

# Current 2017 policy, followed by current Permit form

## TOWN OF WHEELLOCK Policies Regarding Driveway Accesses Off Town Highways

The following are policies to clarify the roles and responsibilities of the town and property owners for establishing and maintaining private driveways and access points that meet with town highways. These policies apply to all classes of town highways (Class 2,3, and 4). These policies pertain to all types of private accesses.

**Establishing a new access** – Prior to starting construction, the property owner must apply for an Access Permit. Access Permit applications are available at the Town Clerk's Office. Once submitted, the road foreman and road commissioner will inspect the location and jointly approve the application. Once an application has been approved, a permit will be issued including any special requirements, and construction may begin.

### **New access standards –**

A culvert with minimum diameter of 15" must be installed at an appropriate ditchline location at the edge of the town road, and ditches established to an appropriate depth for the culvert.

To the extent possible, the first 20 feet should pitch away from the town road a minimum of ½" per foot.

Other requirements will be specified on the permit, such as culvert length, amount of culvert cover, headers, ditching distance, culvert distance from the travel lane, and line of sight requirements.

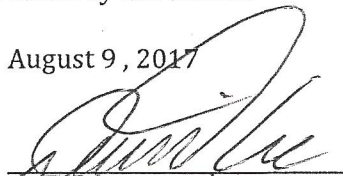
**New access costs** – All costs of constructing a new access and meeting the above standards are the responsibility of the access owner. This includes the portion of the new access that lies within the town right of way but that is outside the travelled portion of the town road.


**Ongoing maintenance of established driveways** – From the edge of the travelled portion of the town road, all maintenance and associated costs of maintenance of a private driveway are solely the responsibility of the driveway owner.


The owner is responsible to maintain the driveway, including associated culverts and ditches, in a condition such that proper drainage is maintained to preclude water and materials from entering the town road. For existing driveways where this is difficult, a "best effort" must be made by the owner.

Date Adopted: August 9, 2017

Selectboard:

  
\_\_\_\_\_ David Lee

  
\_\_\_\_\_ Damon Smith

  
\_\_\_\_\_ Dennis Sawyer

FEE: \$20.00

Date Received: \_\_\_\_\_

STATE OF VERMONT TOWN OF WHEELOCK  
Application for Access Permit

Landowner: \_\_\_\_\_

Mailing address: \_\_\_\_\_

The undersigned requests an Access Permit to allow \_\_\_\_\_ to construct an access in accordance with Vermont Department of Highways Standards to serve the applicant's property located on the \_\_\_\_\_ side of Town Highway No. \_\_\_\_\_ (the local name for this road, if known \_\_\_\_\_). The applicant agrees to maintain said access and adhere to the directions, restrictions and conditions forming a part of this permit.

Check one or more uses: \_\_\_ Residential; \_\_\_ Agricultural; \_\_\_ Commercial; \_\_\_ Industrial; \_\_\_ Development; \_\_\_ Other.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

\_\_\_\_\_, Applicant

ACCESS PERMIT

Notice: This permit is issued in accordance with Title 19, Section 1111, V.S.A. (Please see back for entire Statute) relative to all highways within the control and jurisdiction of the Town of Wheelock. The issuance of this permit **does not** release the applicant from any requirements of statutes, ordinances, rules and regulations administered by other governmental agencies. The permit will be effective upon compliance with such of these requirements as are applicable and continue in effect of as long as the present land use continues. **Any change from the present land use will require a new permit.**

This permit is issued subject to the directions, restrictions, and conditions contained herein and on the reverse of this form and any attachments hereto, and covers only the work described in this applications, and then only when the work is performed as directed. Violations are subject to the penalties set forth in Title 19, Section 1111, V.S.A. of fines of not less than \$100 nor more than \$10,000 for each violation.

Conditions: All applications will be accompanied by a sketch of the property frontage, showing location and width of access in relation to the property lines, designated trees, power poles or other stationary objects. All accesses will be constructed at level of road shoulder or below to the limit of the Town right-of-way. All culverts from Town Road to back edge of culvert must have 1 1/2"- 3/4" crushed gravel. Any variation from the above to be approved by Selectmen and/or their agent. Culverts will be required where deemed necessary; size and length to be determined by the Selectmen and/or their agent. A minimum 15" or larger culvert will be required where deemed necessary. All completed construction shall be subject to inspection and approval by the Selectmen and/or their agent. The maintenance and repair of a driveway culvert, if required, are the responsibility of the property owner. Roles and responsibilities of the town and property owner are further defined in the "Policies Regarding Driveway Accesses Off Town Highways" adopted June 14, 2017 and attached.

Road Commissioner and Road Foreman Recommendation

Date of Inspection: \_\_\_\_\_

Directions, conditions and restrictions:

\_\_\_\_\_  
\_\_\_\_\_

Commissioner & Foreman Signatures: \_\_\_\_\_

19 V.S.A. § 1111. Permitted use of the right-of-way

§ 1111. Permitted use of the right-of-way

(a) **Permits.** Permits must be obtained by anyone or any corporation wishing to use as described in this section any part of the highway right-of-way on either the state or town system. Notwithstanding any other statutory requirement, a permit shall be required for any use of any highway right-of-way, consistent with the provisions of this section. The authority given to the board, the secretary, and the attorney general under this section shall also apply to the legislative bodies of towns, or their designees.

(b) **Driveway entrances, highway grades; drainage.** It shall be unlawful 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 to in any way affect the grade of a 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 divert the flow of water onto the highway right-of-way, without a written permit from the agency, in the case of state highways, or the legislative body, or designee of a municipality, in the case of town highways. As a condition of any such permit, compliance with all local ordinances and regulations relating to highways and land use shall be required. The agency or legislative body, within their respective jurisdictions, may make such rules to carry out the provisions of this section as will adequately protect and promote the safety of the traveling public, maintain reasonable levels of service on the existing highway system, and protect the public investment in the existing highway infrastructure, but shall in no case deny reasonable entrance and exit to or from property abutting the highways, except on limited access highways, using safety, maintenance of reasonable levels of service on the existing highways, and protection of the public investment in the existing highway infrastructure as the test for reasonableness, and except as necessary to be consistent with the planning goals of 24 V.S.A. § 4302 and to be compatible with any regional plan, state agency plan, or approved municipal plan. However, in any case involving an access permit for a development contributing 75 or more peak hour trips to state highways or class 1 town highways, the permit may include reasonable conditions and requirements to protect service levels on such highways.

(c)(1) **Installing pipes and wires in highway.** It shall be unlawful to dig up or excavate a trench in a public highway for the purpose of installing pipes or wires without a written permit from the agency in the case of state highways and the selectmen for town highways. The permit shall include any conditions imposed by the issuing party. All inspection of excavation and backfilling shall be done under the supervision of an agent of either the town or state as the case may be. Failure of any person, corporation, or municipality to perform the work or to restore the highways in a satisfactory and timely manner to the agency or the town may result in either the agency or the town completing the work at the expense of the permit holder; provided however, the agency or town shall give timely notice to the permit holder of any defects, and the permit holder upon receipt of notice, shall have a reasonable time in which to repair the defects. The agency or the selectmen may recover reasonable expenses incurred in this manner in a civil action in the name of the state or town with costs.

(2) These provisions shall not apply to cities and shall not prevent a person, corporation, or municipality from excavating to make emergency repairs to a break in a pipe or a short in a wire, but in all cases all work shall be completed to the satisfaction of the agency or the town. Notice shall be given to the appropriate persons as expeditiously as possible after discovery of the problem.

(d) **Use by private sewer or water lines.** The agency may issue permits allowing the use of highway rights-of-way for private sewer or water lines if, following notice and hearing, the board certifies to the agency that the requested use will serve the needs of the public. In its certificate, the board may attach conditions as are required, including but not limited to the following:

(1) the installation of sewer or water lines shall conform with plans and specifications approved by the agency and shall be relocated at no cost to the state whenever the right-of-way is needed for highway purposes;

(2) reimbursement of the agency by the permit applicant for the actual costs of the review, inspection, and engineering services provided by the agency for these installations;

(3) reimbursement of the agency by the permit applicant for the cost of assigning an inspector to the project during construction.

(e) **Project inspectors; highway access plan.** The agency may assign an inspector to the project during construction at the applicant's expense. Any application to the agency for a drive or access permit by reason of any development subject to the provisions of this section shall include a proposed highway access plan for the entire tract of land. The agency shall impose reasonable conditions to reduce the number of accesses that will be required for the tract of land. These conditions may include a required setback of any construction or improvements from the highway to permit the construction of frontage road or roads, acceleration and deceleration lanes, and/or other areas for off-highway control and management of vehicles, and may require reimbursement for any costs to the state for the installation of traffic control devices or road improvements reasonably required because of the development and may permit or require integration of the 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.

(f) **Revoking access; frontage road.** The agency, in the case of state highways, or the selectboard, in the case of town highways, may, as development occurs on land abutting the highway, provide as a condition of any permit for 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.

(g) **Permit suspension.** In addition to any other enforcement powers that may be provided for by law, the secretary or his or her designated representative, on behalf of the agency or the legislative body, or designee on behalf of a municipality, may suspend any permit under this section until compliance is obtained. If there is continued use or activity after suspension, the secretary, on behalf of the agency, or the legislative body, on behalf of a municipality, may physically close the driveway or access point if, in the opinion of the secretary or the legislative body, the safety of highway users is or may be affected.

(h) **Restraining prohibited acts.** Whenever the secretary believes that any person is in violation of the provisions of this chapter he or she may also bring an action in the name of the agency in a court of competent jurisdiction against the person to collect civil penalties as provided for in subsection (j) of this section and to restrain by temporary or permanent injunction the continuation or repetition of the violation. The selectmen have the same authority for town highways. The court may issue temporary or permanent injunctions without bond, and any other relief as may be necessary and appropriate for abatement of any violation. An action, injunction, or other enforcement proceeding by a municipality relating to the failure to obtain or comply with the terms and conditions of any permit issued by a municipality pursuant to this section shall be instituted within 15 years from the date the alleged violation first occurred and not thereafter. The burden of proving the date on which the alleged violation first occurred shall be on the person against whom the enforcement action is instituted.

(i) **Assurance of discontinuance.** The secretary or the selectmen may accept an assurance of discontinuance of any violation of the terms of this chapter including when applicable schedules of abatement for a violation. Any assurance of discontinuance shall be in writing, and shall be filed with the attorney general, the court having jurisdiction over the subject matter, and the town clerk of the town in which the violation occurred for recording in the land records. The attorney general, within ten days of receipt of the assurance, if he or she objects to the terms, may petition the board for a hearing of the violation in the manner prescribed by law. The board shall hold a hearing on the petition within 30 days of its receipt and shall issue an appropriate order within 15 days thereafter. Evidence of violation of an assurance shall be prima facie proof of the violation as cited in the assurance. Prior to institution of any action or proceeding under this subsection, the secretary whenever he or she believes any person to be or to have been in violation may issue a notice of violation setting forth the nature of the violation, the corrective action necessary to abate the violation, and notice of intention to institute an action or proceeding against the person responsible for the violation. In this event, the secretary shall within 30 days provide the person with notice, an opportunity to be heard, and an opportunity to settle the matter before instituting an action or proceeding as provided for in this subsection.

