

TOWN OF MIDDLESEX, VERMONT HIGHWAY ORDINANCE

PART A – CLASSIFICATION OF HIGHWAYS

This ordinance supercedes any previously adopted Town Ordinance or Policy covering the matters addressed in this Ordinance.

All highways in the Town of Middlesex are classified as Class 1, 2, 3, or 4, as specified in 19 VSA Section 310. The purpose of each class and the Town's responsibilities thereto are as follows:

Class 1 Town highways are those Town highways which form the extension of a State highway route and which carry a State route number.

Class 2 Town highways are those Town highways selected as the most important highways in Town. As far as practicable they shall be selected with the purpose of securing trunk lines of improved highways from Town to Town and to places by which their nature have more than normal amount of traffic.

Class 3 Town highways are all traveled Town highways other than Class 1 or Class 2 highways. The Selectboard, after conference with a representative of the State Transportation Board, shall determine which highways are Class 3 highways. In their determination, the Selectboard shall consider that the minimum standards for Class 3 highways are a highway negotiable under normal conditions, all seasons of the year, by a standard manufactured automobile. This would include, but not be limited to, sufficient surface and base, adequate drainage and sufficient width capable to provide winter maintenance.

Class 4 The Selectboard shall determine which Town highways are Class 4. The Town will not provide improvements or maintenance to any Class 4 roads not presently being maintained. Class 4 roads presently being maintained will not be maintained beyond their current level of maintenance. Class 4 roads currently being maintained are TH #7, TH #14, TH #24, TH #25, TH #33, TH #36 and TH #48.

Trails are public rights-of-way which are not Town highways. The Town shall not be liable for construction, maintenance, repair or safety of trails.

Trails and Class 4 roads shall be established by use. The Selectboard following a public hearing will resolve disputes.

PART B – GENERAL POLICY

All expenses, legal or otherwise, shall be borne by the Applicant in the process upgrading or resurveying of Class 4 Town highways, laying out and constructing a proposed new highway, constructing drives or installing culverts or signs. Any expenses incurred by the Town in connection with these processes shall be borne by the Applicant.

PART C – UPGRADE OF CLASS 4 TOWN HIGHWAYS

An Applicant wishing to apply to upgrade a Class 4 road or a portion thereof, may apply to the Selectboard for permission to upgrade said road using the procedures outlined as follows:

- 1) Applicant must submit a properly completed application to upgrade a Class 4 Town highway. The application form may be obtained at the Town Clerk's Office. The application must be accompanied by all appropriate fees and the following:
 - a) a list of the names and addresses of all abutting property owners;
 - b) three copies of a survey map of the Town highway prepared by a registered surveyor, based on the original recorded description of the existing road bed;

- c) three copies of a plan for the proposed upgrade, showing grade line;
- d) plan and profile of the location and size of road and drainage layout.

Any deviation from the Town of Middlesex Highway Specifications shall be noted on the plan as such. If the highway survey has not been properly recorded, the record not preserved, or if its terminations and boundaries cannot be ascertained, the Applicant can apply for a highway resurvey as defined later in this ordinance.

If the Applicant and all abutting property owners agree to cooperate in the upgrade process, the survey based on the original description may be deleted. In this case, the applicant may submit a survey of the proposed road upgrade and warranty deeds to the Town in fee simple from all abutting property owners. These deeds, which shall be free of all encumbrances excepting existing water and sewer lines, and telephone or powerline easements, which do not interfere with use or maintenance of the highway, may be allowed at the discretion of the Selectboard. The conveyance shall include necessary easements for maintenance of watercourses or other drainage structures at desired locations outside the limits of the highway right-of-way.

- 2) At the time of application the centerline of the highway shall be flagged at 50-foot intervals, and the location of all culverts shall be flagged.
- 3) If only a portion of a highway is to be upgraded by the Applicant, or the road is not a through highway, a turn-around (cul-de-sac) must be provided at the end of the upgraded portion, meeting the requirements of the highway specification (Part I). The turn-around shall not be a portion of a driveway and may be moved or altered if, in the future, the road is extended. Clear title, after notification of final acceptance, shall be deeded to the Town, and shall include a metes and bounds description of the limits of the right-of-way by warranty deed of any additional lands used in the turn-around, with adequate lands to cover slopes and drainage
- 4) In instances where the proposed upgrade will adversely impact existing Town facilities such as culverts, ditches or the roadway itself, the Applicant shall be responsible for, and pay the cost of, any upgrade of said Town facilities necessitated by the Applicant's proposed design. The Selectboard shall determine which, if any, existing Town facilities would require an upgrade.

