
ARTICLE XIV: RIDGELINE PROTECTION OVERLAY DISTRICT

SECTION 1410 AUTHORITY AND PURPOSE

1411 Authority. Pursuant to the authority granted by the Act, a Ridgeline Protection Overlay District is hereby established.

1412 Purpose. The purpose of the Ridgeline Protection Overlay District is to protect Westminster's rural character and scenic landscape by ensuring that development is located and designed in a manner that protects the uninterrupted skyline and minimizes adverse visual impact on designated ridgelines, hilltops and adjacent slopes.

SECTION 1420 ESTABLISHMENT OF DISTRICT BOUNDARIES

1421 Boundaries. District boundaries are identified on the attached Ridgeline Protection Overlay District Map.

1422 PARCEL DIVIDED BY OVERLAY DISTRICT. The provisions of this Article shall only apply to that portion of a parcel located within the Overlay District.

SECTION 1430 DEVELOPMENT PERMIT REQUIRED.

1431 Uses. Within the District uses allowed as a permitted or conditional use, in the underlying Zoning District which are located in RPOD, shall require conditional use approval and the approval of the DRB in accordance with the standards set forth below and as specified in the Westminster Zoning Bylaws, unless specifically exempted under Subsection 1433 below.

1432 Pre-application Site Development. Forest management activities designed as pre-development site preparation shall be reviewed by the DRB to determine compliance with the standards set forth in these Bylaws. Such activities include, but are not limited to: road and driveway construction, excavation related to the upgrades and conversion of logging roads to development roads or driveways, clearing and/or grading for house-sites and septic systems, or any other development related site work.

Where a landowner fails to submit pre-development plans for review, the DRB may direct the Applicant to restore or revegetate the site and/or limit any further development pending final review and approval.

1433 Exemptions. The following uses are exempted from review:

- A. Agriculture and Forestry activities in compliance with "Acceptable Management Practices for maintaining Water Quality on Logging Jobs in Vermont" (published by Vermont Department of Forests, Parks and Recreation) with the exception of the following:
 1. Clearing of forest land for the purpose of further development within a 5-year period.
 2. Landscaping and/or screening associated with any other uses or development.

with Section 216 A. of these Bylaws. The DRB shall also mail a copy of the hearing notice to the appellant not less than 15 days before the hearing date.

3. **Successive Appeals:** If the DRB considers the issues raised by the appellant in the appeal to have been decided in an earlier appeal or to be the same in substantially or materially the same facts by or on behalf of that appellant, the DRB may reject an appeal without hearing and render a decision. Such decision, including findings of fact, shall be rendered within 10 days of the filing of the appeal, in accordance with Section 4470 of the Act.
4. **Hearing Procedure:** All appeal hearings shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of the evidence applied in contested cases in hearings before administrative agencies as set forth in state statutes, 3 V.S.A. § 810. The hearing procedure shall be in accord with Section 216B of these Bylaws. Any interested person or body may appear and be heard in person or be represented by an agent or attorney at the hearing. The hearing may be continued by the DRB, provided that it announces the date, time and place of the continuation at the hearing.
5. **Decision:** The DRB shall issue a decision in regards to the appeal within 45 days after the close of the hearing. The DRB decision shall be in accord with Section 216D of these Bylaws. The decision shall be sent to the appellant, by certified mail; and a copy of the decision shall also be sent by regular mail to persons granted interested party status and the Town Clerk as part of the public records of the municipality. The decision shall include a statement of the time within which an appeal may be filed with the Environmental Division of the Superior Court.

B. Appeal From Development Review Board Decision: An Applicant, appellant, or an interested person who has participated in a municipal regulatory proceeding of the DRB may appeal a decision of the DRB, within 30 days of the decision, to the Vermont Superior Court, Environmental Division in accordance with Section 4471 of the Act, and 10 V.S.A. § 8504(b) and V.R.E.C.P. Rule 5(b) as may be amended.

1. Participation in the local municipal regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding.
2. Notice of the appeal shall be mailed by certified mail, with fees, to the Environmental Division and mailed to the Zoning Administrator, who shall supply a list of interested persons to the appellant within five working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person, and, if any one or more of those persons are not then parties to the appeal, upon motion the court may grant them leave to intervene.

