

*Town
Of
Baltimore
Vermont*

**Road
Ordinance**

RPC

Enacted: August 2004

TOWN OF BALTIMORE ROAD STANDARDS

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ROAD ORDINANCE Town of Baltimore

SECTION 1- INTRODUCTION

The Selectmen of the Town of Baltimore, County of Windsor, State of Vermont, in accordance with the authority granted in Title 24, Section 1972 through 1976 of the Vermont Statutes Annotated, hereby adopt the following Baltimore Road Ordinance.

This Ordinance is in furtherance and support of the proper accomplishment of responsibilities and the discharge of authority prescribed by 19 VSA Chapter 7, Laying Out and Discontinuing Highways by Local Authorities.

SECTION 2- ROADS

2.01 GENERAL

The Selectmen may, at their discretion, modify the requirements contained herein if their strict enforcement would cause undue hardship due to unusual conditions, provided the general objectives of these requirements are satisfied.

Compensation for damages to Town roads caused by acts of non-compliance with this Town ordinance may be assessed against violators by the Selectmen. Compensation may consist of direct payment or negotiated corrective measures.

2.02 ROAD CLASSIFICATION

Town roads are classified as Class 1, Class 2, Class 3 or Class 4 roads in accordance with 19 VSA Chapter 7. An official Town road map supplied by the Vermont Agency of Transportation shall be available for inspection upon request.

2.03 ROAD CLASSIFICATION REVIEW

The Selectmen shall periodically review the Town road classifications, taking into consideration increasing road need, changing traffic patterns and growing population, including identification of key roads that link towns and major arteries. Selectmen may also discontinue certain roads, either classifying them as trails while retaining a right-of-way or abandoning any claim to a right-of-way.

2.04 HIGHWAY CONSTRUCTION AND MAINTENANCE

Road and related improvements shall be constructed or installed in accordance with sound engineering practice and this Road Ordinance.

The Selectmen shall institute and periodically review and update the Town road management system in making decisions about preventative maintenance and road improvements. The plan may include, but not be limited to, considerations of scenic areas and places of local historical significance, signs, bridges, etc.

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2.05 CLASS 4 ROADS

Class 4 roads shall not be maintained by the Town.

2.06 RIGHT-OF-WAY ACCESS

Selectmen shall control access into the road right-of-way for the installation or repair of utilities and for access of driveways, entrances, and approaches.

2.07 OVERWEIGHT VEHICLES

Selectmen in accordance with 23 VSA, Chapter 13, may issue permits for vehicles exceeding posted load limits.

Before issuing an overload permit, the Selectmen shall also consider weather conditions and seasons of the year.

All damages to the road, bridges, culverts and related structures caused by overload by applicant or by his negligence are the responsibility of the applicant and shall be repaired under the supervision of the Selectmen or their agent and at the expense of the applicant. Failure to repair said damage will result in the Town completing the work and billing the applicant.

2.08 POSTING

No town road of any class may be intentionally closed by a gate or other obstruction by anyone other than the Board of Selectmen.

Selectmen may post a road in accordance with 19 VSA, Chapter 7.

SECTION 3- ROAD ACCEPTANCE POLICY

3.01 GENERAL

It is the policy of the Board of Selectmen of the Town of Baltimore to entertain application for the acceptance of public roads and roadways and to adopt and adhere to an orderly procedure for the receipt of and acting upon such applications. The decision on an application for acceptance of a road is reserved to the sole and absolute discretion of the Board of Selectmen who will consider the grant or denial of an application on the basis of the best interest of the inhabitants of the Town.

An applicant shall secure all other necessary governmental permits for a land subdivision or for road construction as a condition precedent to the acceptance of a road.

All questions arising during road construction relative to construction methods, materials or specifications shall be answered by reference to this Ordinance and to the Vermont Standard Specifications for Construction.

The Board of Selectmen shall make final decisions over all questions arising during construction of new roads and shall approve all field changes. Any new road, other than those used for agricultural or forestry purposes shall be constructed according to the minimum standards as defined in Section 4 and other terms of this Ordinance.

