

TOWN OF GUILDHALL
TOWN HIGHWAY ACCESS / DRIVEWAY PERMIT APPLICATION

Applicant's Name _____
Address: _____
Phone number: _____
Owner's Name (if different from above) _____
Address: _____
Phone number: _____

The applicant requests an access/driveway permit to allow (contractor) _____
to construct an access in accordance with Vermont Agency of Transportation and Town of
Guildhall standards to serve the applicant's property located on _____ Road.
The Parcel No. of the property is _____ and the access will be located as
shown on the attached plan. The sketch plan (or copy of tax map) must show the location of
the access and distance along the road to the nearest property line.
The applicant agrees to maintain said access and adhere to the directions, restrictions, and
conditions which are part of this permit.

Applicant's Signature: _____ Date: _____

HIGHWAY ACCESS / DRIVEWAY PERMIT

NOTICE This permit is issued in accordance with V.S.A. Title 19, Section 1111, relative to all highways
within the control and jurisdiction of the Town of Guildhall. The issuance of this permit does not release
the applicant from any requirements of statutes, rules and regulations administered by other
governmental agencies. The permit will be effective upon compliance with all of these requirements
which are applicable and continue in effect for as long as the present land use continues. Any change
from the present land use will require a new permit. This permit is issued subject to the applicant
following the attached sketch plan and the directions, restrictions and conditions listed below.
Violations are subject to the penalties set forth in V.S.A. Title 19, Section 1111 of fines not less than
\$100 nor more than \$10,000 for each violation.

Directions, restrictions and conditions (continued on back of page or on attachment if nec.):

Approved:
Date: _____ Road Commissioner: _____

Date: _____ Selectboard Representative: _____

Date and amount of permit fee paid: _____
Recorded in Land Records, Book _____, page _____, on date _____

Why do I need a permit?

The information below is quoted from VT Agency of Transportation Handbook for Local Officials 2011-2013, pages 11-1 and 11-2.

- Under Title 19, Section 1111, of the VT Statutes, a permit is needed for nearly any activity in or directly affecting the right-of-way, including (but not limited to) creation or modification of a drive, repaving portion of a drive within the right-of-way, placement of structures, placement or grading of earthen material, discharge of water, or nearly anything else that would affect the right-of-way.
- There is no specific right to access the highways from every part of a property.
- Prior or ongoing use of a pre-existing highway right-of-way creates no right to continue that use no matter how long it has been going on. In the absence of prior written authorization (such as a Section 1111 permit or a lease) for an activity, there is no clause "grandfathering" a drive or other use of a portion of the right-of-way.
- To ensure that future owners are aware of permit conditions affecting their property, municipalities may require permit applicants to reimburse them for the expense of having highway access permits recorded and indexed in the municipal land records. (The Town of Guildhall requires this reimbursement as part of the permitting fee.)

The Vermont State Statutes, 19 V.S.A. Section 1111:

- provides that the legislative body (the selectboard) 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 levels of service on the existing highway system, and protect the public investment in the existing highway infrastructure.
- prohibits the state or town from denying reasonable entrance and exit to or from property abutting highways.
- states that the selectboard may suspend any permit until compliance is obtained. If use or activity continues after the suspension, the selectboard may physically close the driveway or access point if the safety of highway users may be affected.

To put it simply:

New driveways, and modifications of driveways, need permits.

There is no "grandfathering" of a highway access; for example, turning an old field road into a driveway still requires a permit

All logging needs permits.

There is no right given for a property owner to have multiple points of access from his land across the right-of-way to the highway; for example, manure-spreading vehicles being driven directly from road to field across road shoulders.

The Process:

- Highway Access / Driveway Permits will be available at the Town Office.
- A fee will be charged to reimburse the Town for the expense of having highway access permits recorded and indexed in the municipal land records and to cover inspection and administration expenses.
- The completed Highway Access / Driveway Permit will be turned in to the Town Clerk who will pass it on to the Road Commissioner.
- The Road Commissioner will inspect the site and will provide, on the Permit Application (or attached sheet), written directions and restrictions based on the current Road Standards (culvert diameter, slope for drainage, etc. if necessary).
- The Selectboard (or appointed representative) will give final approval, after inspection, for every Town Highway Access / Driveway Permit.
- If a Zoning Permit Application for a structure or subdivision is also required, the applicant shall attach the approved Highway /Driveway Permit to the Zoning Permit Application.
- The site will be inspected after completion to ensure compliance with the directions, restrictions and conditions of the approved Highway Access / Driveway Permit.