(j) **Civil penalty.** Any person who violates the provisions of this chapter or the terms of an order issued by a court under this chapter shall forfeit and pay to the state a civil penalty of not less than \$100.00 and not more than \$10,000.00 for each violation; provided however, where violation of an order is of a continuing nature, each day during which the violation continues after the date fixed by the court 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. For the purposes of this subsection the court issuing the injunction on petition of the secretary shall retain jurisdiction for purposes of awarding the civil penalty.

(k) No deed purporting to subdivide land abutting a state highway or a class 1 town highway can be recorded unless all the abutting lots so created are in accord with the standards of this section, including but not limited to the requirement to provide a frontage road or roads.

(l) **Recording of permits; recording fees.** Initial and subsequent permits shall be recorded at the expense of the applicant in the land records of any municipality in which the affected property is located, unless the agency (in the case of state highways) or the legislative body (in the case of town highways) determines that such action is not warranted in specific instances or for certain categories of permits. The agency or the legislative body may include, as a condition of the permit, that the issued permit shall not be valid until the permit holder records in the office of the appropriate municipal clerk the "notice of permit action" provided with the issued permit by the agency or the legislative body. (Added 1985, No. 269 (Adj. Sess.), § 1; amended 1989, No. 79; 1989, No. 246 (Adj. Sess.), §§ 13-15; 1997, No. 62, § 56, eff. June 26, 1997; 1997, No. 120 (Adj. Sess.), § 8a; No. 150 (Adj. Sess.), § 13; 1999, No. 156 (Adj. Sess.), § 13, eff. May 29, 2000; 2003, No. 56, § 55, eff.

June 4, 2003; 2009, No. 132 (Adj. Sess.), § 10, eff. May 29, 2010.)

### APPROVAL FOR PERMIT:

Dated at Wheelock this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Wheelock Road Commissioner: \_\_\_\_\_ Wheelock Road Foreman: \_\_\_\_\_

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### APPROVED INSPECTION AFTER INSTALLATION:

Dated at Wheelock this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Wheelock Road Commissioner: \_\_\_\_\_

Wheelock Road Foreman: \_\_\_\_\_

07/2017

## TOWN OF WHEELLOCK

### SELECTBOARD POLICY REGARDING DRIVEWAY ACCESSES TO TOWN HIGHWAYS

Pursuant to Title 19 Vermont Statutes Annotated, section 1111, a written permit shall be required from the Select board for the construction, alteration, relocation or change of use of any driveway or private road access to a Town highway (curb cut). All permits issued for highway access shall comply with the following:

1. Applications shall be made to the Select Board on a standard form adopted by the Board.
2. Accesses will be built to Vermont Agency of Transportation revised standard specifications B-71 (attached) and the exact location shall be identified by the applicant on a map submitted with the application.
3. A minimum fifteen (15) inch polyethylene N12 or 16 gauge steel driveway culvert shall be installed and maintained in a working condition by the owner. The Select Board may waive this requirement or require a larger culvert as deemed necessary to accommodate drainage conditions.
4. Visibility between an access and the highway will be a minimum of one hundred and fifty (150) feet in all directions, without obstruction. Trees, brush, fences, posts, or other structures which obstruct clear vision will be removed. No access shall be constructed closer than one hundred and fifty (150) feet to a sharp curve or blind area.
5. Driveway accesses will be constructed level at a level of road shoulder or below for safe starting and stopping to the limit of the town right of way.
6. All access roads should enter perpendicular to the existing Town highway.
7. Safety of traffic on the Town highway shall be the primary criteria for establishing where an access will be permitted on a parcel.
8. The property owner shall maintain the highway access to the satisfaction of the Town.
9. Violation of any condition(s) established in this policy or in a permit shall be grounds for the revocation of the permit by the Select Board and the physical closure of the access at the land owner's expense.
10. All construction approved in the granting of an access permit shall be completed within one year from the date of approval, or such permit shall terminate.

11. Upon completion of construction, applicant will schedule a final inspection with the Town's Road Agent. Following said inspection, a certificate of completion will be issued and copy recorded in the Wheelock Land Records.

12. The Select Board shall establish the fee for highway access applications.

13. This policy shall supersede all policies regarding access to Town highways previously adopted.

This policy was adopted by the Wheelock Selectboard this \_\_\_ day of \_\_\_\_\_, 2022.

Wheelock Select Board By:

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**TOWN OF WHEELLOCK, VT  
DRIVEWAY REGULATIONS  
ADOPTED \_\_\_\_/\_\_\_\_/2023**

**Andy's draft 2023-03-29**

Pursuant to the authority set forth in VSA\_\_\_\_\_, relating to driveways and other accesses to the public way, the Wheelock Board of Selectmen hereby adopts the following regulations for driveway applications.

**Section 1 – Permit Required:**

It shall be unlawful to construct, alter, pave or maintain any temporary or permanent driveway, entrance or approach within the limits of the right-of-way of any Class \_\_\_\_\_ or Class \_\_\_\_\_ highway, or install any culvert, drainage structure or improvement relative thereto, without a written valid permit issued by the Road Commissioner of the Town of Wheelock. **Requests for permits need to be submitted 7 days prior to the beginning of construction and/or paving of the driveway.**

**Section 2 – Permit Application:**

The Road Commissioner shall:

1. Adopt a driveway permit application form;
2. Require such plans, drawings, federal, state and local permits, including, but not limited to site plan and/or subdivision approval by the Board of Selectmen and a state dredge-and-fill permit, as required by VSA\_\_\_\_\_, and such other descriptive information as may be necessary to ensure that the permit application is consistent with the terms of the ordinance;
3. Perform a schedule of inspections to ensure compliance with this ordinance and any permit which may issue.

**Section 3 - Driveway and Road Access Standards**

All driveways and road accesses to Class \_\_\_\_\_ and Class \_\_\_\_\_ highways shall be built and maintained in accordance with the following specifications:

1. Driveways and road accesses shall not interrupt the natural or ditch line flow of drainage water.
  - a. Where shallow ditch lines or natural drainage courses exist, driveways shall be provided with a swale at a point beyond the road shoulder to accommodate the flow of storm water.
  - b. Where appropriate, as determined by the Road Commissioner, a culvert of no less than (15”) in diameter, consisting of reinforced concrete pipe or corrugated high-density polyethylene shall be installed, with a minimum of 12” of cover, and to be maintained by the owner or developer.
2. An all season safe-sight distance of a minimum of 400’ in each direction must be provided.
  - a. The Road Commissioner may authorize a sight distance of 250’, in extraordinary circumstances, where no reasonable option is available.
  - b. In no event shall the safe-sight distance be less than that prescribed by an approval granted by the Board of Selectmen.



3. All driveways and road accesses with the roadway shall be at an angle of 90 degrees. The Road Commissioner may approve an intersection of less than 90 degrees in extraordinary circumstances, where no reasonable alternative is available, but in no event less than 60 degrees.
4. The return radii for driveways and road accesses shall not be less than twenty-five feet (25').
5. No driveway or road accesses shall be permitted within 100' of an intersecting street.
  - a. The Road Commissioner may authorize a location of less than 100' in extraordinary circumstances, where no reasonable alternative exists, but in no event less than fifty feet (50').
  - b. Under no circumstances may an intersection be located in a manner inconsistent with any Board of Selectmen approval.
6. The maximum width of residential driveways and road accesses shall be twenty-feet (20'), with a minimum of eight feet (8'). Commercial driveways and road accesses may be up to fifty feet (50') wide, as approved by the Board of Selectmen.
7. The grade of driveways shall be constructed to slope away from the roadway surface for a distance equivalent to the existing ditch line. This slope shall be a minimum of ½" per foot or two percent (2%) grade.
8. The Road Commissioner shall have the authority to adopt such rules as to grade, location, entrances, approaches, required information, inspection standards, forms and any matters which implement the purpose of these regulations.

#### **Section 4 – Continuing Responsibility, Driveway and Access Improvements:**

1. Any and all improvements, including, but not limited to drainage improvements, culverts and paving, shall remain the property of the property owner, and it shall be the continuing responsibility of the property owner to maintain all said improvements and the driveway or access in an adequate and safe fashion, consistent with the terms of the permit issued by the Road Commissioner.
2. No existing intersection shall be changed in any way without first securing a written permit from the Road Commissioner.
3. Upon removal of a driveway all drainage systems in the public right of way shall be restored to the condition in which they existed prior to construction of the driveway.

#### **Section 5 – Appeals:**

An applicant can appeal the decision of the Road Commissioner to the Board of Selectmen. The applicant shall bear the burden of proving to the Board of Selectmen that the purpose of these regulations will be served by the alternate design; there are unique circumstances which require deviation from this ordinance and the rules prescribed by the Road Commissioner; and there will be no increase in the risk of public safety.

#### **Section 6 – Penalty:**

1. A violation of this ordinance shall be punishable by a fine of \$250.00 for the first offence and \$550.00 for subsequent offences for each day that such violation is found to have continued after the date on which the violator is in violation of this ordinance or any rules adopted relative thereto.
2. Any person violating this ordinance shall be liable for the cost of restoration of the highway to a condition satisfactory to the Road Commissioner, in accordance with VSA \_\_\_\_\_.

**Section 7 – Enforcement:**

The Board of Selectmen shall enforce the provisions of this ordinance by seeking a injunction, fines and other appropriate legal remedies in a court of proper jurisdiction.

**Section 8 – Term:**

The term of permits issued under these regulations is one year. All work authorized by a permit issued under these regulations must be completed within one year of the date the permit was issued.

**Section 9 – Effective Date:**

Having held a duly noticed public hearing on \_\_\_\_/\_\_\_\_/2023, the Board of Selectmen voted to adopt this Ordinance on \_\_\_\_/\_\_\_\_/2023, which shall be the effective date hereof.

In Witness Whereof, a majority of the Board of Selectmen has hereunder set their hands.

\_\_\_\_\_, Chair  
\_\_\_\_\_  
\_\_\_\_\_

Board of Selectmen, Town of Wheelock, VT

**TOWN OF WHEELOCK, VT – HIGHWAY DEPARTMENT  
DRIVEWAY ENTRANCE APPLICATION**

**Requests for permits need to be submitted 7 days prior to the beginning of construction.**

**PROPERTY OWNER**

Name \_\_\_\_\_

Address \_\_\_\_\_

Tel. # \_\_\_\_\_ Email address \_\_\_\_\_

**APPLICANT INFORMATION**

Same as Owner\_Yes\_No

Name \_\_\_\_\_

Address \_\_\_\_\_

Tel. # \_\_\_\_\_ Email address \_\_\_\_\_

**PROPERTY INFORMATION**

911 address: \_\_\_\_\_

Tax Map and Lot Number: \_\_\_\_\_ Size: \_\_\_\_\_ acres

I request authorization to construct an entrance to/from the above referenced property on the

\_\_\_\_\_ side of \_\_\_\_\_  
(Name of Public Road or Street)

in the Town of Wheelock at a point \_\_\_\_\_ feet \_\_\_\_\_ of  
(Direction)

\_\_\_\_\_  
(Road, Street, Stream, Property Line, Etc.)

