

**TOWN OF PANTON, VERMONT
USE OF PUBLIC RIGHT-OF-WAY ORDINANCE**

Section 1 -- Authority.

This Use of Public Right-of-Way Ordinance (hereafter "Ordinance") is enacted pursuant to the authority granted to the Town under 19 V.S.A. §§ 303 and 1111, 24 V.S.A. § 2291(3), (4), (6) and (7) and the procedures set forth in 24 V.S.A. § 1971 *et. seq.*

Section 2 -- Purpose.

This Ordinance regulates access to, and use of, the Town Highway system. It is the purpose of this Ordinance 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 and use of the Public Rights-of-Way within Pantton.

Section 3 -- Definitions.

The terms hereinafter defined shall have the following meanings:

"Access Permit" means a permit issued by the Selectboard, or its designated and duly authorized agent, which provides access to a Town Highway or Public Right-of-Way after following, and pursuant to, the procedural requirements of this Ordinance and 24 V.S.A. § 1111.

"Highway" or "Town Highway" shall mean a public road established for public travel as defined in 19 V.S.A. § 1(12), as amended, that is also classified as Class 1, 2, 3, or 4 pursuant to 19 V.S.A. § 1(23) and 19 V.S.A. §§ 302 and 306, as amended.

"Notice" means the written Notice of Permission to Proceed, described in Section 6c of this Ordinance, issued by the Selectboard or authorized agent after an application for a Permit is approved.

"Permit" means any permit issued pursuant to this Ordinance or 24 V.S.A. § 1111 by the Town.

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

"Right-of-Way" shall include the traveled or improved surface of a Highway as well as all appurtenances of a Highway, including 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 and maintenance, vegetation, trees, scenic enhancements and structures. Class 4 Highways shall be presumed to have a width of one and one half rods on each side of the center line of the existing traveled way whenever the original survey was not properly recorded or the records preserved, or if the terminations and boundaries cannot be determined.

"Selectboard" means the duly elected or appointed Selectboard of the Town of Pantton.

"Town" means the Town of Pantton.

"Town Road and Bridge Standards, Municipality of Pantton, Vermont" ("Town Road and Bridge Standards") shall mean those standards and Appendixes which have been adopted on July 10, 2019 as the same may be amended.

"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 – Access 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 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 Ordinance.

Section 5 – Obstruction/Digging/Utility Permit Required

1. It shall be unlawful for any person, firm, utility, or corporation to disturb the ground or pavement in any street, sidewalk, curb or greenbelt on any Town Highway or within the Right-of-Way of the Town without first obtaining a written Permit therefore from the Selectboard.
2. It shall be unlawful for any person, firm, utility, or corporation to temporarily obstruct a Town Highway or sidewalk or public parking lot without first obtaining a written permit therefore from the Selectboard. "Obstruction" as used in this ordinance includes, but is not limited to, temporary obstacles and/or barriers which hinder free and safe passage of pedestrians and vehicles or which has the potential of causing injury or damage, if run over or into by pedestrian or vehicular traffic.

Section 6 – Permit Process.

1. Application.

A person will apply for a Permit from the Town using the Permit Application form provided at the Pantton Town Clerk's Office, together with any other information deemed reasonably necessary by the Road Foreman or Selectboard to complete the application. See Appendix A. The application shall be in writing and shall be signed by the applicant, the owner or any Person with a demonstrated legal interest in any lands which adjoin the Right-of-Way and are directly affected by the proposed use of the Town Highway or an individual duly authorized to act for the applicant and landowner. A fee of \$75 shall be paid at the

time the application is submitted. A completed application for an Access Permit must be submitted to the Panton Road Foreman at least 14 business days before any work begins. All other completed Permit applications shall be submitted to the Road Foreman at least 30 days before any work begins. The Road Foreman may modify the time requirements of this Ordinance for good cause shown provided the public health and safety will not be jeopardized by such action.

2. Consideration.

The Road Foreman will initially consider a completed Permit applications. The Road Foreman may approve, approve with conditions/modifications, deny or refer to the Selectboard any Access Permit application based upon consideration of the approval standards set forth in this Ordinance. All other Permit requests shall be considered and approved by the Selectboard.

3. Notice of Permission to Proceed. If an Access Permit application is approved, the Road Foreman will issue written permission in the form of a Notice of Permission to Proceed ("Notice"). The Selectboard shall, if approved, issue the Notice for all other Permits. The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town and advance notification prior to the initiation of or completion of work. The Notice will state the date on which construction/development may proceed.