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3.02 APPLICATION, PLANS AND PLATS

A plan of proposed roads shall be submitted to the Town for review. The plan shall be in harmony with existing or proposed roads. As far as practicable, roads shall follow natural contours. All roads shall have free access to or shall be a continuation of one or more accepted Town roads.

A written application for the acceptance of a road shall be submitted to the Board of Selectmen 45 days prior to their regular meeting. The Board of Selectmen must act within forty-five days. An act may consist of approval, approval with conditions, disapproval, or disapproval with recommended changes.

All monuments shall be of a reasonable permanent nature and where feasible shall be "tied" by survey to other objects of a permanent nature and the "ties" shall be shown on said map. The map shall show approximate location of any property line within 200 feet of the proposed right-of-way.

The applicant may, in the initial application, propose a name for the road, but the Selectmen will determine the road name. The State Agency of Transportation will assign a number to the road.

3.03 FEES

The Board of Selectmen will require a fee, which shall be set by a policy of the Board, to be paid to the Town for said application.

All signs and posts shall be installed by the developer at no cost to the town, under the direction of the Selectmen or their agent. All signs must be approved by the Selectmen or their agent.

3.04 PERFORMANCE BOND

A 100% Performance Bond for the estimated cost of the proposed road shall be provided to the Town prior to the stumping of the right-of-way. The Board of Selectmen shall determine the amount of the Bond. Permits may be withheld pending tender of proper performance bonds or road acceptance.

3.05 INSPECTION (Refer to Section 4.00- Minimum Standards)

All road designs, including cut and fill plans, gravel pit plans, surveys, layouts, right-of-way, utility locations, road construction site, preparation and construction shall be inspected by the Selectmen. The Selectmen or their representative shall inspect the road site as follows:

1. Before clearing
2. Before stumping
3. After rough grading
4. Upon completion of subgrading
5. During graveling
6. Final inspection

The developer shall have stakes set on centerline with finish grades marked on them at least every 100 feet for the entire length of the road or the road side staked with distance and grades marked before each inspection.

Before final inspection, the developer shall remove all trash from the right-of-way and the center of the turnaround or cul de sac and shall repair any damage done to the roadway,

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shoulders, drainage structures and related road items. All slopes will be seeded and mulched and other erosion controls in place as necessary.

Inspections, samples and core test may be taken by the Town before final acceptance and all costs incurred shall be reimbursed by developer.

3.06 COMPLETION DEADLINE

No roads will be inspected or accepted after October 15th of any year.

Road specifications in effect at the time of the initial inspection will be applicable for a period of two (2) years from that date after which time any new road specification will apply. The only exception will be if the road in question at the end of the two (2) year period in Section 3.07 is under the 12-month maintenance period.

3.07 ACCEPTANCE

When the road has been completed, inspected, and 10% of the buildings or sites have been completed, occupied and accepted by the Board of Selectmen, the Town will, upon request, begin normal maintenance for twelve (12) months.

After twelve (12) months of maintenance, if no serious defects have been observed, the deed will be recorded and the road will become a Town road. During the 12-month initial acceptance period, any flaws or defects which are pointed out to the road builder will be his responsibility to correct. During this period, the Town will order and erect the necessary signs.

3.08 CONVEYANCE

All rights-of-way and slope rights shall be conveyed to the Town of Baltimore by warranty deed in fee simple and free of all encumbrances.

SECTION 4 -MINIMUM STANDARDS

Roads vary in their functional use. The standards by which a road is constructed are important to its proper functioning. As the quantity of traffic on a road increases, so must the standards change. Consequently, the standards which follow are considered minimum standards and are subject to modification by the Selectmen after a study of local conditions requiring changes

Requests for waiver of any portion of these standards shall be made in writing to the Board of Selectmen.

One consideration should be the rural characteristics of the neighborhood in which the proposed road is located. The Board of Selectmen will be guided by prevailing characteristics of the surrounding area.

Vermont Agency of Transportation Standards A76 and B71 are hereby adopted and enforced as supplemental criteria under this Ordinance.

