

## Town of Wilmington Town Highway Ordinance

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- §1. **Purpose:** The purpose of this ordinance is to set forth the consistent policy, practice and standards required for the new construction of roadways, whether Town or private, and to prescribe the procedures and standards for the laying-out or reclassifying a town highway in accordance with 19 V.S.A. Chapter 7. The standards listed here are considered minimum and apply to construction projects and repair and maintenance activities. The standards listed here include management practices and are designed to: ensure the safety of the traveling public, minimize damage to road infrastructure during flood events, and enhance water quality protections by minimizing sediment delivery to surface waters and/or wetlands. The Selectboard reserves the right to modify the standards for a particular project or repair or maintenance activities, where, because of unique physical circumstances or conditions, there is no possibility that the project can be completed in strict conformance with these provisions. Any modifications to the standards must be done in a manner that serves the underlying intent of the management practice, be it public safety, flood hazard avoidance, or water quality protection. Fiscal reasons are not a basis for modification of the standards. Questions about modifications to the standards should be directed to the VTrans District Office.
- Municipalities must comply with all applicable state and federal approvals, permits and duly adopted standards when undertaking road and bridge activities and projects.

- §2. **New Roads - Construction:** All new roadways constructed after the date hereof in excess of .20 miles in length, whether Town or private, shall be constructed according to the minimums of the following road and bridge construction standards, whether or not such roads are intended to be Town highways maintained by the Town. (Requirement for private road over .20 miles may be waived if in land deed there is language that the road can never be turned into a Town road. Property owner takes responsibility for road being sufficiently passable for fire and/or rescue vehicles and if any damage is done to vehicles due to condition of road, it will be the property owner's responsibility to pay for vehicle's repair/replacement.) If any federal and/or state funding is involved in a project, the VTrans district office must be notified prior to any field changes taking place that would alter the original scope of work.

**A. Roadway Standards:**

1. Road and road-related improvements shall be constructed or installed in accordance with sound engineering practice and this ordinance.
2. The construction guidelines and standards contained as part of this ordinance are considered minimum and may be exceeded to meet traffic or other conditions.
  - a. Any new road or road construction performed on Town roads shall require filter fabric to be installed beneath appropriate levels of bank run, crushed gravel, and pavement, if road is paved.
  - b. The Town of Wilmington shall not take over any private roads unless filter fabric is installed under the appropriate levels of bank run, top dressing, and pavement, if required.
  - c. All new or substantially reconstructed gravel roads shall have at least a 12-inches thick processed gravel sub-base, with an additional 5 inches (minimum) top course of crushed gravel.
  - d. All new or substantially reconstructed paved roads shall have at least a 15 inches thick processed gravel sub-base and nonwoven road fabric.
  - d. All roadways shall be graded so water does not remain on the road surface. For roadways that are not superelevated, this generally means a 2-4% ( $\frac{1}{4}$ " -  $\frac{1}{2}$ " per ft) crown for gravel roads and a 1-2% ( $\frac{1}{8}$ " -  $\frac{1}{4}$ " per ft) crown for paved roads to promote sheeting of water.
  - e. Proper grading techniques for gravel roadways must be used to avoid creating a ridge or berm between the crown and the ditch.
  - f. Any berm along the roadway shoulder that prevents the proper sheeting of water must be removed.
3. Culverts and Bridges
  - a. All new driveway culverts will have a minimum diameter of 15 inches.
  - b. Replacement of existing roadway culverts and any new roadway culverts must have a minimum culvert diameter of 18 inches.
  - c. Any existing culvert (3 feet diameter or less) that fails due to inadequate capacity and causes road failure shall be replaced with a larger culvert at the discretion of the Road Commissioner.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. All bridges shall have a minimum two-lane width except the following:
    - Bridge #56 on Town Highway #6 Look Road

- Bridge #48 on Town Highway #38, Green Road
- Bridge #51 on Town Highway #54, Howe Drive

4. Ditches and Slopes:

Soil exposed during ditch and slope construction repair or maintenance must be treated immediately following the operation, and temporary erosion prevention and sediment control practices must be installed and maintained during construction activities and until the ditch or slope is permanently stabilized.