The proposed entrance or entrances shall be to access: (check all that apply)

\_\_\_\_ New Home    \_\_\_\_ Existing Home    \_\_\_\_ New Business    \_\_\_\_ Existing Business  
\_\_\_\_ Farmland    \_\_\_\_ Vacant land    \_\_\_\_ Wood Lot    \_\_\_\_ Other: \_\_\_\_\_

Check one:

This is a temporary access: \_\_\_\_\_ (will be removed in less than 3 months)

This is a permanent access: \_\_\_\_\_

**UPON THE APPROVAL OF THE LOCATION OF THE ENTRANCE APPROACH(S) I/WE AGREE TO THE FOLLOWING CONDITIONS:**

1. I/we am/are the landowner(s) of the property and the any entrance(s) constructed is for the bona fide purpose of securing access to the property and that the highway right-of-way shall not be used for any purpose other than travel.
2. The grade of the entrance(s) shall be constructed so it will permit safe and controlled access to the highway in all seasons and so designed that any water from the entrance(s) will discharge into the highway gutter or drainage system.
3. Such drainage structure as are necessary to maintain existing highway drainage are to be furnished by the applicant, and shall meet Town of Wheelock Highway Department specifications.

4. That no entrance(s) or drainage installation constructed on the right-of-way as and exercise of this permit shall be relocated or its dimension altered without written permission of the Board of Selectmen.
5. That I/we agree that if the driveway is paved, it will be paved in such a manner to include a swale to control water coming out of the driveway so that it will drain into the swale and not the traveled way.

**A DRIVEWAY PAVING AND ACCESS ALTERATION PERMIT IS REQUIRED PRIOR TO PAVING OR REPAVING.**

6. That I/we agree to such expectations or additional provisions as may be deemed necessary by the issuing authority.
7. That I/we agree to hold harmless the Town of Wheelock and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of any driveway permit issued.

I have read and understand the Town Driveway Regulations pertaining to my request. If specifications are not complied with, I will be subject to fines as per the Driveway Regulations.

\_\_\_\_\_  
(Signature of Landowner)

\_\_\_\_\_  
(Date)

**DISPOSITION**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PRELIMINARY APPROVAL  
DENIED FOR REASONS LISTED BELOW  
APPROVED WITH CONDITIONS AS LISTED BELOW:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REASONS FOR DENIAL:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
(Wheelock Road Commissioner)

DATE: \_\_\_\_\_

**A FINAL DRIVEWAY INSPECTION BY THE ROAD COMMISSIONER IS REQUIRED TO ENSURE ALL REQUIREMENTS HAVE BEEN MET.**

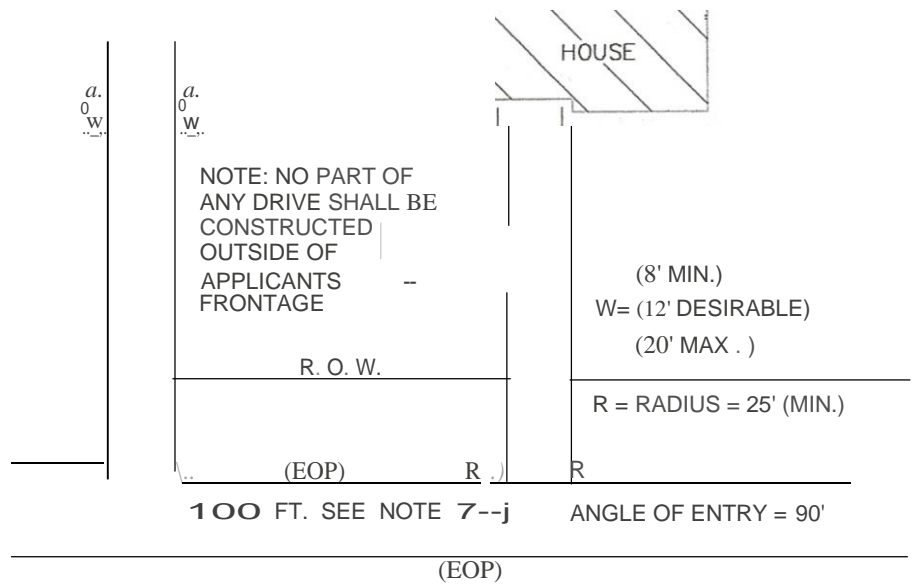
FINAL APPROVAL BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Wheelock Road Commissioner)

**PERMIT #** \_\_\_\_\_

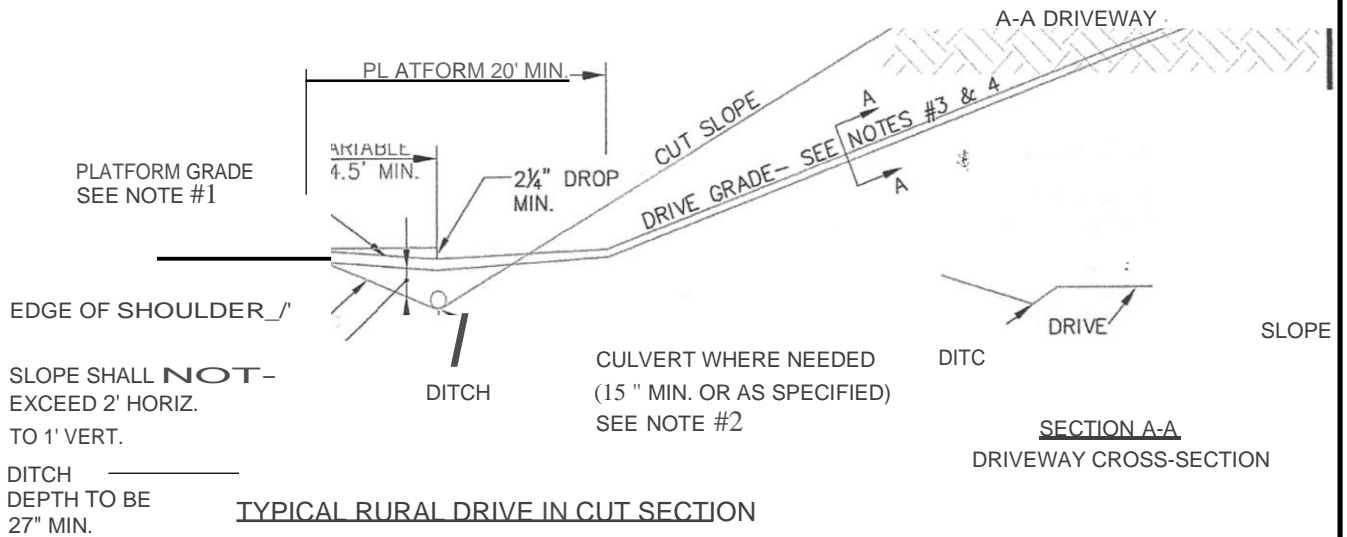
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**CONSTRUCTION NOTES**

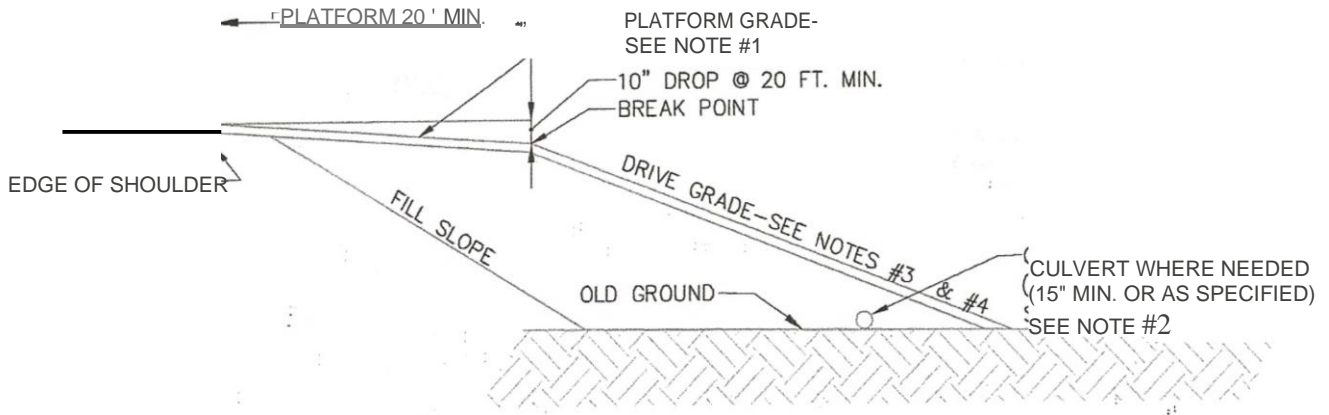
- 1) PLATFORM GRADES SHALL BE  $\frac{1}{2}$ " PER FT. OR 4% GRADE.
- 2) COVER OVER CULVERT PIPES SHALL BE 12 INCHES MINIMUM.
- 3) GRADES OF ENTRANCES BEYOND THE PLATFORM SHOULD NOT EXCEED 8%.
- 4) THE ALGEBRAIC DIFFERENCE BETWEEN TWO ADJACENT GRADES SHOULD NOT EXCEED 10%.
- 5) DITCHES ARE RECOMMENDED FOR UNCURBED DRIVEWAYS IN CUT SLOPES.
- 6) ALL DRIVEWAYS SHALL HAVE A SECTION CONTIGUOUS TO HIGHWAY WHICH APPROXIMATES LEVEL GROUND.
- 7) ALL PROPOSED DRIVEWAYS SHALL BE LOCATED A **MINIMUM** OF 100 FEET FROM EXISTING DRIVES OR STREET INTERSECTIONS.



<p>DRIVEWAY PLAN &amp; NOTES</p>	<p>DRIVEWAY APPLICATION CONSTRUCTION DETAILS</p>	<p>TOWN OF WHELOCK HIGHWAY DEPARTMENT</p>	<p>1</p>
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**NOTE:** SEE SK1 FOR DRIVEWAY PLAN AND CONSTRUCTION NOTES.



DRIVEWAY PROFILES

DRIVEWAY APPLICATION CONSTRUCTION DETAILS

TOWN OF WHEELLOCK HIGHWAY DEPARTMENT

2

TOWN OF WHEELOCK  
Policies Regarding Private access of Town Highways

Pursuant to Title 19 Vermont Statutes Annotated, section 1111, a written permit, signed by the Select board, shall be required for construction, alteration, relocation or change of use of any private road access to a town Highway. This policy applies to all classes of town highways (Class 2,3, and 4).

Establishing a new access –

Prior to starting construction, the property owner must apply for an Access Permit. Applications are available at the Town Clerk's Office. Applications shall be submitted to Select Board.

Once submitted, the road foreman will inspect the location and report to the Select Board. Once an application has been approved, a permit will be issued including any special requirements, and construction may begin.