4. Notification of completion. The applicant shall notify the Road Foreman within 2 business days (48 hours) after construction is completed.

5. Final inspection. The Road Foreman shall conduct a final inspection to determine if the work has been completed according to the requirements listed in the Notice.

6. Issuance of Permit. If, after inspection, it is determined that the work has been constructed/developed in compliance with the Notice, a written Permit shall be issued by the Road Foreman within 3 business days after final inspection.

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

Section 7 -- Contents of Permit Application.

An application for a 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 or adjoiner 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, who shall also sign the application including the landowner's consent;

3. The location of the access or work to be performed, including street address (if any), and parcel ID # of all adjoining properties;

4. The date on which construction is proposed to begin and end;

5. A visual depiction and plat 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 requested by the Panton Road Foreman or Selectboard or which the applicant wishes to furnish that will assist the Selectboard or its designee in determining that the proposed access or work to be performed will comply with the applicable standards; and

7. The signature of the applicant or an individual authorized to act for the applicant and any property owner(s) whose lands will be directly affected by the proposed use of the Town Highway.

Section 8 – Permit Approval conditions.

When issuing a Notice under this Ordinance, the Selectboard, or its duly authorized agent, shall require that the proposed work will be constructed or developed according to the standards in Vermont Agency of Transportation Standards B-71 and A-76 and the applicable Town Road and Bridge Standards as amended.

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 effects on drainage ditches, culverts or other drainage facilities.

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 and Right-of-Way. The Selectboard, or its duly authorized agent, may also attach such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts to the Town Highway and Right-of-Way or any adjoining lands.

Section 9 -- Expiration of Notice of Permit.

The authorization conveyed by a Notice of Permit shall expire 1 year after the issuance of that Notice unless the work authorized by such Notice has been substantially commenced.

Section 10 --Damage to Town Highways.

In the event that damage to a Town Highway or Right-of-Way is caused by the construction, maintenance, or work within the Right-of-Way or alteration of surface waters to or from the Right-of-Way, it shall be the responsibility and obligation of the property owner and/or applicant to compensate the Town for any expenses involved in restoring the Town Highway to its original condition.

Section 11 -- 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 or Right-of-Way, 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 12 -- Responsibility for culverts and headwalls

Culverts and headwalls installed on private property or at access points to Town Highways, even when located within the municipal Right-of-Way, are the responsibility of the property owner. Property owners retain exclusive legal and financial responsibility to repair, replace, and maintain those culverts and headwalls. Property owners 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.

1. The following outlines best practices for Town culverts, and private culverts (e.g. driveway), where they intersect or impact a right-of-way or access a Town road. In line with VTRANS standards:
 - Replacement of existing Town road culverts and any new culvert must have a minimum culvert diameter of 18 inches.
 - Replacement of existing bridges and culverts and any new bridges and culverts must be designed in accordance with the Vtrans Hydraulics Manual and, in the case of perennial streams, conform to the statewide stream Alteration Standards.
 - All new driveway culverts must have a minimum diameter of 15 inches; any variations on diameter must be approved in advance, and in some instances, may be required by the Road Foreman. New or replacement driveway, private road, or other access culverts must be approved by the Road Foreman.
 - When installing or replacing culverts, use appropriate techniques such as headwalls and wingwalls, where there is erosion or undermining or where it is expected to occur.
 - Install a splash pad or plunge pool at the outlet of new or repaired drainage culverts where there is erosion or where erosion may occur. Splash pads and plunge pools are not appropriate for use in streams supporting aquatic life.

Additionally, property owners whose driveway/access/private road abuts a Town road/Town highway are responsible for the cost of their own driveway or private road or other access culverts, as well as proper maintenance and replacement and installation of these culverts. Culverts must be prepaid to the Town, when ordered.

2. Property owners wishing to replace or purchase a new culvert for above mentioned culverts may do so through the Town of Pantton. The property owner will be responsible for reimbursing the Town the cost of the culvert. This enables the property owner to benefit from an at-cost culvert.
3. If the Town is ditching the area (e.g. lowering a ditch) and a private culvert needs replacement, the property owner is responsible for the cost of the culvert, however, in this scenario the Town may do the work of replacing the culvert as it does the ditching.

Section 13 – Safety Measures.

