

PLANNING COMMISSION MEETING

A G E N D A

TOWN OF CHINCOTEAGUE, VIRGINIA

November 12, 2013 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

AGENDA REVIEW/DISCLOSURES

1. Approval of the October 8, 2013 meeting minutes
2. Subdivision Ordinance – Sidewalks/Trails
 - Review current standards for possible updates
3. Subdivision Ordinance – Private Roads
 - Review current standards for possible updates
4. Information/Discussion Items
 - Work Plan for 2014
 - Town Code Update - inserts
5. Commission Members Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN

Downtown Main Street Revitalization Project and he hopes to get the award item added to the agenda this evening. Staff has worked on research, familiarizing with the Virginia Disability Program. He stated that bank interest rates have been researched. There will be a transfer from the LGIP account to another bank because of the rates. There is a banking resolution in the packet regarding this transfer. He also reported that staff has received 2013 personal property taxes and are hoping the real estate taxes will be here soon. He added that the quarterly newsletter will be published within the next two weeks.

AGENDA ADDITIONS/DELETIONS AND ADOPTION

Councilman Howard motioned, seconded by Vice Mayor Leonard to adopt the agenda adding item 8b, Main Street Corridor Improvements, Phase 2C. Unanimously approved.

1. Consider Adoption of the Minutes

- **Regular Council Meeting of September 3, 2013**
- **Special Council Meeting of September 19, 2013**

Councilman Taylor motioned, seconded by Councilman Jester to adopt the minutes as presented. Unanimously approved

2. Joint Public Hearing for a Possible Sign Ordinance Revision

Planning Commission Chairman Rosenberger advised that the Planning Commission does have a quorum present this evening and requested permission to open the public hearing.

Councilman Jester motioned, seconded by Vice Mayor Leonard go into the joint public hearing with the Planning Commission regarding the Sign Ordinance Revision. Unanimously approved.

Mayor Tarr opened the public hearing and asked Town Planner Neville to review the changes.

Town Planner Neville stated that the item before them for consideration with the joint public hearing is an amendment to: **Town Code Appendix A – the Zoning Ordinance, Section 7.13 Permitted Signs in Commercial Districts, with changes including but not limited to an increase of permitted sign are and revision to the method of calculation for multiple businesses on a single lot of record.**

Public Notice requirements for the Town Code have been met. He stated that they appreciate the guidance provided by Town Attorney Poulson through this process, and note that he has provided the only comments during the notice period.

This Sign Ordinance Amendment is the result of months of consideration by the PC and TC on how best to solve a problem with larger commercial property that may contain more than one business in more than one building.

The current sign ordinance limits the number and amount of signage per lot. An example of the conflict that creates is illustrated with the new Fairfield Inn and Chincoteague Inn businesses located on the same lot. The BZA provided a temporary variance until the ordinance could be revised.

The proposed sign ordinance would connect the number and amount of signage, with the business use or the main structure that contains it, rather than the lot. Simply, this means that a larger property with more businesses and buildings can have more signage.

Several modifications were also made to:

- Organize the requirements into 3 basic types: one building/one business, one building/multiple businesses, multiple buildings/multiple businesses.
- Establish 100 square feet of sign area as a standard for each main structure regardless of size or number of businesses.
- Permit up to 40 square feet of sign area in addition to the 100 square feet for each business in a multiple business structure (20 square feet on the building and 20 square feet on a permitted freestanding sign).
- Revise the section for Free standing signs to allow a second freestanding sign when there are more than one separate main structures, and to allow up to 128 square feet per sign when there is more than one permitted business.

Staff recommends these well considered changes for approval subject to comments and concerns from the Public or Town Attorney Poulson. He then asked if there were any questions.

Mayor Tarr asked if there was anyone from the audience who had anything they'd like to say or ask during the public hearing.

- Mrs. Nancy Lane, Main Street, stated that the Fairfield Inn is across from her. She suggested considering the residential nature of the area. She doesn't want residential areas overwhelmed with signage. She mentioned the historic homes also.

