

TOWN OF CALAIS

CURB CUT ORDINANCE

Article I Access and Curb Cut Permits

Section 1

Application forms for access and curb cut permits are available at the Town Clerk's Office.

Section 2

Definitions

- A. Applicant shall mean the person or entity filing the application, or the owner-operator which uses the access onto the public Right-of-Way. All record owners of land where the proposed access is located shall be required to be co-applicants.
- B. Third Party shall mean a non-property owner that is requesting an access permit to a property.
- C. A "change of use" shall mean any substantial change in the use of an existing curb cut and includes but is not limited to changes from a residential to commercial use or from a commercial to a residential use.

Section 3

All new accesses to Town Rights-of-Way, including Class 2, 3, and 4 roads shall require a Curb Cut permit. Additionally, any change of use of an existing curb cut, whether previously permitted or not shall require a curb cut permit.

Section 4

All accesses which connect to or otherwise affect a Town Right-of-Way shall be evaluated under the appropriate State of Vermont statutes including, but not limited to Title 19 V.S.A. Section 1111, and amendments. *In order to protect and promote the safety of the traveling public*, the proposed curb cut request shall be evaluated under the following criteria:

- stopping sight distance to the intersection
- minimum corner sight for turning
- ability to exit and enter the main travel way safely

Section 5

The Selectboard, in consultation with the Town of Calais Road Commissioner shall evaluate each application for completeness and compliance with appropriate sections of this ordinance. As part of the evaluation, the Selectboard may request that the applicant provide additional information including, but not limited to, engineering plans, drainage design information, construction profiles, and construction standards and other information that demonstrates the proposed curb cut conforms with the applicable State of Vermont Agency of Transportation Guidelines and/or guidelines promulgated by the Vermont Local Roads Program.

Section 6

For a curb cut permit being requested by a third party, documentation of a suitable Right-of-Way or other access agreement shall be provided by the applicant, and all owners of the property must be co-applicants for the curb cut permit.

Section 7

An administrative fee set by the Selectboard shall be charged for all applications to offset the expenses incurred in the inspection and processing of the application.

Section 8

If an application is denied, the applicant shall not be allowed to submit a new application for an access permit at the same location without a significant and substantial change in the design of the curb cut.

Article II Single Family Residential Access

Section 1

The following design guidance should be used to design, evaluate, approve, and inspect an access permit application and associated construction of residential accesses. A clear view in both directions in accordance with Vermont Agency of Transportation Standard Sheet B-71 will be required from the requested access road. Any clearing required to achieve the required sight distance shall be annually maintained by the permittee.

Section 2

The Selectboard must consider the safety and well-being of the traveling public in the consideration of curb cut applications. The Selectboard can require the applicant to move the access to another location. The Selectboard can require the applicant to pay the Town of Calais for purchase and installation of warning signs or other traffic control devices.

Article III Commercial Developments

Section 1

The guidelines and standards set forth by the Vermont Agency of Transportation Standard Sheet B-71 will be required for all applications.

Section 2

The Selectboard must consider the safety and well-being of the traveling public in the consideration of curb cut applications. The Selectboard can require the applicant to move the access to another location. The Selectboard can require the applicant to pay the Town of Calais for purchase and installation of warning signs or other traffic control devices.

Article IV Drainage and Other Requirements

Section 1 General Guidelines

The guidelines and standards set forth by the State of Vermont Agency of Transportation and by the Vermont Local Roads Program shall be used as a basis for the design. These requirements may be waived, at the discretion of the Selectboard, if the applicant can demonstrate that due to site conditions the requirements are not appropriate or applicable to the applicant's specific situation.

Section 2 Culverts

The culvert installed in the access road shall be a minimum size as specified by the Selectboard not less than 15 inches in diameter. Appropriate measures to prevent run-off from affecting town highways shall be installed according to the requirements of the Access / Right-of-Way Permit.

Section 3 Access Grades

The entrance area from the proposed access to the Town Highway shall be constructed in accordance with Vermont Agency of Transportation Standard Sheet B-71. This requirement is to allow vehicles a safe place to enter and exit the road during slippery conditions.

Section 4 Angles All proposed accesses should be made as perpendicular as possible to the existing Town Road.

Section 5 Expiration

All access permits shall expire if construction is not completed within one (1) year from the date of issuance of the permit. A one year renewal without change in circumstances and without additional fee will be entertained by the Selectboard.

Section 6 Revoking Permits

Violation of any conditions set forth in a granted Access / Right-of-Way Permit, or failure to maintain the access in accordance with this ordinance or in a fashion acceptable to the Road Commissioner, may require the Selectboard to revoke the permit and close the access. Revoking of the Access / Right-of-Way Permit shall be at the sole discretion of the Selectboard and shall only be taken if all reasonable efforts have been exhausted to have the applicant correct conditions which exist.

Section 7 Liability

The applicant shall save and hold harmless the Town of Calais from all damages that may occur to others as a consequence of the work performed subject to this ordinance. Further, the applicant shall repair or reimburse the Town for all expenses incurred for the repair, replacement or other work to town utilities, property, or appurtenances that result from the performance of the work associated with the access or resulting from the creation of the access.

Section 8 Validity

All ordinances or parts of ordinances in conflict herein are hereby repealed.

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts. These rules may be amended by the Selectboard of the Town of Calais as provided by law.

Section 9 Ordinance in Force

This ordinance shall be in force and effect, after it's passage, approval, recording, and publication as provided by law.

Passed and adopted by the Selectboard of the Town of Calais, State of Vermont on the 13th day of September, 2004.

Robert Withey, Chair

Randy Fitch

Nedene Martin

Cy Lamberton

Paul Hannan