4.01 RIGHT-OF-WAY WIDTH

The right-of-way shall be a minimum of three (3) rods in width with wider slope and drainage rights, if deemed by the Selectmen. The center line of the road is to be located in the center of the right-of-way. The right-of-way conveyed shall intersect at least one existing Class 1, 2, 3 or State Highway.

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4.02 TRAVELLED WAY WIDTH

The minimum traveled way width of a road shall be twenty-two (22) feet not including shoulders.

4.03 CLEARING

Right-of-way is to be cleared a minimum of forty (40) feet of all trees, brush and stumps. Burning shall be done in accordance with State and Town fire regulations. No fallen trees shall remain in the right-of-way. All stumps shall be removed so that the base of road is on hardpan, gravel, ledge or properly compacted fill.

4.04 SUBGRADE

Ledge and boulders shall be removed to at least 18" below subgrade and replaced with sand or bank run gravel.

All loam, muck, stumps and other improper foundation material shall be removed from within the limits of the fully extended road shoulders. In embankment areas, suitable foundation material shall be placed in layers not greater than one foot in depth and compacted to form a stable subgrade.

The subgrade surface shall conform exactly in cross section and grade to the finished road surface. Crowning and banking of curves shall be as required by the Selectmen. Compaction is required on any portion of the subgrade which has been disturbed by excavation or which has been filled during the construction of the subgrade. All ditches and drains will be constructed so that they effectively drain the subgrade prior to the placement of any base material. An additional six (6) inches of sand cushion shall be placed over any clay subgrade.

4.05 WET AREA

If the proposed road is in a wet area, Selectmen may require additional gravel plus sand cushion and underdrain to insure a stable road.

4.06 SUBBASE

The subbase shall be composed of at least fifteen (15) inches of compacted gravel installed in two or more lifts with maximum stone size of four (4) inches. The cross section and grade of the subbase shall conform to those of the finished surface.

4.07 BASE COURSE

All roads shall receive at least a six (6) inch base course of compacted, fine graded, crushed gravel as defined by the "Vermont Agency of Transportation Standard Specifications for Construction".

4.08 SHOULDERS

Shoulders shall be a minimum of two (2) feet in width on a side and shall be constructed to the same specifications as the subgrade, subbase, and base. Shoulders shall be a minimum of four (4) feet at guardrail sites.

4.09 CROWN

The gravel surfaces shall be crowned 1/4" per foot from the centerline of the road for tangent (straight) portions of the road. At curves, the surface shall be banked according to the degree of curve and anticipated speed.

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4.10 DITCHES, CULVERTS AND HEADERS

Drainage Ditches: Drainage ditches shall be provided where necessary and shall be constructed to prevent infiltration of water into the gravel subbase and to conduct storm drainage to waterways and absorption areas. Accordingly, drainage ditches adjacent to roads are normally to be at least six (6) inches below the gravel subbase or eighteen (18) inches below finished shoulder point grade to minimize spring break-up conditions. Ditches shall be shaped to prevent excessive erosion on both shoulder and right-of-way or bank sides of the ditch cross section.

Slopes less than 2.5% shall be seeded and mulch applied.

Slopes between 2.5% and 5% shall have biodegradable matting applied and be seeded.

Slopes greater than 5% shall be stone lined with angular material.

Open drainage ditches in excess of 5% grade shall be lined with stone.

Underdrain will be required where soil and water conditions make it desirable.

Culverts: Culverts shall be installed during the construction of the road and prior to road subbase and surface preparation and placement. Backfill in excavations for culverts shall be compacted to prevent or minimize settling in surface, shoulders or slopes. Culverts should be covered with a minimum of twenty-four (24) inches of compacted material from top of culvert to the subbase except those over four (4) feet in diameter which require individual design.

Headers shall be installed at the inlet and outlet of all culverts and may be either reinforced concrete eight (8) inches thick, large flat rock tightly placed, or large cemented rock. The inside edge of headers shall be at least eight (8) feet from the outside edge of the shoulder. Marker posts four (4) to six (6) inches in diameter shall be installed at both ends of the culvert.

