

Driveway Regulations

Driveway entrances, highway grades; drainage: It shall be unlawful to develop, construct, re-grade or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a highway right-of-way, or obstruct a ditch, culvert or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, without a written permit from the agency, in the case of state highways, or the legislative body, or designee of a municipality, in the case of town highways. As a condition of any such permit, compliance with all local ordinances and regulations relating to high-ways and land use shall be required. The agency or legislative body, within their respective jurisdictions, may make such rules to carry out the provisions of this section as will adequately protect and promote the safety of the traveling public, maintain reasonable level of service on the existing highway system, and protect the public investment in the existing highway infrastructure, but shall in no case deny reasonable entrance and exit to or from property abutting the highways, except on limited access highways, using safety, maintenance of reasonable levels of service on the existing highways, and protection of the public investment in the existing highway infrastructure as the test for reasonableness, and except as necessary to be consistent with the planning goals of 24 V.S.A. §4302 and to be compatible with any regional plan, state agency plan or approved municipal plan. However, in any case involving an access permit for a development contributing 75 or more peak hour trips to state highways or class 1 town highways, the permit may include reasonable conditions and requirements to protect service levels on such highways.

1. No driveway or other means of access abutting a Town Way or a Way maintained by the Town of Fair Haven shall be installed without a driveway permit issued by the Public Works Supervisor and Zoning Administrator, and subject to the terms and conditions imposed herein.
2. All projects under this regulation shall be inspected by the Public Works Superintendent.
3. Where drainage is deemed necessary, a state regulated pipe of sufficient size and length shall be used. Such pipe shall be installed with sufficient slope to provide adequate flow. Specific pipe sizes and installation slopes shall be determined by the Public Works Superintendent on a case-by-case basis.
4. All permit applications shall be accompanied by a working sketch of the project, detailing dimensions, distances from property lines and rights-of-way, grade specifications, and any other relevant information. Approval, if and when granted, shall be for the project as presented, and any changes in the proposed plan shall be approved in writing by the Public Works Superintendent prior to the commencement of construction.
5. All property owners are liable of the maintenance of their culverts and driveways.
6. Appeals of the Superintendent of Public Works can be made to the Selectboard within thirty (30) days of denial.
7. **Title 24: § 4465. Appeals of Decisions of the Administrative (Zoning) Officer:** An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the board of adjustment or development review board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.