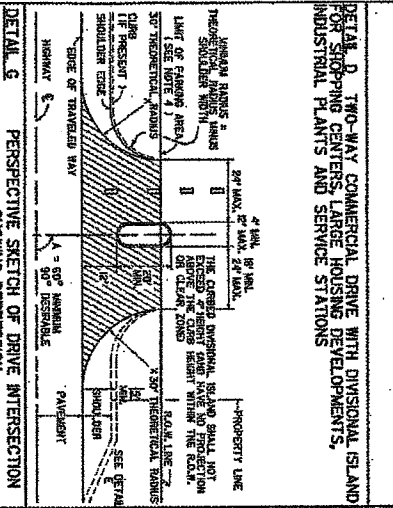
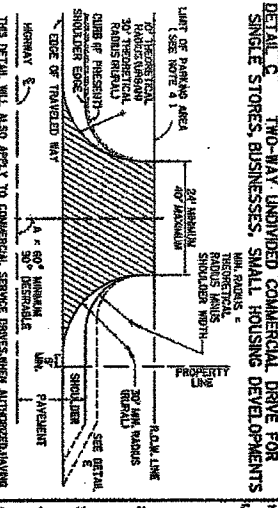
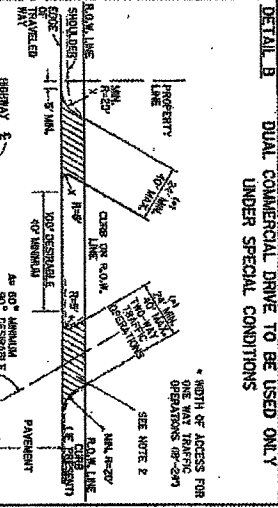
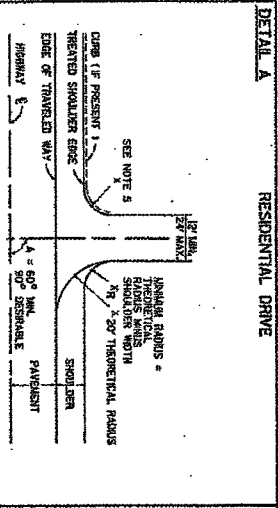
  
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Norman John Arrison, Chairperson

  
\_\_\_\_\_  
Henry C. Cobb, Board Clerk

  
\_\_\_\_\_  
Glenn S. Fisher, Selector

  
\_\_\_\_\_  
David T. Fuller, Selector





**REVISIONS AND CORRECTIONS**

DEC. 11, 1982 - THIS STANDARD SUPERSEDES B-717/23/9004  
 APR. 1, 1984 - REVISED WITHOUT CHANGE  
 MAR. 10, 1985 - REVISED FOR SMALL TURNS  
 NOV. 6, 2000 - CHANGES MADE TO CORRECT WITH LATEST DESIGN PROGRAM CHANGES  
 FEB. 11, 2004 - TO CORRECT WITH LATEST DESIGN PROGRAM CHANGES  
 MAY 9, 2006 - TO CORRECT WITH LATEST DESIGN PROGRAM CHANGES

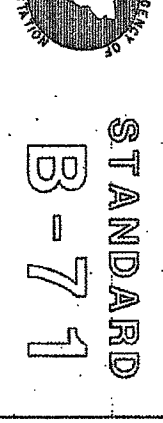
**APPROVED**

*[Signature]*  
 DIRECTOR OF PROFESSIONAL DEVELOPMENT

*[Signature]*  
 CHIEF OF DIVISIONS AND PERMITS

FEDERAL HIGHWAY ADMINISTRATION

**STANDARDS FOR RESIDENTIAL AND COMMERCIAL DRIVES**



**NOTES**

- THIS SHEET IS INTENDED FOR USE BY DESIGNERS ON HIGHWAY PROJECTS AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE DESIGNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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**DRIVE SIDE SLOPES**

| LOCATION OF SLOPE         | SLOPE RATE      |
|---------------------------|-----------------|
| V > 40 MPH                | 16:1 OR FLATTER |
| URBAN AREAS ON V < 40 MPH | 12:1 DESIRABLE  |
| URBAN AREAS ON V < 40 MPH | 12:1 ALLOWABLE  |
| CRISIS CLEAR ZONE         | 12:1 OR FLATTER |

**SHIRT DISTANCE CHART**

| POSTED SPEED (MPH) | MINIMUM STOPPING DISTANCE (FT) | MINIMUM SHIRT DISTANCE (FT) |
|--------------------|--------------------------------|-----------------------------|
| 15                 | 100                            | 100                         |
| 20                 | 140                            | 140                         |
| 25                 | 190                            | 190                         |
| 30                 | 250                            | 250                         |
| 35                 | 320                            | 320                         |
| 40                 | 400                            | 400                         |
| 45                 | 490                            | 490                         |
| 50                 | 590                            | 590                         |
| 55                 | 700                            | 700                         |
| 60                 | 820                            | 820                         |
| 65                 | 950                            | 950                         |
| 70                 | 1100                           | 1100                        |

**THE ABOVE VALUES ARE TAKEN FROM THE 2004 ASSISTED INTERSECTION SHORT DISTANCES ARE BELOW WOULD STOPPING SHORT DISTANCES.**

**NOTE: ADVANCE PARKING SPACES SHALL BE PROVIDED IF GRADIENTS ARE EXCESSIVE.**

**THE DESIGNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.**

**ASSUMES A CURVE OF 12 SECONDS IN THE TRAFFIC SIGNAL ON A 100' RADIUS. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.**

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