1. Every person, firm, utility, or corporation making an excavation or obstruction within the Public Right-of-Way under a Permit granted by the Town must at all time maintain a railing around the excavation or obstruction site for so long as the same shall be unsafe or inconvenient for travel. The permit holder shall in addition keep a suitable number of lights affixed to such railing or fence so as to provide adequate warning to approaching motorists or pedestrians of the excavation or obstruction. The permit holder shall be responsible for his or her own lost or stolen barriers.
2. No excavation shall be made or obstruction placed within the limits of the Public Right-of-Way in such a manner as to interfere unnecessarily with the traveling public. The permit holder shall take appropriate measures to assure, while an excavation or obstruction remains and during the performance of excavation work and until said work is accepted by the Town or its designee, that traffic conditions shall be maintained as near normal as possible at all times so as to minimize inconvenience to the occupants of adjoining properties and the general public.
3. The Town may require that the permit holder prepare a traffic control plan in detail appropriate to the complexity of the work. Said traffic-control plan may require the following:
 - A. Approval of the Addison County Sheriff or designee;
 - B. Notification of the Fire Department and Ambulance Association;
 - C. Adequate warning, delineation and channelization by means of proper pavement markings, signing and use of other devices which are effective under varying conditions of light and weather to assure the motorist of positive guidance of and through the work area;
 - D. Flagging personnel to control vehicular and pedestrian traffic;
 - E. Identification, and if necessary, the removal of inappropriate markings to eliminate any misleading cues to motorists under all conditions of light and weather;
 - F. Identification of what provisions, if any, will be made for the safe operation of work

vehicles, particularly on high speed, high volume streets.

Notwithstanding any requirements provided for under this Section, every Permit holder shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices as currently adopted by the State of Vermont and as amended from time to time.

Section 14 – Compliance, Quality Control, and Documentation of Completed Work

When a permit application seeks approval for work where project costs will be in excess of \$25,000, the Selectboard may require, as a condition of the permit, the following:

1. That a permit holder provide funding to engage a Quality Control and Compliance Officer to be selected by the Town. Such Officer shall serve as a liaison between the permit holder and the Town Road Foreman and will ensure the permit holder's compliance with the conditions of the permit and the standards and specifications set forth in this Ordinance.
2. That upon completion of work permitted in the Public Right-of-Way, the permit holder shall, if requested by the Selectboard, provide the Town with a copy of all as-built plans and record drawings indicating the actual scope of work performed, as well as the locations of all buried utilities, Town infrastructure, and all foreseen and unforeseen objects encountered during the performance of work. The permit holder shall provide the copies of any as-built plans and record drawings to the Town within 90 days of request by the Town Road Foreman.

Section 15 – Permit Approval Conditions.

The Selectboard or designee may require a permit applicant to submit the following documents:

1. A letter of credit in an amount sufficient to cover the permit fee(s) and the full cost to complete the project according to the terms and conditions of the permit and this Ordinance for a period one year beyond the Final Completion Date of the project where significant excavation will occur. Blanket letters of credit may be arranged with contractors and utilities who conduct a substantial amount of work in the Right-of-Way, subject to the approval of the Selectboard.
2. Where work is to be performed by a utility or contractor, a certificate of insurance naming the Town as an additional insured and affording the following coverages shall accompany every permit application or be on file with the Pantown Town Clerk's Office. The insurance required shall not be cancelled, materially changed or not renewed without thirty (30) days written notice to the Selectboard. The applicant for a permit shall agree to indemnify and hold the Town harmless and/or free of liability arising out of work in the Public Right-of-Way.

A.	<u>General Liability</u>	
	Bodily Injury, per occurrence	\$1,000,000
	Bodily Injury, annual aggregate	\$2,000,000
	Property Damage	\$1,000,000

The insurance shall include coverage for collapse and underground (CU) hazard, explosions (X) coverage, and contractual liability at the discretion of the Selectboard.

B. <u>Automobile Liability</u>	
Bodily Injury, per occurrence	\$1,000,000
Bodily Injury, annual aggregate	\$2,000,000
Property Damage	\$1,000,000

The insurance shall include coverage for owned, non-owned, and hired vehicles.