The following are minimum erosion control measures. Careful attention must be given to areas vulnerable to erosion and immediately adjacent or discharging to surface waters and/or roadway drainage facilities:

- Seed and mulch ditches with grades less than 5% when undertaking projects or repairs or maintenance activities that result in exposed soil. Vegetation must be established and monitored. If vegetation is not established within 10 days of placement, install biodegradable non-welded matting with seed.
- Stone line all new or reconstructed ditches or whenever soils are disturbed by maintenance activities with grades equal to and greater than 5%; alternatively, install stone check dams. The check dams must meet criteria outlined in the *"Standards and Specifications for Check Dams"*, from the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*. Specifically, dams must be placed so that the crest of the downstream check dam is at the same elevation as the base of the upstream dam.
- Create parabolic (wide "U" shaped) ditches when constructing new or substantially reconstructing ditches, rather than narrow "V" shaped ditches wherever lateral space allows. Ditches with gradual side slopes (maximum of 1:2, vertical to horizontal ratio) and a wide bottom (at least 2 feet) are preferred.
- Use biodegradable, non-welded matting to stabilize side-slopes where slopes are greater than 1:2 and less than 1:1 ½; ; apply seed and mulch to any raw or exposed side-slope if slopes are less than 1:2.
- All Ditches must be turned out to avoid direct outlet into surface waters. There must be adequate outlet protection at the end of the turnout, either a structural (rock) or vegetative filtering area.
- If in the best professional engineering judgment of the VTrans Operations Division, there is a cost effective ditch treatment that will meet the intent of the management practices described above, but represents a departure from these standards, the municipality may implement the more cost effective ditch treatment alternative with the professional recommendation submitted in written form by VTrans prior to the municipality executing the work.
- When constructing new or substantially reconstructing side slopes, use appropriately sized stone armament on slopes that are 1:1 1/2 or

greater. If perennial streams are affected by the toe of slope the project must conform to the statewide Stream Alteration standards.

5. Guardrail

When roadway, culvert, bridge, or retaining wall construction or reconstruction projects result in hazards such as foreslopes, drop offs, or fixed obstacles within the designated clear-zone, a roadside barrier such as guardrail must be installed. The most current version of the AASHTO Roadside Design Guide will govern the analysis of the hazard and the subsequent treatment of that hazard.

6. Access Management

The town must have a process in place, formal or informal, to review all new drive accesses and development roads where they intersect Town roads, as authorized under 19 V.S.A. Section 1111. Towns may reference VTrans A-76 Standards for Town & Development Roads and B-71 Standards for Residential and Commercial Drives; and the VTrans Access Management Program Guidelines for other design standards and specifications.

7. Training

Town highway maintenance crews must collectively attend a minimum total of 6 hours of training per year on best road management practices. The town must keep documentation of their attendance for a period of three years.

8. The Selectboard hereby adopts the following construction guidelines and/or standards as they may be amended from time to time from the Vermont Agency of Transportation which are considered integral to this ordinance: (for identification purposes only)

- a. A-76 Design Standard for Town and Development Roads
- b. B-71 Design Standard for Residential and Commercial Drives

9. All roads must possess the requisite E-911 signage (initial sign(s) at the owners' expense), along with any other required signage appropriate for the roadway, such as stop, yield, and/or curve signs.

10. The Selectboard or designee shall make final decisions over all questions arising during construction of new roads and shall approve all field changes.

**§3. Existing Roadways:**

A. Before the Town will take-over and lay-out as a Town highway any private roadway constructed prior to the date hereof, the roadway shall be improved, at the owner's expense, to the standards set forth in Paragraph 2A and shall follow the procedures for said take-over of said improvements as set forth below. Adjacent existing town highways may be required to be improved to the aforementioned standards at the discretion of the Selectboard.

