

TOWN OF CHELSEA  
Ordinance Regulating Highway Access

Pursuant to the provisions of Title 19, Section 303, 304, 1108 and 1111; and such other enactments as may be material hereto; it is hereby ordained by the Selectboard of the Town of Chelsea that this Access Ordinance is adopted for the Town of Chelsea.

AUTHORITY AND PURPOSE

Under 19 V.S.A. Section 1111 (b), the Selectboard has the authority to regulate access onto public roads. The rules contained in this policy shall guide the Town of Chelsea Selectboard in providing reasonable and safe access onto public roads and preventing unsafe conditions from developing as a result of poor construction and maintenance practices.

WHO MUST APPLY FOR AN ACCESS PERMIT

Any access to a town road must have an access permit whether temporary or permanent . A temporary permit is good for 30, 60, or 90 days as specified by the road foreman on the permit. Farm accesses must be approved by the road foreman so as not to damage the road surface or ditches.

GENERAL PROVISIONS

1. Applicants must submit a completed **Highway Access Application Form** to the Selectboard, attaching a map showing the location of the access point and distances to the nearest driveways and intersections.
2. Site Visit – Prior to the Selectboard issuing an access permit, the applicant must arrange for a site visit with the Road Foreman.
3. No construction shall take place until the town has issued a highway access permit and notification to proceed has been received. Permit valid for 3 years from date of issue. Failure to obtain a permit prior to construction will result in finest of not less than \$100.00 or more than \$10,000.00, or removal of the access or both for each violation.
4. Liability – The property owner shall save and hold harmless the Town of Chelsea from any damages as may occur to others as a consequence of work performed. The Town at the expense of the property owner shall repair any damage to utilities, property or appurtenances as a consequence of work performed, unless otherwise formally agreed to.
5. Forms – The Town will provide the necessary forms for applying for an access permit.

6. Design of Driveway or Access Road – In difficult cases, the Town may require professionally engineered designs.

7. Construction – All accesses (Permanent or Temporary) will be constructed in compliance with the **Town of Chelsea’s Road and Bridge Standards**, which require driveway culverts to be a minimum of 15 inches and all accesses shall slope away from the Town Highway at 3% for a distance of no more than 20 feet.

8. Culvert Replacement – Repair and/or replacement of existing driveway culverts is the financial responsibility of the property owner. The work will be performed either by others with Town supervision or by the Town.

9. Culvert Maintenance – The Town of Chelsea will be responsible for regular maintenance and repair of road, ditches and culverts within the right-of-way (Except for private driveway ditches, and culverts). The property owner shall be responsible for maintaining ditches, culverts and other structures outside of the right-of-way, particularly if they impact or will potentially impact the public road. If damage to a town highway is caused by improper construction, maintenance, or grading, it is the responsibility of the property owner to make necessary repairs at his/her expense. If repairs are not made within thirty (30) days of notice, the Town will make repairs and bill the property owner for expenses.

10. Severability – The provisions of this ordinance are declared severable, and if any provision hereof is judged invalid, such judgment shall not affect the validity of any other provision.

11. Adoption – This ordinance is adopted on September 18, 2007 and shall become effective in 60 days.

Pursuant to the provisions of Title 24 V.S.A. § 1973, the citizens of the Town of Chelsea have the right to petition for a vote on this ordinance by presenting a petition signed by not less than 5% of the qualified voters to the Town Clerk or the Selectboard within 44 days following the date of adoption. If no petition is presented, this ordinance shall become effective on November 17, 2007.

September 18, 2007  
Date

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Andrew Pomerantz, Chair

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Carol Olsen

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Harry Flint