

APPENDIX A

**Town of West Fairlee
Highway/Driveway Access Permit Application Form
and
Notice of Permission to Proceed with Construction**

NOTICE TO APPLICANT: This form is for use in conjunction with the Town's Highway Access Ordinance. Before submitting an application, applicants are urged to review the Town's Highway Access Ordinance in full.

If an application is approved, the Selectboard will issue written permission in the form of a Notice of Permission to Proceed ("Notice"). The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town. The Notice will state the date on which construction / development of the Access may proceed. Once construction/development is completed, the Selectboard or its designee shall conduct a final inspection to determine if the work has been completed according to the requirements listed in the Notice. If, after inspection, it is determined that the Access has been constructed / developed in compliance with the Notice, a written Permit shall be issued by the Selectboard within 30 days after final inspection.

An access is not considered legally permitted until the written Permit has been recorded by the Town Clerk in the Town Land Records at the expense of the Permittee.

Name of Applicant: _____

Are you the landowner? Yes / No

If the applicant is not the owner of the premises where the proposed access will be constructed, list the name and contact information of the owner or other person that has the authority to consent to the use of the premises and attach a signed statement from that person stating that consent is given to the applicant to have the access constructed on those premises

Address: _____

Telephone: _____ Email: _____

Individual authorized to represent applicant (if applicable): _____

Contact info for representative (if applicable): _____

Location of the proposed access: _____

The date on which construction is proposed to begin: _____

Attach a visual depiction of the premises indicating location, layout, state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area.

Applicant may provide any additional information that may assist the Selectboard.

Signature of the applicant
or an individual authorized to act for the applicant

Date

FOR TOWN USE ONLY: Notice of Permission to Proceed

Application received by _____ [town official] on _____ [date]

Notice is hereby given to _____ [name of Applicant / Property Owner] that the Selectboard of the Town of _____ hereby grants permission to proceed with the construction / development of the proposed access/driveway/curb cut at _____ [parcel # and street address of property, if any], which proves access to / connects with _____ [name and/or # of town highway] as per the Access Permit Application submitted to the Town on _____ [date]. **Construction / development may begin on or after _____ [date] and must proceed according to the following conditions and restrictions:**

Permission granted in this Notice will expire one year from the date of issuance and is not transferrable.

This Notice does not constitute an Access Permit. A Permit authorizing the use of the access and recognizing completion of the project will be issued and become effective only after it is determined that compliance with all conditions, specifications, and restrictions described in this Notice to Proceed are met. The Selectboard for the Town of West Fairlee, with the assistance of the Road Contractor or other consultants, will have the authority and responsibility to determine when the conditions, restrictions, and specifications above are met.

Upon receipt of this Notice, you are hereby authorized to proceed with the project in accord with the conditions, specifications, and restrictions described herein. Approval covers only the work described in your Access Permit Application, as modified by the conditions, restrictions, and specifications listed above. You will be held financially responsible for any damage caused to the Town highway system resulting from the development or construction of a driveway/access, regardless of whether such development or construction has been authorized by the Town.

This Notice does not relieve you from any requirements imposed by other local, regional, or State agencies.

Issued on: _____ [date]

By: _____ Chair of the Selectboard

**APPENDIX B
Town of West Fairlee**

Access / Right of Way Permit

It is the determination of the Selectboard of the Town of West Fairlee that all of the conditions, restrictions, and specifications described in Access Permit Application # _____, as modified by the relevant Notice to Proceed, which was issued by the Town on _____[date], have been met.

Therefore, Permit # _____ is hereby issued to _____
[Applicant / Property Owner], as Permittee for the access/driveway/curb cut located at _____ [parcel # and street address or property, if any], which proves access to / connects with _____ [name and/or # of town highway]. All of the conditions, restrictions, and specifications described in Access Permit Application # _____, as modified by the relevant Notice to Proceed, which was issued by the Town on _____[date], remain in force as conditions of this Permit as long as the present land use continues. Any change in the present land use will require a new Permit.

This Permit shall not be valid until recorded by the Town Clerk in the Town Land Records at the expense of the Permittee.

The issuance of this Permit does not relieve Permittee from any requirements imposed by other local, regional, or State agencies.

In the event that there is a failure to adhere to the conditions, restrictions, and specifications described above, this Permit may be suspended by the Selectboard until compliance is obtained.

If there is continued use or activity after suspension, the Selectboard may physically close the driveway or access point if, in the opinion of the Selectboard, the safety of highway users is or may be affected.

As per 19 V.S.A § 111(f), the Selectboard may, as development occurs on land abutting a Town Highway, require the elimination of an access previously permitted and require the construction of a common frontage road or other access improvements which may serve more than one property or lot.

Permit issued on _____ [date]

By: _____ [Selectboard or its designee]

Received for recording on _____[date], with applicable recording fees paid.

By: _____ [Town Clerk]