New access standards –

1. Safety of traffic on the town highway shall be the primary criteria for establishing where an access will be permitted on a parcel.
2. All costs of constructing a new access and meeting the following standards are the responsibility of the access owner. This includes the portion of the new access that lies within the town right of way but that is outside the travelled portion of the town road.
3. Accesses shall be built using the Vermont Agency of Transportation revised specifications B-71 (Attached) as a reference.
4. Visibility between the access and the town roadway will be a minimum of one hundred fifty feet (150) in all directions without obstruction. Trees, bushes, fences, posts or other structures which obstruct visibility shall be removed.
5. A culvert with minimum diameter of 15" must be installed at an appropriate ditchline location at the edge of the town road, and ditches established to an appropriate depth for the culvert.
6. Accesses shall be constructed perpendicular and level where they meet the Town highway. Damage to Town highways.
7. If there are limitations due to immovable physical characteristics of the parcel the Select Board may issue a special variance with "best effort" to meet this policy in mind.
8. In the event that damage to a town highway is caused during construction it shall be the responsibility of the property owner to compensate the Town for any expenses involved in restoring that highway to its original condition.
9. All construction approved in granting the access permit will be completed within one year of permit approval.

Ongoing maintenance of established driveways –

1. From the edge of the travelled portion of the town road, all maintenance and associated costs of maintenance of a private driveway are solely the responsibility of the driveway owner.

2. The owner is responsible to maintain the driveway, including associated culverts and ditches, in a condition such that proper drainage is maintained to preclude water and materials from entering the town road.
3. If damage to a town highway is caused by improper construction, maintenance, or grading of an access, it shall be the responsibility of the property owner to compensate the Town for any expenses involved in restoring that highway to its original condition.

Enforcement and Penalties.

1. If a person fails to obtain a Permit as required by this Policy, fails to abide by the terms and/or conditions of a Permit, or misrepresents any information contained within or in support of a Permit application, the Selectboard shall issue a Notice of Violation setting forth the nature of the violation and the corrective action necessary to abate the violation.
2. The Selectboard may accept an "Assurance of discontinuance", which must be in writing and filed with the town clerk. "Assurance of discontinuance" shall include method and timetable of the remediation.
3. Review of corrective action by the road foreman and Select Board is required to remove the Notice of violation.
4. In the event that a person fails to follow the "Assurance of discontinuance" and make approved corrective action the Selectboard may suspend a Permit until compliance with State statute and this Policy is obtained. 19 V.S.A. § 1111(g). The Selectboard or its designee may physically close the driveway or access point, if there is continued use or activity after suspension of a Permit.



# VLCT Modell Policy & Guidance

## HIGHWAY ACCESS GUIDANCE AND MODEL POLICY

Title 19 V.S.A. § 1111 requires all individuals and corporations to obtain a permit to occupy or alter any part of a municipal right of way. That statute makes it unlawful 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 to in any way affect the grade of a highway right of way, or obstruct a ditch, culvert or drainage course that drains a highway right of way, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way,” without a permit. Such permits are commonly referred to as “access,” “curb cut,” or “driveway” permits and are issued by the municipal legislative body or its designee.

It is essential that every municipality establish a permitting process, including rules and regulations that set forth any required construction standards and conditions that must be complied with before an access permit may be issued. State statute specifically authorizes the legislative body to “make such rules to carry out the provisions of this section as will adequately protect and promote the safety of the traveling public, maintain reasonable levels of service on the existing highway system, and protect the public investment in the existing infrastructure...” 19 V.S.A. § 1111(b). MAC has developed this Model Access Policy and Model Access Forms to assist municipalities in carrying out the requirements of 19 V.S.A. § 1111. Having a clear policy that spells out the process and standards in place will ensure that all applicants for access permits understand what is required, and that all applicants are treated fairly and consistently.

Although this document is written in the form of a free-standing policy, access issues may also be regulated by municipal ordinance and/or municipal zoning regulation.

PLEASE NOTE: This model policy is not comprehensive. It does not address technical issues such as traffic volume, deceleration lanes, traffic impact studies, parking, loading, safety, drainage and other issues associated with various types of development, especially commercial development. However, this model may be supplemented so that it does address such issues. Sources for technical information include: the Vermont Agency of Transportation’s “B-71 Standards for Residential and Commercial Drives,” “A-76, Standards for Town and Development Roads” and “Access Management Program Guidelines” as well as other VTrans documents. For stormwater drainage management standards, see guidance developed by VLCT’s Water Resources Program.

This model policy is for illustrative purposes only. VLCT makes no express or implied endorsement or recommendation of any policy, nor does it make any express or implied

guarantee of legal enforceability or legal compliance, nor does VLCT represent that any policy is appropriate for any particular municipality. Seek legal counsel to review any proposed policy before adoption.

## **Customizing this Model Policy**

Your municipality is responsible for editing this document so that it reflects the practices and policies adopted by your municipality in conformance with federal and state requirements. Opportunities for customization are bracketed and marked with italic text.

## **Permitting and Refusing a Permit**

State statute requires that the legislative body or its designee consider whether the project as authorized by the permit: 1) protects the safety of the traveling public; 2) maintains reasonable levels of service on the existing highway system; and 3) protects of the public investment in the existing highway infrastructure. 19 V.S.A. § 1111(b). However, a municipality may not deny reasonable entrance and exit to or from property abutting the highways, except “on limited access highways, using safety, maintenance of reasonable levels of service on existing highway infrastructure and protection of the public investment in the existing highway infrastructure as the test for reasonableness, and except as necessary to be consistent with the planning goals of 24 V.S.A. § 4302 and to be compatible with any regional plan, state agency plan, or approved municipal plan.” 19 V.S.A. § 1111(b) (emphasis added).

Therefore, the legislative body or its designee may not deny an access permit unless the legislative body, or its designee, finds the request “unreasonable.” A permit application may be deemed unreasonable if, in the opinion of the legislative body or its designee, it does not adequately: 1) protect the safety of the traveling public; 2) maintain reasonable levels of service on the existing highway system; 3) protect of the public investment in the existing highway infrastructure; or 4) comply with the planning goals of 24 V.S.A. § 4302 and any regional, state, or approved Town Plan. 19 V.S.A. § 1111(b).

## **Permission to Proceed**

One way to ensure that driveways, accesses, and curb cuts are constructed in accordance with municipal approval involves the issuance of a “Notice of Permission to Proceed,” as described in this Model Policy. Using this process, a final permit is not issued until construction is completed, inspected, and deemed to comply with the terms and conditions imposed by the municipality in its written “Notice of Permission to Proceed.” That Notice, at a minimum, should set forth all of the conditions, specifications and restrictions applicable to the project and state that any violations of those conditions, specifications, and restrictions are subject to fines ranging from \$100.00 to \$10,000.00 for each violation in accordance with 19 V.S.A. § 1111(j). The Notice

may also state that the applicant's access point may physically be closed, in accordance with 19 V.S.A. § 1111(g), if it is deemed to be a safety hazard or if the safety of the highway users is or may be affected. A provision should be included in the Notice that states that it is the applicant's responsibility to repair any damage, in accordance with the town's minimum standards, it has caused to town property as a result of its work conducted pursuant to the Notice.

The Notice states that a permit recognizing the completion of the permitted access will be issued and become effective when it is determined that the access, as constructed, complies with all policies, conditions, specifications, and restrictions described in the Notice. If upon final inspection, the legislative body or its designee determines that the project complies with the terms and conditions of the Notice, the legislative body or its designee can issue a final permit.

### **Recording Approvals and Permits**

The statute requires that initial and subsequent permits must be recorded at the expense of the applicant in the land records of any municipality in which the affected property is located, unless the legislative body determines that such action is not warranted in specific instances or for certain categories of permits. 19 V.S.A. § 1111(l).

### **Enforcing the Policy**

Although this document is written in the form of a policy rather than an ordinance it is nonetheless enforceable because municipalities are given specific authority in State Statute to enforce access issues.

When a person does not obtain a required access permit, or fails to comply with the terms and conditions of an issued permit, a municipality has several ways to proceed, which are described below.

### **Assurance of Discontinuance**

The legislative body, or its designee, may (not must) also accept an "assurance of discontinuance" of any access violation, including a schedule for abatement of a violation. 19 V.S.A. § 1111(i). If such assurances are allowed, they must be in writing and must be filed not only with the town, but also with the attorney general, the Superior Court, and the town clerk's land records.

Prior to instituting any legal action regarding a highway access or an access permit, the legislative body or its designee may (not must) issue a notice of violation setting forth the nature of the violation, the corrective action necessary to abate the violation, and notice of

intention to institute an action or proceeding against the person responsible for the violation. 19 V.S.A. § 1111(i).

### **Permit Suspension and Access Closure**

The legislative body, or designee, may suspend the permit until compliance with statute and permit conditions requiring compliance with any local ordinance and regulation relating to highways and land use is obtained. 19 V.S.A. § 1111(g). The law allows the legislative body, or its designee, may physically close the driveway or access point, if there is continued use or activity after suspension of a permit, and in the opinion of the legislative body, or its designee, the safety of highway users is or may be affected. 19 V.S.A. § 1111(g). MAC recommends seeking legal advice prior to taking action to physically block an access.

### **Injunction**

If the legislative body, or its designee, believes that any person is in violation of the provisions of Title 19 V.S.A. §§ 1111 et seq., it may bring an action in the name of the town against the person to collect civil penalties as provided in 19 V.S.A. § 1111(j) and to restrain by temporary or permanent injunction the continuation or repetition of the violation. 19 V.S.A. § 1111(h).

### **Civil Penalties**

Persons who violate the requirements of obtaining a permit, permit conditions, or the terms of an order issued by a court may be subject to civil penalties of not less than \$100.00 and not more than \$10,000.00 for each violation. When the violation of an order is of a continuing nature, each day during which the violation continues after the date fixed by the court for correction or termination of the violation constitutes an additional separate and distinct offense except during the time an appeal from the order may be taken or is pending.

**Copy the text below and paste into a new document**

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# [Municipal Name]

## HIGHWAY ACCESS POLICY

### **Section 1 -- Authority.**

This Highway Access Policy (hereafter "Policy") is enacted pursuant to the authority granted to the Town under 19 V.S.A. §§ 303 and 1111.

### **Section 2 -- Purpose.**

This Policy regulates access to the Town highway system. It is the purpose of this Policy to protect and preserve the safety and convenience of the inhabitants of the Town and the traveling public and to protect the public investment in the Town highway system through the regulation of highway access.

### **Section 3 -- Definitions.**

For the purpose of this Policy the terms defined shall have the following meanings:

**"Access Permit"** means the permit issued by the Selectboard to access the town highway system after following the procedural requirements of this Policy.

**"Highway"** means the highway system for the Town of \_\_\_\_, which includes the public rights-of-way, bridges, drainage structures, signs, guardrails, areas to accommodate utilities authorized by law to locate within highway limits, areas used to mitigate the environmental impacts of highway construction, vegetation, scenic enhancements, and structures.

