

MEMORANDUM

To: Select Board
From: Bill Bryant, Administrative Assistant
Date: March 26, 1992
Subj: Requirements & Process for "Laying Out" of Town Highways

This memo is meant to outline the various steps in the process of subdividing parcels, creation of adequate rights-of-way for land-locked parcels, the Town's construction specifications for accepting a development road as a Town highway, and the legal steps required to actually create a Town highway. I hope that this memo can clarify some of the steps and inter-relation of the various requirements.

1. ZONING ORDINANCE:

East Montpelier zoning prohibits development of lots "which do not either have frontage on a public road or public waters or, with the approval of the Planning Commission, access to such a road or waters by a permanent easement or right-of-way at least sixty feet in width. The right-of-way must be approved by the selectmen as a future public street." (Article III Section 3).

This provision prevents development of land locked parcels and also assures that adequate right-of-way is created in the subdivision of parcels such that the Town may consider the right-of-way for a Town highway in the future. In essence, the Planning Commission and Select Board are granting "conceptual" approval to the location of the right-of-way. It does not bind the Select Board to accept the road until such time as the statutory process for establishing public necessity is followed.

2. SUBDIVISION ORDINANCE:

The East Montpelier Subdivision Ordinance establishes guidelines for streets in subdivisions which may eventually become public highways. It discusses standards for width, cul-de-sacs, relation to other roads, drainage, etc. It requires that the developer "offer the cession of all streets and public areas" but does not require that the Town accept them (Section 320, 4a). These sections provide the Planning Commission with guidelines within which it may review the proposed subdivision.

The most clear statement in the Ordinance however, regarding the role of the subdivision process in the laying out of public facilities however, is found in Section 320, 8, which states that "Approval by the Planning Commission of the final Subdivision Plat shall not be deemed to constitute acceptance by the Town of East Montpelier of any street or easement nor any public area shown on said Plat - such acceptance being the duty and prerogative of the Selectmen of the Town of East Montpelier."

3. STATE STATUTE FOR LAYING OUT HIGHWAYS (19 V.S.A. Sections 708 et. seq.):

Under the provisions of Title 19, the process for laying out a

Town highway may be begun by the Selectmen or by petition. The Selectmen then schedule a public hearing and site examination. Notice is given to the petitioners, abutters, posted publically and published in the newspaper. Following the public hearing the Selectmen must "judge that the public good, necessity and convenience of the inhabitants of the municipality require the highway to be laid out..." (Section 710). A decision is then made and an order filed in the land records.

4. TOWN SPECIFICATIONS FOR ACCEPTING DEVELOPMENT ROADS:

The Select Board has established its own standards for acceptance of development roads by the Town. These adopt Vermont Agency of Transportation Specifications for highway construction. The developer/property owners must provide a survey and deed, and bear all costs associated with conveying the road to the Town.

a:layroads

TOWN OF EAST MONTPELIER
BOARD OF SELECTMEN
MINUTES OF JULY 24, 1991

The meeting was called to order at 7:14 PM. Present were Selectmen Weston Cate, Austin Cleaves, Allan Couch, Town Clerk Sylvia Tosi, Road Foreman Butch Davis, Administrative Assistant Bill Bryant, and Richard Casavant.

1. Road Department matters - Butch Davis reported on various road department work. The 1983 International dump truck has a serious transmission problem again (still under warranty from last year at Clark's in Underhill). There was discussion that there should have been a carrier bearing in the drive shaft - this was eliminated when Clark's shortened the chassis of the truck when the Town bought it. Butch will speak with Clark's about having a modification made and see if they will do it at no or reduced cost.

Butch reviewed his June activities log. Plans for the next two weeks include hauling gravel, ~~installing guard rail on portions of County Road,~~ and continued ditching work. Al reported on the Honor Roll Committee's progress on a veterans monument to be located outside the municipal building. The road crew will construct a base for the monument. *See correction 8/14/91 minutes

The Selectmen expressed concern to Butch about the crew all taking their vacation at the same time this year. They felt it could cause a major problem if an emergency arose such as a road washout, etc. The Selectmen agreed it should be Town policy that the road crew review their vacation plans with the Board to be approved prior to taking time off.

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2. Appointment with Richard Casavant re. development road specifications for a 14 lot subdivision off Paul's Square. Richard explained his project and showed the plans for the development road, which he would like the Town to take over when completed. The Selectmen reviewed the plans for compliance with the State's A-76 standards (which the Selectmen have adopted as the Town's minimum specs for roads). It was agreed that the plans should be forwarded to District AOT Administrator Joseph Landry for review. It was noted that the plans should require 15 inches of gravel instead of 12 inches. Landry should be asked to specifically look at the turnaround radius.

There was discussion about the maximum grade of the road. One section has a grade of 10%. This is the maximum allowed under the A-76 standards. The standards leave it up to the towns as to whether to require paving of grades between 7% and 10%. It was noted that the Town already maintains several areas with grades of 10%. Motion was made by Couch, seconded by Cate and voted unanimously to adopt a Town policy to waive the paving requirement for development roads with grades between 7% and 10%.