Culverts shall be installed in all low spots and be of sufficient size to handle the anticipated run-off, but shall not be less than eighteen (18) inches in diameter and shall extend at least one (1) foot beyond all fill, measured at the bottom of the culvert and shall have not less than two (2) feet of packed cover.

Culverts shall be spaced no greater than 150 feet apart in one continuous ditch line.

Any culvert greater than or equal to 36 inches in diameter will be designed according to the latest Vtrans Hydraulics Manual. End treatment (inlet or outlet) will also be evaluated in accordance with this Manual.

4.11 SLOPES AND BANKS

Vertical or sharp cut faces, excepting ledge, shall not be permitted. Earth slopes and banks shall not be steeper than one vertical to two horizontal. Soil stability of banks shall be a design consideration. Slopes or banks shall be designed and constructed to prevent instability, slides, washes, or other disturbance to the slope or bank surface or sub-surface. Banks shall not interfere with snow removal. After construction and final grading of banks, banks will be seeded and mulched to minimize surface erosion. Cribbing or rip rap shall be provided where necessary.

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4.12 GUARD RAILS AND WARNING DEVICES

Approved types of guard rails and posts will be provided to meet essential traffic control and safety needs, and shall not interfere with snow removal. Any road with a slope or bank falling away on a slope of 1:3 or steeper from the road surface, and which is five (5) feet or higher in elevation, shall be protected with guard rails unless such requirement is waived by the Town in approving the road plan and application. Such guard rails must be installed according to the AASTO Roadside Design Guide.

Guard posts, hazard markers, or delineators shall also be provided to warn traffic from ledge or other hazards where necessary in consideration of traffic volume, road width, and safety. Installation shall conform to Vermont Agency of Transportation requirements.

4.13 GRADES

Road grades shall be at least one (1) percent, but not more than ten (10) percent. Finished grades (transverse and longitudinal) shall be smoothed to eliminate sharp dips in traveled surface and, as may be necessary, to permit efficient snow removal and proper drainage. The maximum grade within fifty (50) feet of an intersection shall be 4%.

4.14 CURVES

Radius of curves shall be long enough to permit easy flow of traffic, including trucks, graders, and fire engines, with at least a 100 foot radius in all cases, measured on the center line. Trees and boulders shall be removed to permit adequate sight on all curves.

4.15 DRIVEWAYS, ENTRANCES AND APPROACHES

Applicants must submit a completed Highway Access Application Form to the Board of Selectmen, attaching a map showing the location of the access point and distances to the nearest driveways and intersections.

The application will be reviewed by the Road Commissioner, who is granted the authority by the Board of Selectmen to approve access applications for construction, provided all hereinafter conditions and requirements are met by the applicant.

The applicant will give the Road Commissioner a minimum of 60 days advance notice that construction on said access will commence, so that he may have an opportunity to inspect the property during construction.

Upon completion, the applicant will give the Road Commissioner notice within 10 days of that completion, for final inspection.

The Board of Selectmen reserves the right of overview on any and all applications for access.

The fee for said Access Permit will be set by the Board of Selectmen, as a matter of Board policy, and may be adjusted from time to time as conditions require.

Driveways cannot interrupt the natural or ditch line flow of drainage water. In some cases where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the road shoulder to accommodate the flow of storm water. In all other cases, driveways must have sufficiently sized culverts installed and be forever maintained by the homeowner or developer.

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In no case shall the culvert pipe under a driveway be less than an eighteen (18) inch diameter pipe nor less than 30 feet in length.

An all season safe sight distance of at least 225 feet in each direction must be present. Any driveway that does not comply must be reviewed by the Board of Selectmen before construction can begin.

Driveways shall intersect the roadway at a preferred angle of 90 degrees, but in no case shall the intersecting angle be less than 50 degrees.

No driveway will be permitted to be constructed within 100 feet of an intersecting street, but 150 feet is desirable.

Under no circumstances shall a driveway permit allow construction which will result in drainage or washing directly out to a Town road.