**"Notice"** means the written Notice of Permission to Proceed, described in Section 5c of this Policy, issued by the Selectboard after an application for an access permit is approved.

**"Person"** means an individual corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or other legal entity.

**"Selectboard"** means the Selectboard of the Town of \_\_\_\_\_.

**"Town"** means the Town of \_\_\_\_\_.

**"Vermont Agency of Transportation Standards B-71 and A-76"** shall mean the most recent versions of the Vermont Agency of Transportation standard sheets B-71, Standards for Residential and Commercial Drives and A-76, Standards for Town and Development Roads.

**Section 4 -- Permit required.**

No person shall install, develop, construct, regrade, or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a 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 divert the flow of water onto the highway right-of-way, within the Town unless an Access Permit has been obtained from the Selectboard in accordance with this Policy.

[Insert optional exclusion for municipal purposes such as "A driveway or other access created or developed by the Town for official Town purposes is not required to obtain an Access Permit."]

**Section 5 -- Process.**

- A. Application.** A person may apply for an Access Permit from the Town using the Access Permit Application form provided by the [insert name of office where applications are available such as "Town Clerk's Office"]. The application shall be in writing and shall be signed by the applicant or an individual authorized to act for the applicant. A fee of \$\_\_\_[insert amount] shall be paid at the time the application is submitted. A completed application must be submitted to the \_\_\_ [insert responsible party such as "Selectboard" or "Manager" or "Road Foreman" or other designee] at least \_\_\_[insert number of days] before work is scheduled to begin. The [insert responsible party such as "Selectboard" or "Manager" or "Road Foreman" or other designee] may modify the time requirements of this Policy for good cause shown provided the public health and safety will not be jeopardized by such action.
- B. Consideration.** [If applicable, insert language such as "Prior to any action by the Selectboard, the (Town Manager, Town Administrator, etc.) shall cause the application to be reviewed by Town departments including, but not limited to, highway/DPW, police, fire, and rescue."]

The [insert the responsible party such as "Selectboard" or "Manager" or "Road Foreman"] will consider a completed application [if the decision will be made by the Selectboard, insert the following: "at a regular or special Selectboard meeting and may

recess the meeting on the application as necessary to receive additional information."]  
The [insert "Selectboard" or "Manager" or "Road Foreman"] may approve, approve with conditions/modifications, or deny an application upon consideration of the approval standards set forth in Section \_\_\_ of this Policy.

- C. Notice of Permission to Proceed.** If an application is approved, the [insert "Selectboard" or "Manager" or "Road Foreman"] will issue written permission in the form of a Notice of Permission to Proceed ("Notice"). The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town. The Notice will state the date on which construction / development of the Access may proceed.
  
- D. Notification of completion.** The applicant shall notify the [insert "Selectboard" or "Manager" or "Road Foreman"] within [number] of days after construction is completed.
  
- E. Final inspection.** The [insert "Selectboard or its designee" or "Manager or his or her designee" or "Road Foreman"] shall conduct a final inspection to determine if the work has been completed according to the requirements listed in the Notice.
  
- F. Issuance of Permit.** If, after inspection, it is determined that the Access has been constructed / developed in compliance with the Notice, a written Permit shall be issued by the [insert "Selectboard" or "Manager" or "Road Foreman"] within \_\_\_ days after final inspection.
  
- G. Recording of Permit.** A Permit shall not be valid until recorded in the Town Land Records at the expense of the Permittee.

#### **Section 6 -- Contents of Application.**

An application for an Access Permit shall be on the form provided by the Town and shall be deemed to be complete if it includes the following:

- 1) The name, address, and telephone number of the applicant, the principal officers of the applicant, the individual making the application, and any other individual authorized to represent the person applying for the Permit;
  
- 2) If the applicant is not the owner of the premises where the access is to be constructed, the name and contact information of the owner or other person that has the authority

to consent to the use and development of the premises, and a signed statement from that person stating that consent is given to the applicant;

- 3) The location of the access, including street address (if any), and parcel ID # of the property;
- 4) The date on which construction is proposed to begin;
- 5) A visual depiction of the premises indicating location, layout, adjacent state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area;
- 6) Any additional information the applicant wishes to furnish that assists the Selectboard or its designee in determining that the proposed access will comply with the applicable standards; and
- 7) The signature of the applicant or an individual authorized to act for the applicant.

**Section 7 -- Approval conditions.**

When issuing a Notice under this Policy, the Selectboard shall require that the proposed access will be constructed or developed according to the standards in Vermont Agency of Transportation Standards B-71 and A-76."

In addition, the Selectboard shall require conditions to avoid: (1) undue adverse traffic congestion and unsafe conditions regarding the use of public roads, sidewalks and other public rights-of-ways; (2) unhealthy conditions regarding water supply, sewage disposal or solid waste disposal; and (3) adverse affects on drainage ditches, culverts or other drainage facilities. [Insert optional specific provisions that relate to the above 3 criteria.]

In addition, the Selectboard may require the posting of a security bond or the establishment of an escrow account to ensure compliance with the conditions of the Notice or Permit and protection of the town highway system. In addition, the Selectboard may attach any such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts reviewable under the approval standards set forth above.



**Section 8 -- Expiration of Notice of Permit.**

The authorization conveyed by a Notice of Permit shall expire \_\_\_\_\_[insert time period] after the issuance of that Notice unless the work authorized by such Notice has been substantially commenced.

**Section 9 --Damage to Town highways.**

In the event that damage to a town highway is caused by improper construction, maintenance, or grading of a driveway or other highway access point, it shall be the responsibility of the property owner to compensate the Town for any expenses involved in restoring that highway to its original condition.

**Section 10 -- Revocation of Permit; Frontage road.**

As per 19 V.S.A § 1111(f), the Selectboard may, as development occurs on land abutting a Town Highway, require the elimination of an 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.

**Section 11 -- Responsibility for culverts and headwalls**

Culverts and headwalls installed on private property, even when located within the municipal right of way, are the responsibility of the property owner. Property owner retains exclusive legal and financial responsibility to repair, replace, and maintain those culverts and headwalls. Nevertheless, property owner must obtain permission from the Town in the form of a written Notice of Permission to Proceed before any repair or replacement may take place.

**Section 12 -- Applicability of other laws and ordinances.**

The Permit required under this Policy shall not replace or eliminate any requirement to obtain approval under any other applicable State laws or municipal land use ordinances. Applicants and Permittees are solely responsible for ensuring that their access is in compliance with applicable State laws and municipal land use ordinances.

**Section 13 -- Enforcement and Penalties.**

In the event that a person fails to obtain a Notice/Permit as required by this Policy, fails to abide by the terms and/or conditions of a Notice/Permit, or misrepresents any information contained within or in support of a Notice/Permit application, the Selectboard may resort to any or all of the following enforcement options:

**A. Optional Notice of Violation**

Prior to instituting any legal action or proceeding to enforce this Policy, the Selectboard or its designee may issue a notice of violation setting forth the nature of the violation, the corrective action necessary to abate the violation, and notice of intention to institute an action or proceeding against the person responsible for the violation. 19 V.S.A. § 1111(i).

**B. Assurance of Discontinuance**

The Selectboard or its designee may accept an "assurance of discontinuance" of any violation of this Policy, including a schedule for abatement of a violation. 19 V.S.A. § 1111(i). When such assurances are allowed, they must be in writing and must be filed not only with the town, but also with the attorney general, the Superior Court, and the town clerk's land records.

**C. Permit Suspension**

The Selectboard or its designee may suspend a Permit until compliance with State statute and this Policy is obtained. 19 V.S.A. § 1111(g). The Selectboard or its designee may physically close the driveway or access point, if there is continued use or activity after suspension of a Permit, and in the opinion of the Selectboard, or its designee, the safety of highway users is or may be affected. 19 V.S.A. § 1111(g).

**D. Injunction**

If the Selectboard believes that any person is in violation of the provisions of Title 19 V.S.A. §§ 1111 et seq., it may bring an action in the name of the town against the person to collect civil penalties as provided in 19 V.S.A. § 1111(j) and to restrain by temporary or permanent injunction the continuation or repetition of the violation. 19 V.S.A. § 1111(h).

**E. Civil Penalties**

Persons who violate the requirements of this Policy or fail to adhere to Permit conditions, or the terms of an order issued by a court of law may be subject to civil penalties of not less than \$100.00 and not more than \$10,000.00 for each violation. When the violation of an order is of a continuing nature, each day during which the violation continues after the date fixed by the court for correction or termination of the violation constitutes an additional separate and distinct offense except during the time an appeal from the order may be taken or is pending.

**Section 14 -- Severability.**

If any section of this Policy is held by a court of competent jurisdiction to be invalid such finding shall not invalidate any other part of this Policy.

**Section 15 -- Effective Date.**

This Policy shall become effective upon adoption by the Selectboard.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Signatures:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPENDIX A:**

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**[Municipality Name]**  
**Access Permit Application Form**

Application # \_\_\_\_\_ [to be filled in by the Town]

**NOTICE TO APPLICANT:** This form is for use in conjunction with the Town's Highway Access Policy. Before submitting an application, applicants are urged to review the Town's Highway Access Policy in full.

If an application is approved, the [insert "Selectboard" or "Manager" or "Road Foreman"] will issue written permission in the form of a Notice of Permission to Proceed ("Notice"). The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town. The Notice will state the date on which construction / development of the Access may proceed.

Once construction/development is completed, the [insert "Selectboard or its designee" or "Manager or his or her designee" or "Road Foreman"] shall conduct a final inspection to determine if the work has been completed according to the requirements listed in the Notice.

If, after inspection, it is determined that the Access has been constructed / developed in compliance with the Notice, a written Permit shall be issued by the [insert "Selectboard" or "Manager" or "Road Foreman"] within \_\_ days after final inspection. An access is not considered legally permitted until the written Permit has been recorded in the Town Land Records at the expense of the Permittee.

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Name of Applicant: \_\_\_\_\_

Address and telephone number of Applicant: \_\_\_\_\_

If Applicant is an organization or corporate entity, list the principal officers of Applicant and any other individual authorized to represent the applicant group or entity applying for the Permit:

---

If Applicant is an organization or corporate entity, list the name address, email and telephone number of individual making the application:

\_\_\_\_\_

Location of the proposed access: \_\_\_\_\_

If the applicant is not the owner of the premises where the proposed access will be constructed, list the name and contact information of the owner or other person that has the authority to consent to the use of the premises and attach a signed statement from that person stating that consent is given to the applicant to have the access constructed on those premises:

\_\_\_\_\_

The date on which construction is proposed to begin:

\_\_\_\_\_

Attach a visual depiction of the premises indicating location, layout, state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area.

Describe the arrangements that have been made to protect the public health, safety, welfare and convenience of the traveling public during construction including, but not limited to, arrangements for traffic control, crowd control, waste and sanitation facilities:

\_\_\_\_\_

Applicant may provide any additional information that may assist the Selectboard.