The Selectboard shall inspect the highway to be upgraded, and within 45 days of receipt of the completed application, hold a public hearing to receive suggestions and recommendations on the proposed upgrade. Affected property owners will receive 30 days notice of the hearing. Notice shall be posted in the Town Clerk's Office and published in The Times-Argus not less than 10 days before the hearing.

- 5) The Selectboard shall issue a written decision on the application, including the reason for their decision, at their next duly called meeting after the public hearing.
- 6) A performance bond in a sum equal to 100% of the cost of the proposed road upgrade shall be provided to the Town before beginning construction. The Selectboard shall determine the amount of the bond.
- 7) The Contractor shall provide to the Town Clerk, prior to construction, a certificate of Comprehensive General Liability Insurance, or other insurance acceptable to the Selectboard, covering the duration of the project. The minimum amount of coverage shall be \$500,000 Bodily Injury and Property Damage per occurrence and aggregate. The Selectboard may require higher limits of coverage when, in their judgement, such limits are necessary. The Contractor shall also carry suitable automobile insurance and Worker's Compensation Insurance if applicable under State statute.

- 8) All expense, construction, legal or otherwise, shall be borne by the Applicant in the process of upgrading the highway.
- 9) No roads will be inspected or accepted between October 15 and May 1.

Road specifications in effect at the time of the application will be applicable for a period of two years from that date, after which time any new road specifications will apply. The only exception will be if the road in question at the end of the two-year period is under the twelve-month maintenance period.

All applications, once received, will be valid for two years. The proposed road must be completed within that time frame. Any pending application not completed after the two-year period will become void and a new application must be submitted that meets all new road specifications and documents that each inspection step has been completed according to the specifications that apply.

- 10) When the highway has been completed, inspected and meets Town highway specifications, and at least one residence uses the road for access, the Town will, upon request begin normal maintenance as with a Class 3 highway. This maintenance will be for a twelve-month initial acceptance period. If no serious defects have been observed after the initial twelve-month period, the highway will be upgraded to a Class 3 highway. The Applicant before acceptance shall correct any defects brought to the Applicant's attention during the initial twelve-month acceptance period.

PART D – PROPOSED NEW PUBLIC ROADS

A developer of a housing project or business development, or the owner of a permanent home may apply to the Selectboard for acceptance of their road as a Town highway following the same general procedures for Upgrade of a Class 4 Town Highway. In addition the following apply:

- 1) Three separate year-round residences are required to be on the roadway involved.
- 2) The right-of-way shall be 50 feet in width, with wider slope rights if deemed necessary by the Selectboard. Center of the road is to be located in the center of the right-of-way. Clear title, after notification of final acceptance, shall be deeded to the Town, including a metes and bounds description of the limits of the right-of-way, by warranty deed. A survey map of the finished road shall be furnished in the form required by State Statute. Said map shall also contain profile and cross sections as built.
- 3) For existing roads, the flagging of the highway as defined in Step Two under Upgrade of Class 4 Town Highway may be deleted.
- 4) The twelve-month trial period for acceptance as defined under Upgrade of Class 4 Town Highways shall apply even to existing roads.
- 5) The survey to be provided will be in accordance with the standards for the survey defined under the section on Resurvey of Town Highways.

PART E – RESURVEY OF TOWN HIGHWAYS

An Applicant wishing to apply to resurvey a Town highway or a portion thereof, may apply to the Selectboard for permission to resurvey said road using the following procedures:

- 1) Applicant must submit a properly completed application for resurvey of a Class 4 Town highway. The application form may be obtained at the Town Clerk's Office. All appropriate

fees and the names of all property owners abutting the portion to be resurveyed must accompany this application. As a part of the application, the Applicant and a licensed surveyor must certify to the Selectboard that a search of Town records has been performed and that the survey of a highway has not been properly recorded, or the record preserved, or that each termination and its boundaries cannot be ascertained.

- 2) The Selectboard shall inspect the highway to resurvey, and within 45 days of receipt of the completed application, hold a public hearing to receive suggestions and recommendations on the proposed resurvey. Affected property owners will receive 30 days notice of the hearing. Notice shall be posted in the Town Clerk's Office and published in the Times Argus not less than 10 days before the hearing.
- 3) The Selectboard shall issue a written decision on the application, including their reason for the decision, at their next duly called meeting after the public hearing.
- 4) All expense for the survey, legal or otherwise, shall be borne by the Applicant in the process of resurveying the highway.
- 5) No roads will be inspected or considered for resurvey between October 15 and May 1. All applications, once approved, will be valid for a period of one year. The proposed resurvey must be completed within that time frame or the application becomes void.
- 6) After approval by the Selectboard, and based on their direction, the Applicant shall have the highway surveyed and monumented by a registered land surveyor. Applicant shall furnish the Selectboard with five (5) copies of a map, or maps, with minimum scale of one (1) inch = 100 feet, showing the location of all monuments, the length and bearing of each tangent, the radius and length of each curve, and all easements necessary for maintenance of watercourses or other drainage structures. All distances shall be measured and shown to the nearest 0.1 feet and angles to the nearest minutes of arc. All monuments shall be of a reasonable permanent nature, and where feasible, shall be "tied" by survey to other objects of a permanent nature, and the "ties" are shown on said map. The map shall show approximate location of any property line within 200 feet of the proposed right-of-way. The maps shall also meet all requirements of State Statutes. In addition, a map or maps suitable for recording purposes shall be provided.
- 7) After submission of the maps, the Selectboard shall examine the marked bounds and survey, and shall decide on the acceptability of the survey at their next duly called meeting. If accepted, the maps shall be recorded. The Applicant shall be notified in writing if changes are required.