218 Violations & Enforcement:

A. Violations: The commencement or continuation of any land development, subdivision or use that is not in conformance with the provisions of these Bylaws, or the failure to comply with the terms and conditions of any municipal land use permit shall constitute a violation. Violations may be pursued in accordance with Sections 4451-4454 of the Act. However, the Town reserves the right to seek enforcement by all other lawful means. Each day that a violation continues shall constitute a separate offense. The Zoning Administrator shall institute in the name of the Town, any appropriate action, injunction or other proceeding to

enforce the provisions of these Bylaws and the Act. All fines imposed and collected for violations shall be paid over to the Town.

- B. Notice of Violation:** No action may be brought under Section 4451 unless the alleged offender has had at least seven (7) days' notice by certified mail that a violation exists, as required under the Act. The warning notice shall state that a violation exists, that the alleged offender has an opportunity to cure the violation within the seven (7) days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days. Action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the Bylaws after the seven (7) day notice period and within the next succeeding 12 months. The Notice of Violation shall identify the Bylaw or municipal permit condition alleged to have been violated, the facts giving rise to the alleged violation, the panel to whom an appeal may be taken and period of time within which an appeal must be filed and that failure to appeal will render the Notice of Violation a final decision.
- C. Limitations on Enforcement:** An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality.

219 Revocation of Permit.

On petition by the municipality and after notice and opportunity for hearing, the Superior Court, Environmental Division may revoke a municipal land use permit on a determination that the permittee violated the terms or conditions of the permit or obtained the permit based on misrepresentation of material fact.

END OF ARTICLE II

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Locally Important Farmland: Agricultural land which meets the threshold criteria set forth by the Westminster Land Evaluation Site Assessment system.

Lot Area: The total area within the property lines, excluding any part thereof lying within the boundary of a Town Highway or proposed public road.

Lot Coverage: The total at grade area or footprint of all structures and impervious surfaces, including but not limited to, structures, parking areas, walkways, drives, as expressed as a percent of the total lot area.

Lot Frontage: The length of any lot line abutting a public road or private right of way, measured at the street right-of-way line.

Lot Line Adjustment: The relocation of a common property boundary where an additional lot is not created and where an existing lot is reduced in size by the adjustment which complies with the Zoning District.

Lot Merger: The combination of two or more lots into one single lot.

Lot, Corner: A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees (135). The front lot line for corner lots shall be found from the line parallel to the front of the structure or the street used to identify the lot.

Lot Improvement: Any building, structure, infrastructure or other object or improvement of the land on which they are situated.

Lot: A designated parcel, tract, or area of land established by deed, plat or subdivision or created by survey or plot plan, to be used, developed or built upon as a unit. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yard and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or other means of access approved by the DRB. In no case shall the division or combination of land result in the creation of a parcel which does not meet the requirements of these Bylaws.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Lumen: A unit of measure of the quantity of light that falls on an area of one square foot every point of which is one foot from the source of one candela. A light source of one candela emits a total of 12.57 lumens.

Luminaire: Means the complete lighting system, including all necessary mechanical, electrical, and decorative parts.

ARTICLE V: GENERAL REGULATIONS

SECTION 510 GENERAL PERFORMANCE STANDARDS:

In all districts and for all uses, the following general performance standards must be met, together with any applicable state standards and specific standards as required under these Bylaws. For zoning permits issued by the Zoning Administrator, the Zoning Administrator shall determine whether the land development conforms with the standards. For all other permits and approvals issued by the DRB, the Applicant must demonstrate that the proposed land development conforms with the standards.

511 Standards:

These performance standards are intended to protect the health, safety, and general welfare of the community including the reasonable use and enjoyment of adjacent property, and the Zoning District within which the property is located. The Applicant shall demonstrate that the proposed land development will not cause or create any harmful condition as set forth below.