\_\_\_\_\_  
Signature of the applicant  
or an individual authorized to act for the applicant

\_\_\_\_\_  
Date

FOR TOWN USE ONLY:

Application received by \_\_\_\_\_ [town official] on \_\_\_\_\_ [date]

Application fee of \$ \_\_\_\_\_, received by \_\_\_\_\_ [form of payment]

**[Municipal Name]**  
**Notice of Permission to Proceed with Construction /**  
**Development of Access / Right of Way**

Notice is hereby given to \_\_\_\_\_ [name of Applicant / Property Owner] that the Selectboard of the Town of \_\_\_\_\_ hereby grants permission to proceed with the construction / development of the proposed access/driveway/curb cut at \_\_\_\_\_ [parcel # and street address or property, if any], which proves access to / connects with [name and/or # of town highway] as per the Access Permit Application # \_\_\_\_\_, submitted to the Town on \_\_\_\_\_ [date]. Construction / development may begin on or after \_\_\_\_\_ [date] and must proceed according to the following conditions and restrictions:

[insert conditions or restrictions]

Permission granted in this Notice will expire [insert time period] from the date of issuance and is not transferrable.

This Notice does not constitute an Access Permit. A Permit authorizing the use of the access and recognizing completion of the project will be issued and become effective only after it is determined that compliance with all conditions, specifications, and restrictions described in this Notice to Proceed are met. The Selectboard for the Town of \_\_\_\_\_, with the assistance of \_\_\_\_\_ [insert "Road Commissioner," "Road Foreman," or other town officer as relevant], will have the authority and responsibility to determine when the conditions, restrictions, and specifications above are met.

Upon receipt of this Notice, you are hereby authorized to proceed with the project in accord with the conditions, specifications, and restrictions described herein. Approval covers only the work described in your Access Permit Application, as modified by the conditions, restrictions, and specifications listed above. You will be held financially responsible for any damage caused to the Town highway system resulting from the development or construction of a driveway/access, regardless of whether such development or construction has been authorized by the Town.

This Notice does not relieve you from any requirements imposed by other local, regional, or State agencies.

Issued on: \_\_\_\_\_ [date]

By: \_\_\_\_\_

Chair of the Selectboard

**APPENDIX C:**

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**[Municipality Name]**  
**Access / Right of Way Permit**

It is the determination of the Selectboard of the Town of \_\_\_\_\_ that all of the conditions, restrictions, and specifications described in Access Permit Application # \_\_\_\_\_, as modified by the relevant Notice to Proceed, which was issued by the Town on \_\_\_\_\_[date], have been met.

Therefore, Permit # \_\_\_\_\_ is hereby issued to \_\_\_\_\_  
[Applicant / Property Owner], as Permittee for the access/driveway/curb cut located at \_\_\_\_\_ [parcel # and street address or property, if any], which proves access to / connects with \_\_\_\_\_[name and/or # of town highway]. All of the conditions, restrictions, and specifications described in Access Permit Application # \_\_\_\_\_, as modified by the relevant Notice to Proceed, which was issued by the Town on \_\_\_\_\_[date], remain in force as conditions of this Permit as long as the present land use continues. Any change in the present land use will require a new Permit.

This Permit shall not be valid until recorded in the Town Land Records at the expense of the Permittee.

The issuance of this Permit does not relieve Permittee from any requirements imposed by other local, regional, or State agencies.

In the event that there is a failure to adhere to the conditions, restrictions, and specifications described above, this Permit may be suspended by the Selectboard until compliance is obtained.

If there is continued use or activity after suspension, the Selectboard may physically close the driveway or access point if, in the opinion of the Selectboard, the safety of highway users is or may be affected.

As per 19 V.S.A § 111(f), the Selectboard may, as development occurs on land abutting a Town Highway, require the elimination of an 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.



Permit issued on \_\_\_\_\_ [date]

By: \_\_\_\_\_ [Selectboard or its designee]

Received for recording on \_\_\_\_\_ [date], with applicable recording fees paid.

By: \_\_\_\_\_ [Town Clerk]

**WHEELOCK, VT**  
**MAILBOX REPLACEMENT POLICY**

**I Intent**

The intent of this policy is to establish a uniform process to reimburse citizens for mailbox damage due to snow removal operations performed by the Town.

**II Shared Responsibility**

The Town's primary obligation is to ensure that its roadways are kept free of snow and ice. It is also understood that most mailboxes are located inside the public right of way, and therefore, damage to them is often unavoidable for various reasons. Therefore, this policy assumes there is a shared responsibility between the Town and homeowner when mailboxes are damaged during snow removal operations.

**III Damage resulting from discharged snow**

The Town is not responsible for mailbox damage from snow being discharged by snow removal equipment. Homeowners erecting a mailbox or post in the public right of way shall:

- Position the post at least 4 feet back from the traveled portion of the right of way.
- Position the mailbox 42 inches above the ground.
- Ensure that the mailbox and post are constructed to withstand being hit by snow discharged by snow removal equipment.

**IV Damage resulting from contact with Town equipment**

When the damage to a mailbox or post is alleged to be the result of direct contact with WHEELOCK's snow removal equipment, the following steps will be taken.

1. The Highway Superintendent will inspect the mailbox/post to determine the cause of the damage.
2. The Highway Superintendent will determine who is at fault (improper installation of mailbox, or WHEELOCK Town employee error).
3. If the Highway Superintendent concludes that the damage is the result of the actions of a WHEELOCK employee, the Town shall either repair the damage or replace the mailbox and/or post. If the Highway Foreman concludes that the damage is the result of improper installation or maintenance then the homeowner shall be responsible for repair and/or replacement costs,
4. The homeowner shall have the right to appeal the decision of the Highway Superintendent to the WHEELOCK Board of Selectmen, whose decision shall be final.

ADOPTED BY THE WHEELOCK SELECTBOARD ON \_\_\_\_/\_\_\_\_/2023

## Correspondence with Attorney Bill Davies re Driveway Policy

On 10/5/2022 11:04 AM, Ann Lawless wrote:

Dear Bill,

Wheelock Selectboard has another question for you. We are working on an update to our current 2017 driveway policy/permit application. I'm not sure that is the Town's first ever driveway policy. Our highway supervisor has noted there are many older driveways that are not up to current best practice or standards. This is a problem because their dysfunction impacts the maintenance of town roads. Our question is whether the current policy, or the new policy once we adopt it, will affect these older driveways that were built prior to our town policy/permit systems. Some of these driveways are likely more than 100 years old. Are they in effect grandfathered?

Our current policy, other town policies we've looked at, and the VLCT guidance policy ([https://www.vlct.org/sites/default/files/documents/Resource/VLCT%20Model%20Class%204%20Highway%20Policy%20and%20Guidance\\_0.pdf](https://www.vlct.org/sites/default/files/documents/Resource/VLCT%20Model%20Class%204%20Highway%20Policy%20and%20Guidance_0.pdf)) put responsibility on the owner to maintain the driveway. Similarly, VTrans grant funds, even those designed to ensure our waterways stay clean and free of road runoff, do not help the town pay for work to fix driveways.

Our current policy and permit are here. <https://townofwheelockvt.org/wp-content/uploads/2020/09/Access-Permit.pdf>

We wanted to hear from you first about this question before our next iteration of the driveway policy draft, and we plan to ask you to comment on the final version once we have it completed.

Thank you very much for your help.

PS - regarding my prior question about enforcing weight limits, our highway supervisor does already follow your advice for a friendly approach. He speaks in person with the landowner and the trucker. And we try to get the weight limit permit with insurance certificate in writing.

Regards,

Ann

\*\*\*\*\*

On 10/5/2022 5:05 PM, William Boyd Davies wrote:

Good afternoon, Ann,

Generally speaking, existing driveways would be "grandfathered". However, if a change in state regulations resulted in a driveway negatively impacting the town, the landowner could be made to do whatever was needed to avoid or mitigate the impact. For instance, if wetland regulations prohibited draining a wetland, and

the landowner had channeled water from the wetland into the town road for 100 years, the landowner could be required to stop doing so if that impacted town liability for discharging water from a wetland - not my most artfully drafted example, but I think you will get the point.

I'm glad that the weight limits issue seems to be being peaceably resolved.

Please let me know if my example helps.

Sincerely,

Bill

--

William Boyd Davies, Esq.

Davies Law, PLC.

424 Main St.

PO Box 303

Barton, VT 05822

Phone: (802)525-3766

Fax: (802)525-3647

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**On 1/4/2023 11:44 AM, Ann Lawless wrote:**

Happy New Year Bill,

We are still working on our driveway policy. I favor the VLCT model template because it sets out a 2 step process, first the application followed by a notice to proceed, then a permit is issued or not once the completed work has been viewed and approved. One sticking point is in the enforcement section, whether to keep in the part about the town perhaps taking the person in violation to court and assessing fines. To me that's OK to include. It empowers the selectboard to take action but it does not require us to do so. One of my colleagues plans to work on the draft some more and we will send it to you when he is finished so you can advise us before we adopt it.

I am curious to know more about your reference to 15 years from the time of a violation. Not sure it is relevant to our situation. Our biggest problem is driveways that were installed a long time ago and which are failing, causing damage to the town roads. My thinking is if a permit were never issued, then it would be impossible to have a violation.

And if a permit had been issued (and we could find it!), if it did not include mention of the landowner's responsibility to maintain it as it was approved, we have nothing to go on to try to get the landowner to provide an upgrade. My understanding is that permits are generally filed with the land records but I don't know if our town has been doing that. It would be quite a project to go through all the cards to identify which parcels have permits and the permit dates

Do you have any suggestions for these last two situations?

Thank you,  
Ann

\*\*\*\*\*

**Bill Davies wrote on 1/8/2023**

Good morning, Ann,

My reference to 15 years is that that is the period of time after which a person in Vermont can obtain an interest in land without there being a deed or other writing - commonly called adverse possession. That concept would apply to a driveway constructed more than 15 years ago without having received the required permit for the same. With that said, whether or not a permit was issued, if a driveway as it presently exists is causing damage to a town highway, the owner of the driveway is required to do whatever is necessary to stop the ongoing damage to the town highway. (Highlight by AL)

I agree that the driveway permits should be recorded in the land records, and it is the person obtaining the permit who is required to pay the recording fee. I suggest adding something to your permit form that says that the permit does not become effective until the same has been filed with the town clerk for recording. Obviously this will work for permits issued in the future. For past permits all that can be done is to record those which can be located. Without there being notice at the time of the issuance of the permit that recording is required, those old permits should be recorded at town expense, meaning the town should pay the clerk for the recording fee.

Sincerely,

Bill

Town of Wheelock  
Hybrid Informational Meeting Minutes  
March 1, 2023 at 6:00 PM  
Wheelock Town Hall and via Zoom

**Present:** Via Zoom: Alison Low (Senior Planner, NVDA), Eileen Boland, Atti Seguin; In Person: Scott Lang, Enid Ellis, Carol Rossi, Peter Miller, Carolyn Nolan and Timothy Nolan, Gaylon Smith, Jessica Duranleau, Brad and Tanya Brewer, Marilyn Lincolnhut, Nate Davis and Mark Buonanno; and Selectboard: Ann Lawless, Mike Richardson and Jim Blackbird; Vanessa Seguin, minute clerk.