PART F – DRIVEWAYS

A permit is required prior to constructing a driveway onto a public road. Forms and specifications are available at the Vermont Agency of Transportation District 6 Office in Berlin, Vermont for driveways accessing onto State highways. Permit applications for driveways accessing onto Town highways are available at the Town Clerk's Office. Permits are valid for one year. If no activity occurs within one year, the permit becomes void and the Applicant must re-apply.

All driveways constructed with access to a Town highway shall comply with Part I of this Ordinance. The Selectboard will inspect the site or their representative, who will specify culvert size if one is required, necessary brush removal, and who will inspect upon completion.

Where a driveway comes on to a paved road, a 3-to-4 foot paved pad with a 2-inch crown shall join the two roads. Driveways may not adversely modify the existing drainage of adjoining highways. If construction of a driveway adversely affects drainage in a Town or a private right-of-way, the cost of ditching or adding or upsizing culverts shall be borne by the Applicant.

Construction of blind driveways will not be permitted.

In the case of unusual site conditions, the Selectboard may modify these specifications. However, any modifications shall be the minimum change necessary to meet the conditions and comply with this ordinance.

PART G – CULVERTS

Culverts will not be installed on private driveways at Town expense. Culverts installed by private residents will be done under the supervision of the Selectboard and done strictly in accordance with this ordinance.

The owner must maintain culverts that are currently in private driveways whether the culvert was previously installed by the Town or by the owner. Culverts previously installed by the Town will not be replaced.

In the event a homeowner does not maintain a culvert, necessary ditches to bypass the culvert will be constructed and maintained by the Town until such time as the culvert is cleaned.

When placing a culvert across a Town road, which will divert water onto private property, the culvert owner shall obtain from the owner of the private property a signed right-of-way agreement, which permits said diversion of water. The signed agreement shall be submitted to the Town Clerk prior to culvert installation.

The Applicant's attention is directed to paragraph 4 of Part C-Upgrade of Class 4 Town Highways, which shall apply if the culvert construction will impact on existing Town facilities.

PART H – SIGNS

Signs may be on Town highways only by permission of the Selectboard. The Selectboard may deny permission simply to prevent the clutter and confusion sometimes caused if multiple signs are desired. The Selectboard may, at their discretion, have any sign removed for good cause. Also, the Applicant shall have a sign removed if the reason for the sign no longer exists.

Having obtained permission, the purchase, installation and maintenance costs shall be the responsibility of the Applicant. The sign must be of a form approved by the Town Road Commissioner and shall be installed in a manner and at a location approved by him.

PART I – HIGHWAY SPECIFICATIONS

The following specifications shall be met for a road to be considered for acceptance as a Town highway. Unless noted otherwise, all specifications shall apply equally to upgrading an existing Class 4 highway and construction of a new highway.

The term "Selectboard or an authorized agent(s)" shall mean either the Selectboard, Town Road Commissioner or any other person(s) the Selectboard authorize to act on their behalf in the interpretation or enforcement of the specifications.

1) **Inspection**

The Selectboard or their authorized agent(s) shall inspect the road site as follows:

- a) prior to initial clearing or start of construction
- b) upon completion of sub-grade
- c) after sub-base application
- d) after finish surface application
- e) prior to any pave surface treatment

2) **Right-of-Way/Intersections**

Any right-of-way conveyed shall have a minimum width of 50 feet and shall intersect at least 1 existing Class 3 or higher Town highway. The Selectboard may require wider slope rights.

A proposed right-of-way shall be connected with all other rights-of-way by curves with a radius of not less than 25 feet. Comparable chords may be substituted for curves.

No right-of-way may intersect another right-of-way, proposed or existing, at an angle of less than 60 degrees.

Turnaround (cul-de-sac) right-of-way diameter shall be 100 feet.