- A. Offensive odor (odors from customary agricultural operations shall not be considered offensive under this provision).
- B. Airborne contaminants including dust or other particulates that are harmful to health or unreasonably interfere with the reasonable use and enjoyments of nearby properties.
- C. Smoke in excess of Ringelmann Chart No. 2.
- D. Noxious gases that endanger the health, safety or general welfare of the community, or that have a tendency to damage property, business or vegetation.
- E. Any activity which causes any noticeable or clearly apparent vibration of or upon the property of another landowner. Vibration that creates displacement of two one- thousandths (0.002) of one (1) inch shall be considered harmful.
- F. Glare, light or reflection which could impair the vision of a driver of any motor vehicle, or is detrimental to the health, safety, and general welfare of the community including the reasonable use and enjoyment of adjacent property.
- G. Any fire, explosive or hazard which significantly endangers public safety or the reasonable use of adjacent property.
- H. Discharge of hazardous wastes into land or surface waters. Effluent disposal shall comply with all applicable health and wastewater disposal regulations.
- I. Stormwater discharge that may create an unsafe condition, soil erosion, or cause damage to persons or adjacent property.
- J. The improper storage or disposal of garbage, trash, rubbish, noxious substances, or other similar materials.
- K. Improper storage or discharge of flammable liquids such as liquid propane gas, fuel oil, gasoline, or other similar hazardous materials.
- L. Any activity which may cause or contribute to substantial soil erosion.
- M. Any hazard obstructing recommended stopping sight distances as listed in the Vermont Agency of Transportation's Standards for Residential and Commercial Drives (B-71).
- N. Noise which exceeds 70decibels at the property boundary. The DRB may require reduced noise levels for any activity which occurs more than eight (8) hours per day.

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- e. Education.
2. **Deeryards.** A Subdivision involving or adjacent to a deeryard identified and mapped by the State of Vermont shall be designed, sited and undertaken in a manner compatible with the continued viability of the deeryard. Applicants submitting proposals for subdivision of a lot involving or adjacent to an identified deeryard shall demonstrate they have consulted with or obtained approval from the Vermont Department of Fish and Wildlife.
- Where subdivision takes place within a deeryard or includes part or all of a deeryard in the land base for the subdivision or the determination of its density, the remainder of the deeryard owned by the Applicant shall be managed in a manner compatible with the continued viability of the deeryard. This may include the preparation and implementation of a wildlife habitat plan or forest management plan approved by the Vermont Department of Fish and Wildlife.
3. **Aquifer Recharge Areas.** A subdivision of land within an Aquifer Recharge Area shall not result in the pollution of ground or surface waters or an unreasonable reduction of the supply of groundwater. The DRB shall consider such factors as the amount and type of wastes to be generated by the proposed use and the adequacy of design for the proposed disposal system and the capability of the land and water to sustain such use without degradation. In considering the application, the DRB may require Applicant to provide appropriate certification by a registered professional engineer and the DRB may consult with the Vermont Department of Environmental Conservation, Ground Water Protection Division, or other applicable State Agency for technical assistance.
4. **Scenic Roads.** Subdivision proposals adjacent to those Town or State roads officially designated as scenic highways or highways generally accepted as exhibiting exceptional scenic character or values shall be reviewed by the DRB to ensure that the siting of any proposed structure and any site alterations, including grading, filling, removal of trees, stone walls or other existing landscape features are consistent with the scenic quality of the road, roadside and area and to minimize an interference with views or vistas afforded from the scenic road. To accomplish this purpose, the DRB may guide the location of structure(s) by varying setbacks, height and other requirements of the district and may restrict or require landscaping or screening measures.
- Energy Conservation.** Energy efficient site planning and layout shall be encouraged in the review of a proposed subdivision.

SECTION 850 Roads:

All travel ways and roads within a subdivision shall be deemed to be private roads until such time as they have been formally dedicated by the Applicant and accepted by the Selectboard, in accordance with Vermont law and subject to Westminster Road Specifications. In order for a road to be accepted by the Town an Applicant must prepare and submit to the Selectboard a warranty deed for a fifty (50) foot wide right-of-way, including the necessary slope and drainage rights. Submission of said warranty deed does not commit the Selectboard to accepting the road.