Ann Lawless called the meeting to order at 6:00 PM.

Ann Lawless thanked everyone for coming and stated that this Informational Meeting is the prerequisite to Town Meeting Articles 18 and 19 which are to be voted on by Australian Ballot on Tuesday, March 7, 2023.

**Regarding Article 18:**

Carolyn Nolan, Wheelock resident, introduced herself and stated she has interest in the flood bylaws because of the location of her property in Wheelock, a portion of which lies within the Special Flood Zone according to the 1974 map.

She stated that while she is in favor of reduced rates for flood insurance, she feels implementing the bylaws at this time puts an entire new level of governance in the Town of Wheelock at an administrative level. She also questioned who would act as the administrative officer, required per the bylaws. Ann Lawless stated this would likely be someone hired with experience and stated she has reached out to Mike Harris, the zoning administrator in Burke. Alison Low of NVDA added that this person would require experience and training and also be the “gateway” to the permitting process.

Later on in the discussion Carolyn Nolan asked about the job description of the administrative officer. Ann Lawless reiterated that the person would need some training and a certain kind of skill set, including a background in engineering, and the ability to read maps. Alison Low added that alternatively she has seen newly appointed administrative officers receive technical assistance and training required for the position. Ann Lawless mentioned that the rate of pay for a local administrative officer in a surrounding town was \$26 per hour. Carolyn Nolan expressed concern over this being a hired consultant versus an appointed official and how the perception would be received by those affected in the permitting process. She also asked how the Town would pay for the services. It was determined that it would likely be a line item in the general fund budget. Additionally, Carolyn expressed her concern with non-compliance of the permitting process. The Selectboard agreed that it would be subject to the same non-compliance provisions similar to a driveway policy of the Town. Peter Miller asked what would happen if the Town is unable to hire an administrative officer. It was unknown at that time.

Carolyn asked about the application and fees associated with a permit. Ann Lawless stated that the Selectboard is responsible for establishing the application process pursuant to the bylaws and that the fees are set by statute.

Carolyn Nolan then pointed out the proposed bylaws, as currently written, subject homeowners to pull a permit for interior home improvements or repairs over \$500 and referred to page 4 of the bylaws. She stated this seems excessive and property owners Nate Davis and Jessica Duranleau agreed; stating that with inflation, \$500 does not go far in “home improvement and repairs” and said they would be potentially expected to “pull a permit” every time they wanted to do home project, because most projects these days are over \$500. Ann Lawless and Alison Low agreed that the bylaws DO state this condition, and acknowledged that it seems a bit low of a threshold, and perhaps FEMA (who developed the rule) did not take inflation into account; but ultimately indicated changing that condition could potentially make it so FEMA would not accept the bylaws when the Town makes application for acceptance into the National Flood Insurance Program.

Alison also explained the purpose of the condition is so that tracking can be done of home improvements. She also stated there may exist more clarification on routine maintenance vs. improvements and the \$500 threshold.

Carolyn Nolan asked for the definition of a flood plain. Alison Low explained the flood plain is an area adjacent to a body of water that has a statistically significant change of flooding, sometimes called the 100-year flood plain or an area where there is a 1% change of flooding in any given year. Carolyn followed up with the question of whether or not there are newer flood plain maps, perhaps a bit more accurate or easier to read than the original maps produced in 1974. Both Jim Blackbird and Alison Low stated there are new draft maps coming in the summer of 2023, produced by FEMA, using more advanced technology (lydar and base level engineering). Currently the Department of Environmental Conservation has been helping towns address the base flood zone areas. Alison Low does not anticipate any changes coming to the Wheelock maps in terms of properties in and out based on an email from FEMA listing changes to maps in Caledonia County. Carolyn Nolan questioned whether or not adopting these bylaws right now is premature given that the new maps have not yet come out. Selectmen Jim Blackbird stated he believes the Town should wait until the new maps are presented.

Carolyn Nolan then asked if the release of the new maps will change the 1% risk determination and if the proposed bylaws are contingent on the old maps vs. new maps. Alison Low stated that it is likely the new maps will be more accurate given the technology used, and reiterated that what’s happening going forward is that flooding is becoming more frequent and if a property has flooded in the recent past, it doesn’t necessarily mean a property has a reduced risk in the future.

Carolyn Nolan then asked how this article qualifies for an Australian ballot vote. Ann Lawless stated that prior to Town Meeting 2022 a citizen submitted a voter backed petition to place an article on the warning that read, in part, that this is to be voted on by Australian Ballot. She added that the Selectboard attempted to put it together before November 2022 as in the petition, but struggled to have an active planning commission to take on the task. She added that they were able to pull together all the statutory requirements for Town Meeting 2023. Alison Low added that the default process is by a majority of the legislative body, but a lot of surrounding Towns feel it is important to have the voters weigh in on it. Carolyn asked the Selectboard how many people they think have read this proposed bylaw and will read it before Tuesday’s voting. The Selectboard agreed that while they have held the two public hearings required by statute, it is possible not a lot of people have read they bylaws.

Carol Rossi explained that this procedure is similar to the State Current Use Program, wherein 1/3 of properties in Wheelock are enrolled. She stated that essentially this is “nothing new” in terms of

procedures for Wheelock, except that it is required and not optional. She said the Wheelock Listers are able to administer it with the help and guidance of the State of Vermont. She also stated that twice in the past, two selectboards have voted yes to adopt a flood bylaw, but had not followed through on the process.

Nate Davis asked how much cheaper flood insurance may be for these 14 properties affected if Wheelock enrolls vs. if it does not. Jessica Duranleau stated that she is required to have flood insurance as a result of her refinance, and finds it extremely costly for what it covers (no contents at all). She also stated that they tried for a year and a half to find an engineer who would write up a letter of map amendment for FEMA to remove them from the flood plain and were not successful in their efforts to find someone, but according to Alison Low it can be done, and is done regularly. Jessica Duranleau also stated that the possible resale of these 14 properties will likely be affected since they are in the flood zone, and purchasing private flood insurance at high costs would be a deterrent to a potential new buyer. Ann Lawless stated that further down the line this could potentially affect the Town's grand list if these 14 properties sell below market price because of the requirement for potential buyers to purchase expensive private flood insurance. Alison Low said that the biggest benefit to adopting these bylaws and participating in the National Flood Insurance Program would be that current property owners wouldn't have to shop around for private insurances with associated high premiums. Bradley Brewer followed up by stating he read 21,000 communities are enrolled under the program and the average annual premium is \$700. Jessica Durlaneau confirmed she pays way more than that currently through a private insurance company.

Enid Ellis mentioned that if this passes, all of the property owners in Town can get flood insurance, not just the 14 properties in the flood zone; and that the permitting process would only apply to those 14 properties.

Ann Lawless and Alison Low brought up one more benefit to adopting the proposed bylaws and entering into the National Flood Insurance Program which is eligibility for funding under the state Emergency Relief and Assistance Fund (ERAF); wherein the state will match 12.5% of federal funding issued to the Town after a federally declared disaster. In order to be eligible, the Town must have four items in place:

1. Adopt Town Road and Bridge Standards – Wheelock has done.
2. Local Emergency Operations Plan – Wheelock has done.
3. Adopt FEMA approved local hazard mitigation plan – Wheelock has done.
4. Participate in the National Flood Insurance Program – Pending adopting of bylaws

Funds in rural towns typically go toward repair of washed out roads, culverts and bridges after a declared disaster.

There being no more questions or comments regarding Article 18, Alison Low left meeting at 7:12 (zoom).

**Regarding Article 19:**

Ann Lawless read Article 19. The Selectboard is asking voter approval to seek a loan for a 10-wheel dump truck to replace the 09 International in an amount not to exceed \$215,000.



Vanessa Seguin confirmed there is currently \$25,845.00 in the Equipment Reserve Fund and after the collection of 2023 taxes, there will be \$55,845 in said account.

Mark Buonanno brought all information and research to the December-January meetings. He looked into several companies and the Board voted to go with Western Star at the quoted price of:

Manual Transmission Cab and Chassis	\$122,308.00 (after \$21,500 trade in)
Viking Body and Plow	\$84,900.
Full Warranty	\$7,174.00

Mark Buonanno explained the issues and repairs that the Town has dealt with the '09 truck over the past 4 years which include: replacement of the dump body, replacement of rear suspension and currently replacement of the transmission. The Town has made other repairs that have added up extensively over the last few years and Mark indicated that if the truck is kept, it will likely continue to cost us money to maintain simply given its age. Jim Blackbird stated the truck has cost us near \$80K in the last four years.

After hearing no other comments regarding Article 19, Ann Lawless made a motion to adjourn the meeting. Seconded by Jim Blackbird and Mike Richardson.

Meeting adjourned at 7:32.

Other business:

Ann presented to the group that the Wheelock Community Initiative would be presenting a request to the Wheelock Selectboard at their March meeting to apply for and participate in a Walkability Project.

Respectfully Submitted:

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Vanessa Seguin, Clerk

**WHEELOCK, VT**  
**MAILBOX REPLACEMENT POLICY**

**I Intent**

The intent of this policy is to establish a uniform process to reimburse citizens for mailbox damage due to snow removal operations performed by the Town.

**II Shared Responsibility**

The Town's primary obligation is to ensure that its roadways are kept free of snow and ice. It is also understood that most mailboxes are located inside the public right of way, and therefore, damage to them is often unavoidable for various reasons. Therefore, this policy assumes there is a shared responsibility between the Town and homeowner when mailboxes are damaged during snow removal operations.

**III Damage resulting from discharged snow**

The Town is not responsible for mailbox damage from snow being discharged by snow removal equipment. Homeowners erecting a mailbox or post in the public right of way shall:

- Position the post at least 4 feet back from the traveled portion of the right of way.
- Position the mailbox 42 inches above the ground.
- Ensure that the mailbox and post are constructed to withstand being hit by snow discharged by snow removal equipment.

**IV Damage resulting from contact with Town equipment**

When the damage to a mailbox or post is alleged to be the result of direct contact with WHEELOCK's snow removal equipment, the following steps will be taken.

1. The Highway Superintendent will inspect the mailbox/post to determine the cause of the damage.
2. The Highway Superintendent will determine who is at fault (improper installation of mailbox, or WHEELOCK Town employee error).
3. If the Highway Superintendent concludes that the damage is the result of the actions of a WHEELOCK employee, the Town shall either repair the damage or replace the mailbox and/or post. If the Highway Foreman concludes that the damage is the result of improper installation or maintenance then the homeowner shall be responsible for repair and/or replacement costs,
4. The homeowner shall have the right to appeal the decision of the Highway Superintendent to the WHEELOCK Board of Selectmen, whose decision shall be final.

ADOPTED BY THE WHEELOCK SELECTBOARD ON \_\_\_\_/\_\_\_\_/2023

Town of Wheelock  
Selectboard Meeting Minutes  
March 14, 2023 6:00 PM @ Wheelock Town Hall

**Present:** Ann Lawless (Selectboard) Jim Blackbird (Selectboard), Andy Buteau (Selectboard), Mark Buonanno (Highway Supervisor), Vanessa Seguin (Minute Clerk), Carol Rossi, Tanya Brewer, Brad Brewer, Enid Ellis (Zoom), Eileen Boland (Zoom)

AL opened the meeting at 6:00 PM. She welcomed Andy Buteau to the Board and gave an overview of the Open Meeting Law.