There were no further comments.

Mayor Tarr closed the public hearing. He invited comments from the Planning Commission.

Chairman Rosenberger stated that they support staff's recommendation.

Town Attorney Poulson asked if his suggestions were taken into consideration.

Town Planner Neville advised that the Planning Commission have taken those suggestions incorporating them into the revisions.

Town Attorney Poulson expressed his concerns as a matter of policy. He mentioned multiple businesses in a structure along with his suggestions.

Town Planner Neville further explained the sections and several proposed changes.

Planning Commission Chairman Rosenberger called for a vote.

Mr. Papadopoulos motioned, seconded by Mr. Potts to send the recommended changes to Council for approval. Unanimously approved.

Mayor Tarr asked Council's pleasure for the recommended changes from the Planning Commission.

Councilman Jester motioned, seconded by Vice Mayor Leonard to adopt the changes to the Zoning Ordinance, Chapter 7, Section 7.13 – 7.13.1.12 as proposed with the recommended changes from Town Attorney Poulson and Town Planner Neville. Unanimously approved.

Sec. 7.13 Commercial districts

Within a commercial district, all business signs require a permit unless specifically exempted hereunder and are subject to the following provisions:

7.13.1.1 Lot of record occupied by one (1) business with existing business license issued by the Town of Chincoteague.

The number of signs for a permitted business on a lot of record with one (1) main structure occupied by a single permitted business shall be limited to two (2), not including incidental, directory, or directional signs, unless otherwise specifically provided for and permitted hereunder. The total combined square footage of all permitted signs shall not exceed one hundred (100) square feet in area. Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed sixty four (64) square feet in area nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise provided for and permitted under Sec. 7.13.1.7 Roof and mansard façade signs, and 7.13.1.8 Freestanding signs.

Two additional signs shall be permitted not to exceed twenty five (25) square feet each if the main business structure faces more than one public street or a navigable waterway.

7.13.1.2 Lot of record occupied by a building containing more than one business, "multi-business main structure", with an existing business license issued by the Town of Chincoteague.

The number of signs for a permitted business on a lot of record with one main structure occupied by more than one permitted business, a multi-business main structure, shall be limited to two (2) per business, not including incidental, directory or directional signs, unless otherwise specifically provided for and permitted hereunder.

The total combined square footage of all permitted signs for such businesses shall not exceed one hundred (100) square feet in area. Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed sixty four (64) square feet in area per business, nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise specifically provided for and permitted under 7.13.1.7 Roof and mansard façade signs, and

7.13.1.8 Freestanding signs.

In addition to the maximum allowed combined total area permitted for such businesses in a multi-business main structure, there shall be permitted one additional wall sign or projecting sign, not to exceed twenty (20) square feet for business identification for each such business, and permitted freestanding sign area not to exceed twenty (20) square feet.

Two additional signs for the multi-business main structure shall be permitted not to exceed twenty five (25) square feet each if the multi-business main structure faces more than one public street or navigable water.

7.13.1.3 Lot of record occupied by two or more separate main structures each containing one or more separate businesses, “multi-main structures” with an existing business license issued by the Town of Chincoteague.

The number of signs for a permitted business on a lot of record with two or more separate main structures, multi-main structures, whereon each such main structure may be occupied by one or more separate licensed businesses shall be limited to two (2) per business, not including incidental, directory, or directional signs, unless specifically provided for and permitted hereunder.

The total combined square footage of all permitted signs for such businesses shall not exceed one hundred (100) square feet in area within each such main structure. Sign bases not containing a commercial message are not included in the computation of area.

No sign shall exceed sixty four (64) square feet in area nor exceed a height equal to the lowest point of the roof of the structure to which it may be affixed, unless otherwise specifically provided for and permitted under 7.13.1.7. Roof and mansard façade signs, and 7.13.1.8 Freestanding signs.