- A. Layout** All roadways and intersections shall be designed to insure the safe and efficient movement of vehicles, including but not exclusive to, all emergency vehicles, maintenance, and snow removal in accordance with VAOT standards and Westminster Road

homeowner's association in which the lot owner is a member, accepts the obligation to maintain the park or recreation area in a safe and functional condition.

SECTION 872 Power, Telephone and Cable

Poles, power lines and cable installations are to be approved by the local power company and the Town. The DRB may require underground installation of power, telephone lines and cable installations wherever it is necessary to maintain and protect the character of a highly sensitive area. A diagram showing location of utility lines shall be submitted with the final site plat.

SECTION 873 Watersheds, Stormwater Drainage and Erosion Control

When a stormwater drainage system is proposed or required under Department of Environmental Conservation Regulations the drainage system shall conform with all applicable stormwater and erosion control requirements and regulations.

- A. The DRB may require such temporary and permanent stormwater drainage and erosion control measures as may be necessary to control surface runoff. Factors to be considered in determining the types of controls necessary shall include, but not be limited to, vegetation and ground cover, slopes, soil types, percentage of land covered by impermeable surfaces, distances to streams and impact on adjacent properties.
- B. The DRB may require the phasing of construction to reduce the amount of land disturbed by construction at any one time and may stipulate deadlines for the installation of erosion control or soil stabilization measures.
- C. The DRB may require a program of soil stabilization and the establishment of appropriate, permanent vegetative cover following excavation or grading. The DRB may also require embankments to be planted with a stabilizing shrub or ground cover to prevent erosion.
- D. The DRB may require that the Applicant provide a determination of the effect of the subdivision on the existing watershed by a qualified hydrogeologist or hydrologist. Where the DRB may require the Applicant to modify the proposal to protect existing watersheds.

SECTION 874 Fire Protection.

The DRB may require the provision of facilities necessary for adequate fire protection. Such facilities shall be designed in consultation with the Chief of the Westminster Volunteer Fire Department.

SECTION 875 LANDSCAPING.

The DRB may require properly planned and installed landscaping to reduce the potential for conflicts between different adjoining land uses; it can also help to reduce noise, glare and can provide privacy separation. The DRB may require that suitable landscaping be established in areas where it does not exist. The DRB shall determine the minimum acceptable size of trees.

- A. **Preservation of Buffer Area.** Compliance with the following standards shall be considered to be the minimum landscaping necessary.
 - 1. Where any non-residential land use abuts a residential land use, a strip of land, at least twenty-five (25) feet in width shall be maintained as a landscaped area or natural wooded area in the front yard, side yards and rear yard, unless waived or amended by the DRB.
 - 2. Commercial and industrial uses shall provide for a strip of land at least twenty-five (25) feet in width that shall be maintained as a landscaped area or a natural wooded

NOISE ORDINANCE

ARTICLE I.

Authority. The Ordinance is adopted under the authority of Title 24, VSA Section 2291 (14) and VSA Chapter 59

ARTICLE II.

Purpose. This Ordinance is enacted to protect, preserve, and promote health, safety, peace and quiet for the citizens of Westminster through the control of excessive noise. The intent of this ordinance is to establish standards that will eliminate and reduce noises that are detrimental to the enjoyment of life, property and the maintenance of business.

ARTICLE III.

A. Prohibited Noises. Noise in excess of 70 decibels, as measured at the property line from which the noise originates, is prohibited.

Exceptions:

1. Noise generated by an emergency or public safety device operating in its official capacity.
2. Any person, organization, group or business that has obtained an exemption from the Selectboard.
3. The use of firearms when used in accordance with Fish & Wildlife laws.

B. Exemptions Granted by the Selectboard. The Westminster Selectboard is authorized to grant exemptions to this Ordinance for special events. Persons seeking an exemption under the provisions of Article III A 2 of this Ordinance shall file a request with the Selectboard no later than one month prior to the event for which the exemption is requested. The Selectboard shall consider the request at its next regularly scheduled meeting.

ARTICLE IV.