C. <u>Workers' Compensation & Employer's Liability</u>	
Statutory Coverage	\$1,000,000 per occurrence

3. When a Permit application seeks approval for work where project costs will be in excess of \$25,000, the Selectboard may, in its discretion, require:

A. that the Permit application, and/or the subsequent work to be performed pursuant to the Permit, undergo review and consideration by an appropriate independent engineer qualified in the area(s) of work planned in the Public Right-of-Way. Upon such determination, the Selectboard shall so advise the Permit applicant and request that the applicant agree, as a condition of the Permit, to compensate the Town for the cost of engaging such engineering services.

B. A permit bond guaranteeing compliance with the terms and conditions of the Permit and this Ordinance in an amount to be determined by the Selectboard, but in any event, not less than \$25,000, or 25% of the estimated project costs, whichever is greater.

Section 16 – Excavation Requirements

1. The Permit holder shall be responsible for understanding and complying with 30 V.S.A. Chapter 86, "Underground Utility Prevention System", otherwise known as the "Digsafe" program, as adopted by the State of Vermont and as may be amended from time to time.

2. The Permit holder shall not interfere with any existing public or private utilities. If it becomes necessary to relocate an existing utility line, the Town, through the Selectboard, reserves the authority to determine the new location. If the utility line does not belong to the Town, then the utility company must also be notified and will be responsible for overseeing the relocation. The Town will not be responsible for any expenses incurred for such relocation.

3. The Permit holder shall inform itself as to the existence and location of all underground utilities, trees and tree roots, and protect the same against damage. In the event any pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permit holder shall promptly notify the owner thereof and the Selectboard. The Permit holder shall assume all liability for damage to

facilities and any resulting damage or injury to anyone because of such facility damage. Such assumption of liability is a contractual obligation of the permit holder, and the permit holder shall indemnify and hold harmless the Town from any action arising as a result of such damage.

4. All excavations shall be performed in compliance with the standards adopted by the Vermont Occupational Safety and Health Administration as such standards may be adopted, revised and amended. In addition, bracing and sheeting shall be utilized where necessary to preserve and protect adjacent structures and areas.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Selectboard or designee shall have the authority to require that the Permit holder haul the excavated material to a storage site and then return it to the trench site at the time of backfilling. It shall be the permit holder's responsibility to secure the necessary permission and to make all necessary arrangements for all required storage and disposal sites.

Section 17 – Backfilling Requirements

1. The Permit holder shall notify the Selectboard, or designee of the time and date when the backfilling of the excavations will commence. Where no Permit has been issued pursuant to the requirements of this ordinance because of an emergency situation, the excavator shall nonetheless likewise notify the Selectboard, or designee of the time and date of backfilling. Unless otherwise waived by the Selectboard, a representative of the Town will be present to monitor the backfilling for the purposes of ascertaining whether the backfill material is proper and adequately compacted. In the event the Town representative determines that the Permit holder is not using acceptable backfill materials or acceptable backfilling procedures, the official may order the suspension of all work at the site.

2. The Selectboard or designee may require the Permit holder to furnish a soil test by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics in order to determine whether the backfill for the excavation was adequately compacted. All expense of such tests shall be borne by the Permit holder. In order for resurfacing to commence, such test must demonstrate that the backfill material meets the requirements for composition and compaction of not less than ninety-five percent (95%) density as recommended by the Selectboard.

3. All backfilling shall be done in a manner that will permit the restoration of the surface to a reasonable approximation in appearance to that prior to excavation, and to a density condition not less than that existing prior to excavation.

Section 18 – Surface Restoration

1. For work in the unpaved portion of the Public Right-of-Way, the Permit holder shall establish grass by sodding or seeding at the discretion of the Selectboard or designee. Where existing topsoil is deemed of insufficient quality, the Selectboard or designee may require that new topsoil be used to replace the top four (4) inches of surface material.
2. All pavement surfaces shall be restored to a condition not less than that existing prior to excavation. However, sidewalk and curbing may be required to be replaced with concrete regardless of prior condition.
3. The Permit holder shall consult with and notify the Pantown Tree Warden concerning any shade trees that are expected to be removed as a result of the work within the Right-of-Way.
4. The Permit holder shall, at the direction of the Selectboard or designee, replace and existing trees, plantings or landscape features disrupted by work in the Right-of-Way with suitable replacement plantings or landscaping.
5. The Permit holder shall remedy any defects due to faulty materials or workmanship and pay for any damage(s) resulting therefrom which shall appear within a period of one year from the final completion date of the project and in accordance with the terms of the Permit.
6. Restoration of the Public Right-of-Way following any activity provided for under this Ordinance shall be completed by the Permit holder within a time period established by the Selectboard or designee and according to the specifications adopted by the Town of Pantown.
7. Work not completed to the satisfaction of the Selectboard or designee within the time period established, or performed contrary to the orders of the Selectboard or designee and, after due notice, fails to be corrected, shall require the Permit holder to reimburse the Town for any expense incurred in correcting the work, including reasonable attorney's fees.