In addition to the maximum allowed combined total area permitted for such businesses in a multi-business main structure, there shall be permitted one additional wall sign or projecting sign, not to exceed twenty (20) square feet for business identification for each such business, and permitted freestanding sign area not to exceed twenty (20) square feet.

Two additional signs for the separate main structure shall be permitted not to exceed twenty five (25) square feet each if the separate main structure faces more than one public street or navigable water.

7.13.1.4 Multiple incidental and directory signs.

Signs on the interior of a lot shall be allowed and do not require a permit. The square footage of these signs is not included in determining the total permitted sign area. Such signs must relate to the business being conducted on the lot and such signs shall not be advertising for a business located off premise.

7.13.1.5 Signs hung on marquees.

No sign shall be hung on a marquee, canopy, awning, or portico if such sign shall extend beyond the established street line. The area of any such sign shall be included in determining the total permitted area.

7.13.1.6 Signs, advertising occupants, etc.

Signs advertising only the name of the occupant of a store, office or building, the business or occupation conducted or the products sold therein may be placed on show windows; provided, that not more than 30 percent of the area of such windows shall be covered. The square footage of any such sign shall be included in determining the total permitted area of signs.

7.13.1.7 Roof and mansard façade signs.

Any such roof or mansard façade sign shall not exceed 32 square feet in sign area. The area of any such sign shall be included in determining the total permitted sign area. Signs on mansard façade shall not extend above the highest point of the mansard façade. Roof signs shall begin one foot from roof edge and not extend more than four vertical feet from that point.

7.3.1.8 Free standing signs

There shall be no more than one (1) free standing sign for any separate main structure whether occupied by one or more licensed businesses on a lot of record and not to exceed two (2) free standing signs per lot. The maximum area of any such free standing sign shall be sixty four (64) feet per licensed business or one hundred-twenty eight square feet (128) in total, and such free standing sign shall not exceed twelve (12) feet in height. The area of such sign shall be included in determining the maximum square footage area permitted any such business or structure, as applicable under Sec. 7.13. The height of the free standing sign shall be determined from existing grade within a radius not to exceed six (6) feet from the support system of the free standing sign. The base of any sign without a commercial message is not included in the computed permitted sign area. Sign bases are included in the overall height. Each free standing sign must incorporate a

legally assigned street number for the business that it identifies or advertises. Free standing signs shall not be placed within the established sight distance triangle.

7.13.1.9 Window signs.

A window sign shall be considered as a wall sign, and shall not exceed more than 30% of the window area in which they are displayed and shall not be placed higher than ten (10) feet above the entrance of the door sill plate. Such signs shall be limited to a maximum combined area of 64 square feet total and shall not exceed ten (10) feet in height. The area of any such sign shall be included in determining the total permitted sign area.

7.13.1.10 Flags, Commercial.

Two flags, displaying a commercial message, with a maximum area each of fifteen (15) square feet shall be permitted for any business. Flags must be mounted securely to a wall or from a permanent flag pole. A home occupation is allowed one flag with a commercial message no greater than 15 square feet. Flags not exceeding 15 square feet in area and displaying an art design which reflects merchandise sold on the premises without any commercial wording, or “open and welcome flags” are permitted. The area of any such flags shall not be included in determining the total permitted sign area.

7.13.1.11 Projecting signs.

One projecting sign shall be permitted for any licensed business fronting on any public road or parking lot with public entrance to such business. Any such sign shall not exceed twelve (12) feet in height from grade and shall not exceed twenty (20) square feet in area. Such sign shall maintain a vertical clearance from any sidewalk, adjacent to said business of not less than nine (9) feet and shall not extend beyond the outside edge of the public sidewalk. If such sign extends over a public right-of-way, a Land Use Permit is required. The area of any such sign shall be included in determining in the total permitted sign area of any such business.

7.13.1.12 Changeable letter signs.

Manually changeable sign(s) shall be permitted when built as an integral part of the business identification sign(s). The area of the changeable letters portion of the business identification sign(s) shall not exceed fifteen square feet or one third of the total area of the sign(s) whichever is less. The total area of the changeable letter area shall be included in determining the total permitted sign area for any such business and shall meet any applicable sign height restrictions.