**Changes to the Agenda:**

AL requested to add the MRPG Discharge Stormwater letter to correspondence. No action required.

**Selectboard Chair and Vice Chair:** VS asked for nominations for Selectboard Chair. JB nominated AL as Chair. *All in favor.* AL nominated JB as Vice Chair. *All in favor.*

**Road Discussion:** MB stated 09 Truck is back after being in the shop for 6 weeks, and the town crew is experiencing soft roads again with the warm weather. He acknowledged there are parts of South Wheelock Road and Peak Road that need attention, but they are waiting for better weather. He also indicated the road crew has spent approximately \$2600 in ½ inch plant mix material on South Wheelock Road from December to now.

MB sought the Board's input regarding a mailbox taken down by the Town truck on Buchler Road. He stated the mailbox was in the proper location but the height of the snow caused the wing to crush the snow into the mailbox. MB's recommendation is to replace the mailbox. The Selectboard indicated it was a tough decision because it would set precedence for the future if this were to happen again. VS asked if the Town could meet the property owner halfway in replacing either to the pole or box. AL suggested first following up with the Property owner to see where they stand. AB stated he thinks the Board should authorize expenditure to replace the mailbox, and create a policy for going forward. *AB made a motion to replace the mailbox. JB seconded the motion. All in favor. Motion passed.*

**Allard Hill Road Blockage:** AL indicated the road blockage issue on Allard Hill has been resolved and there will be no further action regarding this.

**Quote from Innovative Dust Control:** JB stated Innovative is our supplier of liquid chloride. MB stated we have two 3,000 gallon tanks and a budget of \$20,000 budget. AB asked how full the tanks currently are. MB indicated one tank is full and the other tank is ¼ full. *JB makes a motion to accept the quote from Innovative. The motion was seconded by AB. All in favor. Motion passed.*

**VTRans Grant – Structures:**

AL stated she did research on the most needy bridge in Town and stated that it appears to be the Minister Hill Bridge. She also stated that Tim Ruggles has retired, but his associate Nate Sicard is willing to meet with the Board and Mark regarding the engineering portion of the bridge project. Nate also suggested combining the engineering and structures (construction) all together for one summer in 2024; even though this is not what Wheelock has done before (example Stannard Mtn Bridge Project).

MB stated that he is getting pricing for the 4" top coat of road work related to the VTRANS FY23 Class 2 Road Grant. We are under contract for the guardrails.

MB asked if we could apply for a grant from Ballfield Drive to the Lyndon town line for paving. AL stated she thinks that sort of money would require a different grant application to an entity larger than the VTRANS District 7 – Class 2 Roadways Grant provides.

**Draft Highway Access Policy:** The proposal for changes the existing access policy still needs work. AB suggested reviewing the existing draft and revisiting the topic next meeting.

**Plans for driveways out of compliance:** The plans for driveway out of compliance goes along with the new policy. AL has gone back and forth with Attorney Davies regarding this and she stated that she feels like there needs to be a firm policy in place before they can start dealing with driveways that do not meet compliance per the policy.

MB left meeting at 6:50.

**Listers Certificate of No Appeal or Suit pending.** The Selectboard signed the Certificate presented by the Listers.

**Rules of Procedure.** AB made a proposal to meet twice a month October through April and once a month May through September. It was decided the schedule would be as follows:

1<sup>st</sup> and 3<sup>rd</sup> Tuesday of every month during the months of October – April; and

3<sup>rd</sup> Tuesday of every month during the months of May – September.

*AB makes a motion to adopt the rules of procedure with the above schedule changes. The motion was seconded by JB. All in favor. Motion passed.*

**Appointment of Officers:**

AL said she reached out to VLCT and they confirmed the Selectboard could eliminate the positions of Fence Viewer and Inspector of Coal and Lumber. The Selectboard agreed they were not necessary.

*JB made a motion for the following appointments:*

*Cindy Cady – Animal Control Officer*

*Fire Warden – Charles Rice (State Appointed to expire in 2024)*

*Grand Juror – Selectboard*

*Lyndon Rescue Rep – Shane Lanphere*

*NEKWMD Rep – Preston Jack Smith*

*Town Agent to Convey Real Estate – Town Clerk*

*Town Agent to Prosecute and Defend – Selectboard*

*911 Coordinator – Shane Lanphere*

*The motion was seconded by AB. All in favor. Motion passed.* The following appointments still need to be made: Appointments to the Planning Commission (if any to fill vacancies), Appointments to NVDA and Emergency Management Coordinator.

AB stated he would like to see someone appointed as a Sexton liaison. The Board agreed to add this to next months agenda.

**Authorize Payment to Northern Ridgeline Builders:** Jim confirms he asked Nathan Lackie to put a roof over the generator, because the generator company told them there needs to be something to blow the snow that falls from the Town Hall Roof, so as not to bury the generator. AL stated that repairs needed to be made to the Town Garage shortly after the renovations because someone backed into the side. JB states the insurance deductible was \$1,000. Nathan Lackie made the repairs and charged the Town \$800 for the repairs and \$200 for the roof over the generator. TB questioned the quality of the work on the roof over the generator. VS stated she lost the revised invoice but will follow up on getting a new copy.

*AL made a motion to authorize payment to Northern Ridgeline Builders with the following breakdown of: \$800 for Town Garage repairs and \$200 for the roof over the Generator. The motion was seconded by Jim Blackbird. All in favor. Motion passed.*

**AARP Walkability Grant:** AL, on behalf of the Wheelock Community Initiative introduced the AARP Walkability Grant to the Selectboard. She stated the grant is for \$2500 (no match required) with a purpose of solving transportation challenges and making certain areas of VT Route 122 more pedestrian friendly. AB asks if this is just a Feasibility study and AL agrees. AB shared concerns that a possible sidewalk would likely cost the Town money if implemented down the road. He stated he would not be in favor of that without significant further research. *JB makes a motion to apply for the grant. The motion was seconded by AB 2<sup>nd</sup>. All in favor. Motion passed.*

**VT MERP:** AL introduced the VT MERP grant to the Selectboard. She stated it is a new program coming out by Buildings and General Services. She said it includes energy audits on buildings and thought the Town Hall would qualify. AB questioned if solar power was part of this and AL stated that it could be, but the focus was to encourage people to reduce energy costs. AL stated there is enough money for every Town in VT to get at least \$4,000 in grant money.

*JB makes a motion to apply for the VT MERP Grant. The motion was seconded by AB. All in favor. Motion passed.*

**Town Hall Accessibility Update:** AL stated she received the latest cost estimate from Silver Ridge Design Architects related to the Town Hall Accessibility project. They estimate the total project cost to be \$186,390 which includes (in summary) the lift and installation of said lift, two ADA bathrooms, removing the staircase, adding concrete outside, rebuilding roof over doorway, fixing treads in inside front staircase, building ramp to the stage, and the evaluation of cracked foundation and drainage situation. The architects are working on electrical and plumbing plan. AL gave a detailed overview of how they came to the \$186,390 and additionally gave an overview to AB of how we got to phase 2 of this proposal.

CR stated is concerned about capacity for Town Meeting, especially if the plans include building a ramp to the stage. She is also concerned about the safety in the Town Clerk's office in the basement of the building.

AB acknowledges that the Board has come this far in a phase 2 proposal, but asks if the stage has ever been considered as a option for housing the clerk's office and vault. The other two board members acknowledge that many proposals have come up over the years.

AB asks if we can get maximum occupancy POST construction of the above proposed plan to address CR and many other's capacity concerns. AL confirms that while it is difficult to reach the Fire Marshall, she will reach out to them or the Architect for guidance on the occupancy of the Town Hall. AB stated he would likely not be in favor of the above proposal if it reduces the capacity of the Town Hall to a low and unreasonable number. CR stated that she set up 44 chairs for town meeting that "met code" and anything set up (on the stage) was not to code. She is concerned that the installation of the lift and ramp will drastically reduce the square footage of the hall enough, where we wont be able to hold town meeting and have polls set up, as required.

**VCDP Access Mod Grant:** AL confirms Karen Garhety has been hired as our consultant for the VCDP Access Modification Grant. The consultant services Karen will provide the Town will be paid for by the REDI Grant. The VCDP Access Modification Grant, is a grant for up to \$100,000 with a 10% match. AB asks what funds are available to the Town for the above project. VS stated the Town has a Town Hall Reserve Fund with approximately \$73K, a Construction Documents Fund with approximately \$16500 (currently being used to pay for Phase 2 proposal), and ARPA money (approximately \$220,000) which the Board voted on using a "majority of" for Town Hall Accessibility. VS also stated that any of those funds could potentially be used to leverage grant money. AB stated his concerns with possible attachments to large grant funding, which could include inflation of project costs. AL stated that is a possibility.

AL stated that there will need to be a public hearing held for the application for the VCDP Access Modification Grant. She proposed Tuesday April 11<sup>th</sup>, 2023 at 6:00 pm. The Board will take public comment and sign the application. Karen will draft the notice of hearing and agenda.

BRUHN Grant – AL stated the deadline for the Bruhn Grant is March 31, 2023. She stated it is not a complex grant and she can do it.

USDA Rural Communities – According to the US Census and our Town's constituents income, we may only qualify for up to 15% of our project costs. AL stated it may not be worth the efforts to apply.

*AL makes a motion that Selectboard authorizes AL to apply for the VCDP Access Modification Grant, the BRUHN Grant, and the USDA Rural Development Grant pending occupancy confirmation from the Fire Marshall after ramp and lift project. AB seconded the motion. All in favor.*

**Deos Shed Take Down:** JB offered to take the shed down with his equipment and dispose of the contents. AB asked about liability in volunteers doing work. The board agreed we would need a certificate of insurance from JB naming the Town as an additional insured together with a volunteer release. CR asked about a safety net protecting persons or debris from falling into the river. BB offered to build a fence along the rock wall when the shed is down. It was decided that all volunteers must sign a volunteer release.

**Joint Meeting with Sheffield:** AL stated that the typical meetings with the joint boards were for transfer station business including wages and the budget; and also for the SW-KD Scholarship fund. JB stated Sheffield has given the two transfer station employees a raise, and would like to add it to the agenda for next meeting for Wheelock to do the same.

**Monthly Financials:** *AL makes a motion to accept Feb financials. The motion was seconded by JB. All in favor. Motion passed.*

Prior Meeting Minutes: *AL makes a motion to accept the February meeting minutes. The motion was seconded by JB. All in favor. Motion passed.*

**Adjourn:** JB made a motion to adjourn. The motion was seconded by AB. All in favor. Meeting adjourned 8:28 PM.

Respectfully Submitted:

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Vanessa Seguin, Minute Clerk

Accepted and Approved  
Wheelock Selectboard:

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