Section 19 – Disclaimer.

The granting of a Permit or the monitoring of operations conducted under any Permit shall not make the Town, the Selectboard or any designee responsible for construction means, methods, techniques, sequences, procedures or Permit holder's failure to perform the work in accordance with the standards and specifications set forth in this Ordinance, nor shall any approval granted by any Town official under this Ordinance make any such official responsible for any personal injury, including death, or property damage occurring as a result of the Permit holder's operations. Acceptance of this disclaimer shall be a condition of any Permit issued under this Ordinance.

Section 20 -- Applicability of other laws and ordinances.

The Permit required under this Ordinance 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 21 -- Enforcement and Penalties.

In the event that a person fails to obtain a Notice/Permit as required by this Ordinance, 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:

1. Optional Notice of Violation

Prior to instituting any legal action or proceeding to enforce this Ordinance, 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).

2. Assurance of Discontinuance

The Selectboard or its designee may accept a written "assurance of discontinuance" of any violation of this Ordinance, including a schedule for abatement of a violation. 19 V.S.A. § 1111(i). When such assurances are accepted or agreed to by the Town, they must be filed and recorded with the Town and the Vermont Superior Court of appropriate jurisdiction.

3. Permit Suspension

The Selectboard or its designee may suspend a Permit until compliance with State statute and this Ordinance 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).

4. Injunction

If the Selectboard believes that any person is in violation of the provisions of Title 19 V.S.A. §§ 1111 *et seq.* or any condition of a Permit, 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).

5. Civil Penalties

Persons who violate the requirements of this Ordinance 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. 19 V.S.A. § 1111(a)(1) and (j). When the violation of an order is of a continuing nature, each day during which the violation continues after the date fixed by a 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.

6. Any other remedies authorized by law including any statutory or common law claims for damages and other relief.

Section 22 -- Other Laws. This Ordinance and the enforcement and penalty provisions contained herein are in addition to all other ordinances of the Town and all applicable laws of the State of Vermont including 19 V.S.A. §1111. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 23 -- Severability.

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

Section 24 -- Effective Date.

This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 VSA § 1973, that statute shall govern the taking effect of this Ordinance.

Date of adoption by the Selectboard: August 12, 2019

Signatures of Selectboard Members:

Adoption History

1. Agenda item at regular Selectboard meeting held on 7/22/19.
2. Read and approved at regular Selectboard meeting on 8/12/19 and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on 8/13/19.
4. Notice of adoption published in the Addison Independent newspaper on 8/19/19 with a notice of the right to petition.
5. Other action [petitions, etc.]

**APPENDIX A
Town of Panton
Access/Use of Public Right-of-Way 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 Use of Public Right-of-Way Policy. Before submitting an application, applicants are urged to review the Policy in full.

If an application for an Access Permit is approved, the 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. All other Permits shall be reviewed and determined by the Selectboard who shall follow the process authorized above.

Once construction/development is completed, the Selectboard or its designee 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 work has been constructed/developed in compliance with the Notice, a written Permit shall be issued by the Selectboard or Road Foreman within 3 days after final inspection. The approved work within the Right-of-Way and/or Access shall not be considered legally permitted until the written Permit has been recorded in the Town Land Records at the expense of the Permittee.

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: _____

Location of the proposed use or work within Town Highway or Right-of-Way: _____

Is this an application for a Town Highway Access Permit? _____ Yes _____ No

Is this an application for construction, obstruction or use of a Town Highway or Town Right-of-Way? _____ Yes _____ No

Describe all work to be performed within the Town's Right-of-Way or Town Highways, including any removal or trimming of shade trees and the impact to any structures, utilities or traveled surfaces. _____

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 dates on which construction is proposed to begin and end: _____

Attach a visual depiction or plat of the premises to scale 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]

APPENDIX B

Town of Panton

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 at [parcel # and street address or property, if any], or work within the Right-of-Way as per the 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
Town of Panton
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 or work within the Right-of-Way located at _____ [parcel # and street address or property, if any]. 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]