A. Enforcement. The Town Manager, or his designee, is responsible for enforcing this ordinance, and shall be authorized to act as Issuing Municipal Official to issue and pursue a municipal complaint before the Traffic and Municipal Ordinance Bureau for any violations. The Issuing Municipal Official, or his designee, shall issue a written warning for a violation of this ordinance before issuing a municipal complaint for a first offense of this ordinance.

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Issuing Municipal Official is authorized to commence a civil action to obtain injunctive and appropriate relief, or to pursue any other remedy authorized by law

B. Penalties. Any person who violates any provision of this ordinance shall be subject to a civil penalty of up to \$200 per day for each day the violation continues.

1. Waiver Fee: An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and by the Waiver Fee:

First offense in any calendar year:	\$ 50.00
Second offense in any calendar year:	\$ 75.00
Third offense in any calendar year:	\$100.00
Fourth or more offenses in any calendar year:	\$150.00

2. Civil Penalties. An Issuing Municipal Official is authorized to recover civil penalties in the following amount for each violation:

First offense in any calendar year:	\$ 75.00
Second offense in any calendar year:	\$100.00
Third offense in any calendar year:	\$150.00
Fourth or more offenses in any calendar year:	\$200.00

Each day in which any violation continues or occurs shall be deemed a separate offense.

ARTICLE IV.

- A. Liability for Loss by the Town Due to Violation.** Any Person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town, including reasonable legal expenses, by reason of such offense.
- B. Severability** The invalidity of any provision of this Ordinance shall not invalidate any other part thereof.
- C. Date of Enactment** Duly enacted and ordained by the Selectboard of the Town of Westminster, Windham County, State of Vermont, on this 25TH day of October 2005 at a duly warned and duly held meeting of said Selectboard.
- D. Effective Date** This Ordinance shall become effective sixty (60) days from the date hereof, that is, on December 25, 2005.

HARASSMENT POLICY

Prohibition of Harassment. Town of Westminster will not tolerate unlawful harassment based on race, sex, religion, national origin, age, disability, color, ancestry, place of birth, or sexual orientation or any other protected status defined by law. Likewise, Town of Westminster will not tolerate -retaliation against an employee for filing a complaint of harassment or from cooperation in an investigation of harassment. Further will address complaints regarding harassment committed in the workplace by employees against non-employees and by non-employees (such as vendors, customers, board members, and other workplace visitors) against employees to the extent possible.

Definition: Unlawful harassment is a form of discrimination based on membership in a classification protected by law. It involves behaviors that are view as offensive or harassing. Examples of harassment include the following: Insulting comments of a sexual, racial, or religious nature or references to an individual's age, sexual orientation or disability; aggressive bullying behaviors; inappropriate physical contact or gestures, physical assaults or contact that substantially interferes with an individual's work performance or creates in intimidating, hostile or offensive working environment; retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment.

Employees who violate this policy will be subject to disciplinary action, up to and including discharge. An employee subject to harassment is encouraged to report it before it becomes severe or pervasive. He/she shall notify the Town Manager and or the board of Selectmen. Names, addresses and telephone numbers of the Board of Selectmen and or the Town Manager can be found on the Town of Westminster's Website or at the Town Manager's Office. A prompt, through and impartial investigation will be conducted and employee confidentiality will be protected to the extent possible. If it is determined that unlawful harassment ahs occurred, The Town of Westminster's Selectboard, Town Attorney and or the Town Manager will take immediate and appropriate corrective action.

Employees may also contact the State of Vermont Attorney's General Office, 109 State Street, Montpelier (828-3171) or the federal Equal Employment Opportunity Commission, JFK Federal Building, 475 Government Center, Boston, MA 02203, (800) 669-4000.