B. Exception: In the Selectboard's sole discretion, the Town may accept, take-over and lay-out as Town highways existing roadways not meeting all of the standards set forth above, provided that said roadway, by a Town-hired Engineer's certification (paid for by the owners of the road), substantially complies with the above-stated standards, but does not meet all said standards due to unique physical or

topographical features, or to meet said standards, other than the State standards, would be unduly expensive in relation to the added benefit derived from the particular road standard

**§4. Minimum Standards for Possible Acceptance or Reclassification as Town Highway:**

The Town's action to lay out an existing or new private roadway or reclassify a town highway shall, in addition to the standards and procedures set forth herein, be guided by the following criteria:

The Town will consider it in the Town Good and Town Necessity only to accept a road as a town road, or reclassify an existing town highway:

- 1) which is at least .20 miles in length, and
- 2) has at least seven homes on said roadway;

These standards shall NOT apply as standards for whether or not the Town should discontinue a town highway. The statutory criteria of the Town good, necessity and convenience of the inhabitants of the Town shall apply to any determination as to whether or not to discontinue a town highway.

**§5. Procedure for Laying-Out, or Reclassifying Town Highways:**

- A. The provisions of 19 V.S.A. §701 et seq, as said statute may be amended from time to time, from the Vermont Agency of Transportation which are considered integral to this ordinance: (for identification purposes only) shall apply to any laying-out or reclassifying a town highway.
  - a. A-76 Design Standard for Town and Development Roads
  - b. B-71 Design Standard for Residential and Commercial Drives
- B. The following procedures are required in addition to the statutory requirements before a roadway may be laid out or reclassified as a Town highway:
  - 1) **Notice to Town Manager.** Road owner(s) or petitioners desiring the Town to lay-out or reclassify a road shall first give written notice to the Town Manager with written explanation as to why it is in the Town Good, Town Necessity and the Convenience of the Inhabitants of the Town.
  - 2) **Meeting with Town Manager and Town Highway Department.** A meeting shall be held with the Town Manager and Town Highway Supervisor to discuss the proposed action.
  - 3) **Measurement, Number of Homes.** The person proposing the action shall provide certified measurements of the roadway in question and the number of homes per the Grand List. The person proposing the action shall notify abutting property owners along the roadway of the proposed action and shall provide to the Selectboard a certificate of service of said notice.
  - 4) **Preliminary Review by Selectboard.** The Selectboard shall review the application and shall render a preliminary decision as to whether it believes it likely that the application will meet the standards set forth in Title 19, Chapter 7 (Town Good, Town Necessity and the Convenience of the Inhabitants of the Town) and the above stated standards. If the Selectboard exercises its discretion pursuant to Section 3(B), it shall state its reasons therefore.

- 5) **Site Visit.** If the above requirements are satisfied, a site visit shall be scheduled and conducted with the Town Manager, Town-hired Engineer (to be paid for by the applicant), Town Highway Supervisor, the applicant and applicant's engineer.
- 6) **Testing and Engineering.** Soil/Gravel test borings and engineering plans in accordance with the above stated standards shall be submitted to the Town for the Town and the Town-hired Engineer to review. The Town shall provide comment and recommendations on the proposed plans.
- 7) **Engineering Plans.** Final engineering plans shall be approved by the Town after review (at applicant's expense) by Town-hired Engineer.
- 8) **Proof of Financial Ability.** Applicant shall provide to the Town proof of the financial ability to perform said work. Performance bonds, Letters of Credit, Escrow Accounts, etc. shall be acceptable to the Town.
- 9) **Review by Selectboard.** The Selectboard shall review the application and shall render a written decision after consideration of the standards set forth in Title 19, Chapter 7 (Town Good, Town Necessity and the Convenience of the Inhabitants of the Town) and the above-stated standards. If the Selectboard exercises its discretion pursuant to Section 3(B), it shall state its reasons therefore.
- 10) **Construction.** Upon approval by the Selectboard, construction may begin after obtaining any other necessary state or local permits.
- 11) **Engineering Review during Construction.** At applicant's expense, the Town-hired Engineer shall periodically inspect and review the construction to ensure compliance with the standards set forth herein.
- 12) **Final Engineering Certification.** Upon completion of the construction, the applicant's engineer and the Town-hired Engineer shall certify to the Selectboard that the roadway was constructed in accordance with this ordinance and the standards set forth herein.
- 13) **Proof of Payment.** Applicant shall provide proof that all costs of construction and engineering have been paid in full.
- 14) **Warranty and Escrow.** Applicant shall warranty in writing approved by the Town the road construction for a period of two years. Upon recommendation from Town-hired Engineer adequate funds shall be placed in escrow for any warranty work or performance bonds issued to the Town for said work.
- 15) **Formal Action.** Upon completion of the construction and satisfaction of the above steps the Selectboard shall, pursuant to 19 V.S.A, Chapter 7, take formal action to lay-out or reclassify the roadway.