In the event a driveway causes damage to a Town road through improper construction, maintenance, or grading, it shall be the responsibility of the property owner to make necessary repairs upon notification in writing by the Town. In the event such repairs as are required are not made within thirty (30) days, the Town shall take whatever steps are necessary to protect the interests of the Town. Any expenses incurred shall be the responsibility of the applicant or property owner.

4.16 INTERSECTIONS

Intersections shall be as nearly as possible at right angles (90 degrees) with a minimum allowable intersection angle of 60 degrees.

The center line of no more than two accepted right-of-ways shall intersect at anyone point and any intersections of two roads with a third road shall be separated by a distance of not less than 150 feet between center lines except to create a four-way intersection.

4.17 TURNAROUNDS, CUL DE SACS AND DEAD END ROADS

Dead end roads must have either a cul de sac or a turn-around. The cul de sac must have a minimum radius of 75 feet and be built to subgrade, subbase and base course specifications. Provisions shall be made at the perimeter for snow removal.

Roads shall be arranged to provide for extension or connection of eventual road systems necessary to develop abutting land in future subdivisions.

4.18 ROADSIDE

At the completion of the project, excess debris shall be removed from the right-of-way. Burial of wood, such as stumps, will not be permitted. All disturbed portions of the roadside shall be loamed, seeded and mulched.

4.19 UTILITIES

All electric, telephone and cable TV distribution systems within subdivisions shall be placed underground where feasible as determined by the Board of Selectmen.

The developer shall coordinate designs with the appropriate utility companies to insure adequate and suitable area for underground installations.

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The developer shall be responsible for providing for water mains, manholes, sanitary sewers and catch basins if required.

Easements across lots or centered on rear of side lot lines shall be provided for utilities where necessary and shall be at least twenty (20) feet wide.

4.20 CURBS AND SIDEWALKS

These regulations do not require construction of sidewalks or curbs or the setting of edge stones. When required, however, such as near schools and designated activity areas, they shall be constructed or set in accordance with the policy and specifications agreed upon with the Board of Selectmen.

4.21 SIGNING

Road signs shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) and paid for by the developer.

4.22 BRIDGES

Plans for bridges must be submitted for review prior to construction. Construction will be authorized only after a review by the State Agency of Transportation indicates that the bridge will meet all applicable Vermont Agency of Transportation Specifications. Additionally, all bridges (structures greater than 6 feet) will have waterway openings designed in accordance with the latest Vtrans Hydraulics Manual.

SECTION 5 -INCONSISTENT ORDINANCES REPEALED

Any provisions of any ordinance of the Town of Baltimore in effect at the time of enactment of this Ordinance governing any activity included in this Ordinance is hereby revoked. Any permits currently in effect under such revoked provisions are also hereby revoked. Any fees paid for such permits will be credited to the payment of fees for permits called for herein on a prorated basis, but in no case shall fees be refunded.

SECTION 6 -SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The Board of Selectmen hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

SECTION 7- EFFECT

No section of this Ordinance shall be construed to supersede or replace any Vermont Statute.

This Ordinance shall be entered in the minutes of the Board of Selectmen meeting, posted in at least five (5) conspicuous places within the Town of Baltimore, and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the Ordinance is so adopted.

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This Ordinance will become effective on October 3, 2004, sixty (60) days after the date of its adoption by the Selectmen, unless a petition is filed with the Town Clerk by September 17, 2004, forty-four (44) days after the date of its adoption. The petition shall be addressed to the Selectmen, shall be signed by at least five percent (5%) of the qualified voters of this municipality, and shall ask for a special meeting to be called on the question of disapproving the Ordinance. Questions about the Ordinance may be directed to the Town Clerk, Town of Baltimore, Baltimore, Vermont 05143, or by calling telephone number 802-263-5419.

The foregoing Ordinance is hereby adopted by the Selectmen of the Town of Baltimore, Vermont on this 4th day of August, 2004.

Steven M. Waldo, Selectman

Hugh Hammond, Selectman

Robert Thomas, Selectman