Adopted by the Selectboard on: October 13, 2009

2.4 Access Width

- (1) Access width for any rural type access without curbs shall be measured exclusive of the radii or flares. Access with a street style curb return entrance and driveways with curb cuts, shall be measured exclusive of the flared sections or transitions.
- (2) Twenty-four (24) to thirty (30) feet of width shall be used for any two-way access (commercial) when the single unit vehicle volume does not exceed five in peak hour.
- (3) Thirty (30) to forty (40) feet of width shall be used for any two-way access when any one or more of the following apply to the access:
 - a. Multi-unit vehicles are intended to use the access.
 - b. Single unit vehicles in excess of 30 feet in length will use the access.
 - c. Single unit vehicles volume exceeds 5 in the peak hour.
- (4) A one-way access shall have a width of 18 feet to 24 feet. If two one-way accesses are adjacent to each other, a physical barrier of at least 4 feet wide shall divide them.
- (5) When a public street, road, highway, or any access intended to become a public roadway intersects with a state highway, the design criteria of the local government and the Agency shall be used to select an appropriate access width subject to the approval of the Agency. It is recommended that no two-way public roadway access which produces ten turning vehicles in the peak hour should be less than twenty-four (24) feet in width (exclusive of turning radii).

2.5 Access Radii

- (1) No access, except a curb cut, shall have an equivalent turning radius of less than 20 feet (see Standard Drawing B-71).
- (2) Up to a 50 foot equivalent turning radius should be used for an access when multi-unit vehicles or single unit vehicles exceeding 30 feet in length are intended to use the access on a daily basis.
- (3) The access equivalent turning radii shall accommodate the turning radius of the largest vehicle using the access on a daily basis. It is permissible to use three-centered compound curves or spiral curves rather than simple radii when designing for larger vehicles.
- (4) If the frequency of multi-unit vehicles or single unit vehicles over 30 feet in length is such that two such vehicles may be reasonably anticipated to use the access at the same time, one entering and one exiting, radii should be adequate to accommodate both vehicles with no turning conflicts.

ADVISORY ETHICS OPINION 81-07

SYNOPSIS:

A firm which is engaged as Town Attorney is ethically barred from representing other clients in matters against the Town including criminal cases involving the Town Police Department and matters that might come before the Board of Selectman, Zoning Board of Adjustment, Planning Commission.

QUESTION PRESENTED:

The Committee has been asked whether a firm which has recently been appointed as Town Attorneys could be barred from representing other clients in criminal cases involving the Town Police Department, and in representing clients before the Board of Selectmen, Planning Commission and Zoning Board of Adjustment of the Town.

OPINION:

There is no question but that the newly appointed Town Attorneys cannot continue to represent clients before the various Town Boards. To do so would be a clear conflict of interest as there is the potential for an adversarial position whenever a party makes application to various Town Boards. To rule otherwise would require the Town Board to seek an opinion as to what they might or might not do from the very same attorney who has placed the question before them.

Canon 5 of the Professional Responsibility Code states inter alia:

“A lawyer shall decline proffered employment if the exercise of his independent professional judgment in behalf of a client will be or is likely to be adversely affected by the acceptance of the proffered employment, or if it would be likely to involve him in representing differing interests, except to the extent permitted under DR 5-105(C).”

It is also felt that Canon 4, “A lawyer should preserve the confidences and secrets of a client,” may well come into play. EC 4-5 states:

“A lawyer should not use information acquired in the course of the representation of a client to the disadvantage of the client and the lawyer should not use, except with the consent of his client after full disclosure, such information for his own purposes.”

For example, an attorney as Town Counsel might be aware of certain deficiencies in the town By-Laws having acquired that information by virtue of representing the municipality. It would violate Canon 4 to then use that knowledge against the municipality. These also would conflict with Canon. Specifically, EC 8-8 provides:

“A lawyer who is a public defender, whether full or part time, should not engage in activities in which his personal or professional interests are or foreseeably may be in conflict with his official duties.”

As to the firm representing clients in cases involving the Town Police Department, it is felt that this Committee’s Opinion No. 76-8 would be controlling. It was there found that an attorney who sits on the municipal Police Commission could not handle civil or criminal matters where the Police Department employees are opposing parties or witnesses.

We understand from the question as it has been phrased that the entire firm will be hired as Town Attorneys but in case that is not the case ABA Formal Opinion #306 (May 26, 1962), should be borne in mind which provides that the conflict of interest exists as to any member of the firm it exists also to any partner or associates.

The request for the opinion in the final paragraph states: “It is our feeling that we are barred from representation of other clients in all matters, including criminal defense when the Town Police Department is involved...” We concur.