§6. The Town shall not be required to accept as Town highway more than a total of one mile of highway in any one year except when the roadway itself that is being accepted is longer than one mile. The Town will accept and formally lay out Town highways in the order that each applicant completes steps 1-13 in paragraph 5.B.

For the purpose of orderly budgeting, between the months of November through June, the Town may defer formal action under Section 5.B.15.

§7. **Civil Ordinance:**

- A. This Ordinance is designated a Civil Ordinance pursuant to 24 V.S.A. § 1971(b)
- B. Enforcement: A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Section 1974a and 1977 et seq.

C. Penalties:

- 1) A civil penalty of \$100.00 shall be imposed for the initial violation of this ordinance. The penalty for the second offense within a six month period shall be \$150.00 and the penalty for subsequent offenses within a six month period shall be \$200.00.
- 2) The waiver fee shall be set at \$50.00 for the first offense, \$75.00 for the second offense within a six month period, and \$100.00 for subsequent offenses within a six month period.
- 3) Each day that the violation continues shall constitute a separate violation of this ordinance.
- 4) The custodial official of the Town's ticket books shall be the Town Administrative Assistant.
- 5) The issuing officials shall be the Road Supervisor or Town Manager.
- 6) The appearing officials shall be The Road Supervisor, Town Manager, or Town's Attorney, or any combination thereof deemed appropriate.

**§8. Definitions:**

Roadway -	Street, private way, Town way, - these terms shall have the same meaning as said terms are defined in the Wilmington Zoning Ordinance, as said ordinance may be amended from time to time.
Highway -	Means roadways laid out in the manner prescribed by Statute or roadways which have been constructed in accordance with the standards set forth herein and constructed for Town travel over land which has been conveyed to and accepted by the Town by deed or easement or roads which have been dedicated to Town use and accepted by the Town. The term highway includes right of ways, bridges, drainage structures, signs, guardrails, etc. See 19 VSA § 1.
Person -	Shall mean any individual, entity (corporate or otherwise), group or association and shall carry the meaning as defined in Vermont Statutes.
Lay-Out -	Means the legal procedure establishing the alignment or right of way of a highway.
Take-Over -	The acceptance or receipt of a right of way as a completed roadway for Town use as a Town highway.
Reclassify-	Means to change the classification of any highway from one classification of highway set forth in 19 VSA section 302 to another classification set forth in 19 VSA section 302. (Example: re-classifying a class four town highway to a class three town highway.)
Engineer -	Vermont Licensed Engineer

**§9. Severability:** If any provision within this Ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining provisions of this Ordinance.

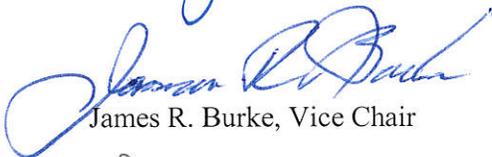
**§10. Publication and Posting:** This Ordinance shall be entered in the Selectboard minutes, filed with the Town Clerk, and posted in at least five (5) conspicuous places within the

Town. A copy of this ordinance shall be published in the Deerfield Valley News, not later than fourteen (14) days following the date specified below when this Ordinance is adopted.

- §11. **Information:** The Wilmington Town Manager whose telephone number is 464-8591, and whose address is Box 217, Wilmington, VT 05363, is a person knowledgeable about the Ordinance and is available to answer questions and provide persons with a full text thereof.
- §12. **Right to Petition:** Citizens of the Town of Wilmington are further hereby notified that within forty-four (44) days from the date of adoption they may petition for a vote on the above Ordinance at an annual or special town meeting as provided in 24 V.S.A. 1973.
- §13. **Recording:** This Ordinance shall be recorded by the Town Clerk in the Records of the Municipality.
- §14. **Effective Date:** This Ordinance shall become effective sixty (60) days from the date of adoption.