2.1) Class 4 Upgrading

An existing Class 4 right-of-way will be accepted providing it is at least 50 feet in width. An application must provide turn-around right-of-way area comparable to the above 100-foot diameter if the proposed upgrade is dead end.

In the event that the highway is extended in the future, any such turn-around (cul-de-sac) right-of-way will remain as Town right-of-way unless the Selectboard returns it to the current landowner.

3) **Minimum Design Requirements/Grades**

The center of the constructed highway shall follow the centerline of the right-of-way.

Centerline curves shall have a radius of not less than 100 feet.

When two (2) highways intersect a third, the two must be separated by not less than 125 feet between centerlines.

Grades for less than 75 feet from the intersection of the proposed centerline with an existing highway centerline shall not exceed 5%. All grades beyond said 75 feet shall not exceed 10% and shall be connected by vertical curves with lengths of not less than 100 feet.

There shall be a four-foot shoulder where four to ten-foot embankments exist, and a six-foot shoulder where an embankment is more than 10 feet.

All slopes and cuts shall be no steeper than one on one and shall be seeded and mulched or stabilized with rock of appropriate size, to meet requirements in the individual case involved.

All dead ends shall terminate in a turn-around (cul-de-sac) with a diameter of not less than 80 feet. No turn-around (cul-de-sac) will have more than two (2) driveways entering into the area of turn-around, and no driveways will be permitted access into the highway within 50 feet of the outer edge of the turn-around. The entire turn-around (cul-de-sac) shall be built to sub-grade, sub-base and surface specifications as outlined in these pages. Turn-arounds shall be constructed on level ground and provisions made at the perimeter for snow removal.

3.1) Class 4 Upgrading

Existing centerlines and grades will be accepted unless found by the Selectboard or their authorized agent(s) to be hazardous to vehicular travel or impracticable for maintenance purposes.

4) **Clearing**

All trees, stumps, brush and hazardous obstructions shall be cleared from the right-of-way, with the exception of large hardwood trees which do not interfere with construction or future highway maintenance. (These trees to be designated by the Selectboard or their authorized agent(s)).

All stumps shall be removed from the roadbed, and all fallen trees and brush piles shall be removed from the right-of-way prior to final inspection.

Applicants may choose to: a) remove all mud, muck and soft earth prior to sub-base application, or b) use a sand cushion as detailed under 5) Sub-Grade.

5) **Sub-Grade**

The sub-grade surface shall conform exactly in cross-section and grade to the finished road surface. Compaction is required on any portion of the sub-grade which has been disturbed by excavation or which has been filled during sub-grade construction. A minimum of twelve inches of sand cushion shall be placed over any clay sub-grade or any other wet area where the Selectboard or their authorized agent(s) deems a sand cushion appropriate. In exceeding wet areas a deeper sand cushion or a six-inch underdrain with flushing basin may be required by the Selectboard.

6) **Sub-Base**

Cross section and grade of the sub-base shall conform exactly to those of the finished surface. Material shall be a minimum eighteen inches of gravel with a maximum stone size of four inches. Whenever the roadbed is level or nearly level, the Selectboard or their authorized agent(s) may allow a sub-base of no less than eight inches of gravel (maximum stone size 4") provided that a minimum twelve inches of good quality granular sand is placed over the sub-base. Surface width shall be not less than 24 feet with a crown of approximately three inches. Minimum depth shall be increased at all locations where the Selectboard or their authorized agent(s) consider sub-grade conditions warrant an increase.

7) **Surface (Topcoat)**

The surface course shall consist of a minimum of six inches of compacted, crushed select gravel, 22 feet in width, with a maximum stone size of 1 1/2 inches. The surface edge shall be crowned at least three inches from the centerline to the roadway edge.

8) **Culverts and Ditches**

All culverts must extend to the center of the ditch on both sides of the highway. They shall extend at least one foot beyond all fill (measured at the bottom of the culvert), and shall have not less than two feet of compacted cover. No culvert shall have a diameter of less than 15 inches.

Wherever the Selectboard or their authorized agent(s) determine that water flow is adequate to cause culvert erosion, the Applicant shall provide professional engineering data to justify location and size of culverts. The Selectboard or their authorized agent(s) may require any culvert installation to include headers (headwalls).

Lateral ditches not less than two feet wide and not less than two feet lower than the edge of the traveled way shall be constructed in all cut sections or wherever the ground slopes toward the highway and intersects the fill slope above the edge of the traveled way minus two feet. No lateral ditch shall extend more than 200 feet (on a 5% or over grade) or more than 400 feet (on less than 5% grade) without discharging into a culvert or other approved drainage structure.

The Selectboard or their authorized agent(s) may require culverts at shorter intervals if they determine that water run-off and slope conditions create special circumstances.

9) **Guard rails**