**Adopted by the Wilmington Selectboard this fifth day of February, 2014**

  
Margaret L. Streeter, Chair

  
James R. Burke, Vice Chair

  
Diane Chapman, Clerk

  
Susan Joy Haughwout

  
Jacob White

# GENERAL NOTES FOR LOCAL ROADS

- SUBBASE, SAND CUSHION AND SUBGRADE SHOULD BE CONSTRUCTED AND COMPACTED TO THE DIMENSIONS SHOWN IN ACCORDANCE WITH VAOT STANDARD SPECIFICATIONS FOR CONSTRUCTION. WHERE LOCAL ORDINANCES HAVE BEEN ADOPTED RELATIVE TO ROAD DIMENSIONS AND CONSTRUCTION, THEY SHOULD GOVERN. THE DIMENSIONS SUGGESTED ARE INTENDED TO BE APPLIED ONLY IN LOW TRAFFIC VOLUME CONDITIONS (AVERAGE DAILY TRAFFIC LESS THAN 250 VEHICLES PER DAY), AND WHERE HEAVY TRUCK TRAFFIC IS INFREQUENT.
- EXPOSED EARTH SLOPES SHOULD BE SEEDED, FERTILIZED, AND MULCHED IN ACCORDANCE WITH VAOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
- DRAINAGE:  
ROADWAY - 18" MINIMUM DIAMETER, OF METAL, REINFORCED CONCRETE OR POLYETHYLENE PIPE WITH DRAIN INLETS OR CATCH BASINS, AS REQUIRED.  
SIDEWALKS TO BE CONSTRUCTED TO THE SAME APPROXIMATE ELEVATION AS THE ROADWAY IS RECOMMENDED FOR ALL STREAM CROSSINGS AND ELSEWHERE WHERE LARGE STORM FLOWS MAY BE EXPECTED.  
DRAINS - 15" MINIMUM DIAMETER, OF METAL, REINFORCED CONCRETE OR POLYETHYLENE PIPE.  
UNDERDRAIN - 6" MINIMUM DIAMETER, OF METAL, PVC PLASTIC OR POLYETHYLENE PIPE.

LOCATION, DEPTH AND CONSTRUCTION DETAILS SHOULD FOLLOW PRACTICE SPECIFIED BY LOCAL ORDINANCE OR THE VAOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.

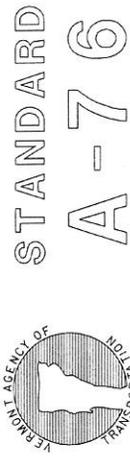
4. HORIZONTAL CURVATURE - THE FOLLOWING WILL APPLY:

DESIGN SPEED	MINIMUM RURAL RADI (1)	MINIMUM URBAN RADI (2)
25 MPH	185 FT.	180 FT.
30 MPH	275 FT.	300 FT.
35 MPH	380 FT.	460 FT.
40 MPH	510 FT.	675 FT.
45 MPH	660 FT.	945 FT.
50 MPH	835 FT.	1280 FT.

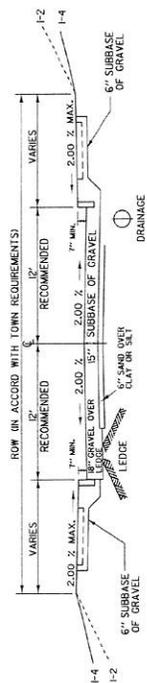
(1) BASED ON CROSS SLOPE = 6.0 %  
(2) BASED ON MAINTAINING NORMAL CROWN SECTION THROUGHOUT CURVE : EFFECTIVE CROSS SLOPE = 2.0 %

FOR OTHER SUPERELEVATION RATES, SEE CHAPTER III OF THE AASHTO "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS" FOR APPROPRIATE CURVE RADII.

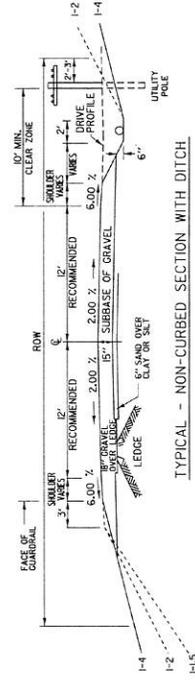
- GRADIENT OF ROADS - 10% MAXIMUM GRADE SUGGESTED, ALTHOUGH GRADES UP TO 16 % MAY BE ALLOWED IN MOUNTAINOUS TERRAIN.
- GUARD RAIL - PROVIDE GUARD RAIL WITH TREATED WOOD OR STEEL POSTS, OF A DESIGN IN ACCORDANCE WITH VAOT STANDARD SPECIFICATIONS FOR CONSTRUCTION, THE AASHTO ROADSIDE DESIGN GUIDE, AND VAOT STANDARD DRAWINGS. GENERALLY, WHERE SLOPES ARE 13 OR STEEPER, AND THE HEIGHT OF DROPOFF AT EDGE OF SHOULDER EXCEEDS 5', GUARD RAIL SHOULD BE INSTALLED. ALSO, WHERE SLOPES ARE 13 OR FLATTER, GUARD RAIL MAY NOT BE NEEDED IF THE AREA AT THE BOTTOM OF THE SLOPE IS FREE OF HAZARDS. THE LOCAL VAOT DISTRICT TRANSPORTATION ADMINISTRATOR MAY BE CONTACTED FOR ASSISTANCE.
- PAVING - ROADS WITH GRADES EXCEEDING 7% SHOULD BE PAVED UNLESS WAIVED BY THE LOCAL VAOT DISTRICT TRANSPORTATION ADMINISTRATOR. PAVEMENT DESIGN SHOULD BE PERFORMED TO DETERMINE APPROPRIATE THICKNESSES OF SUBBASE AND PAVEMENT.
- TRAVERSED WAY AND SHOULDER WIDTHS - WIDTHS SHOWN ON THIS STANDARD ARE FOR LOW SPEED/LOW TRAFFIC VOLUME CONDITIONS. FOR ADDITIONAL GUIDANCE IN THE DESIGN OF LOCAL ROADS AND STREETS, SEE THE LATEST EDITION OF AASHTO'S PUBLICATION "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS", OR THE VAOT "VERMONT STATE STANDARDS".
- UTILITY LINE LOCATION TO CONFORM TO LOCAL REQUIREMENTS.



## ROADWAY TYPICALS

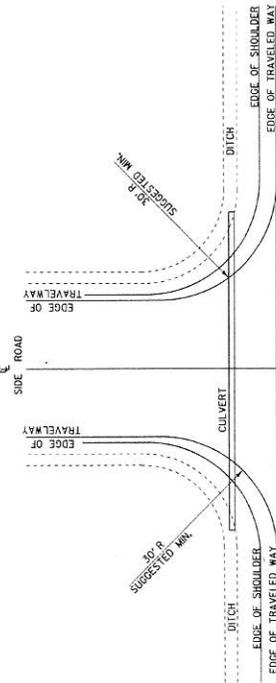


TYPICAL - CURBED SECTION WITH 5' SIDEWALKS



TYPICAL - NON-CURBED SECTION WITH DITCH

## INTERSECTION OF THROUGH ROAD AND SIDE ROAD



FOR THROUGH ROADS WITH SIDEWALKS & CURBING SEE STANDARDS C2 & C3. PROVIDE DROP INLETS ON EACH SIDE OF SIDE ROAD AT INTERSECTION AS NECESSARY.

### APPROVED

DIRECTOR OF PROGRAM DEVELOPMENT  
CHIEF OF UTILITIES  
FEDERAL HIGHWAY ADMINISTRATION

REVISIONS AND CORRECTIONS  
JAN. 21, 1971 - ORIGINAL DATE OF ISSUE  
MAR. 12, 1971 - DIMENSIONS CHANGED ON TURN-A-ROUND  
JULY 13, 1973 - INTERSECTION PROFILES ADDED  
DEC. 7, 1993 - REVISED TO REFLECT CURRENT DESIGN  
JUNE 1, 1994 - REISSUED, WITHOUT CHANGE, UNDER NEW SIGNATURES.  
MAR. 10, 1995 - REISSUED, WITHOUT CHANGE, UNDER NEW SIGNATURES.  
MARCH 3, 2003 - DESIGN CRITERIA

## STANDARDS FOR TOWN & DEVELOPMENT ROADS

PROFILE OF INTERSECTION (CUT SECTION)  
PROFILE OF INTERSECTION (FILL SECTION)