Nonprofit and charitable organizations shall be permitted stand-alone changeable letter signs which conform to Section 7.4.2. Temporary signs nonprofit and charitable organizations.

Mayor Tarr thanked the Planning Commission for reviewing the Sign Ordinance as this has been an ongoing issue since 2002.

3. Discuss Keeping 911 Dispatch Service and Its Funding

Mayor Tarr stated that the Committee has met twice to simplify the math and list the pros and cons. He stated that in the Spring there were 4 part-time dispatchers who left at about the same time. He added that the Town's 911 Center had to hire and train 4 new employees. He stated that retaining part-time employees has been an ongoing problem. He reported that the 911 equipment has to be replaced at a cost of \$177,000 with a grant to pay all but \$26,000 in matching funds from the Town. He also stated that the dispatchers need to be brought up to specific standards having 2 dispatchers on duty at all times. He also mentioned all of the other duties that the Town's dispatchers do that most 911 Centers do not handle.

Mayor Tarr commended the 911 Center for all their hard work. He added that they compared the Town's 911 Service to the Eastern Shore's 911 Service. He stated that the Town allowed the 911 Service to be handled by the County's 911 Service under a 30 day trial basis. He feels the trial went very well and considered it a success. He also reported that there were 2 meetings with selected members from Council, the Fire Company and EMS and staff. They discussed dispatching 911 calls, upgrades to equipment, and the ability to run a 911 Center comparable to the Eastern Shore 911 Center. He feels there are two options:

- Option 1 is to continue dispatching 911 calls, upgrade the equipment and hire personnel. Mayor Tarr advised that staff recommends to hire 3 full-time positions – 2 dispatchers 24 hours per day, 7 days a week 365 days a year. He added they would increase training to include emergency medical dispatch and increase salaries to retain the employees along with continuing to upgrading the 911 system every 3-5 years.
- Option 2 is to turn dispatch over to the County, which would cause the Town to lose approximately \$85,000 per year. He stated that the Town would be at \$124,000 and this amount does not address the increase in the town's healthcare increase of 15%.

Mayor Tarr also stated that by selection Option 1 it would put the number of Town employees above 50 and will be affected by the Affordable Healthcare Act. He added that either of the options would bring the Town's 911 System up to standard for the public getting ambulances out with appropriate dispatching. He advised that there are rumors that they're closing the Dispatch Center. He stated that this is not true. He added that the Police, Fish & Wildlife along with the Park Service would be dispatched from the Town's Dispatch Center. He also added that they were told that the Eastern Shore 911 Center was owned by Accomack County and this is not true. I stated that it is a Commission made up of members from Northampton and Accomack Counties and at-large members. Someone from the Eastern Shore 911 Center and Fire Chief Harry Thornton was supposed to be at tonight's meeting but were held up across the bay because of the storm.

Mayor Tarr advised of questions from the public regarding reverse 911. He advised that this ability will still be intact. He advised that it is a huge increase in the budget and can be afforded the first year because of the grant, but won't pay for the next fiscal year.



STAFF REPORT

To: Planning Commission
From: Bill Neville, Director of Planning
Date: October 8, 2013 (**Revised November 12, 2013**)
Subject: Subdivision Ordinance Review

❖ Sidewalks/Crosswalks and Trails

Sidewalk construction in the Town of Chincoteague is a required element of a major subdivision application; however the greatest need is to complete disconnected sections along existing roadways and to extend the sidewalk system into areas previously annexed from Accomack County.

The Planning Commission considered several aspects of sidewalk and trail construction standards at the October 8, 2013 meeting. At a minimum, a recommendation to incorporate the current sidewalk policy standards into the Subdivision Ordinance was proposed as follows:

- 14.09. Improvements required to be provided in a major subdivision.*
- 15.05. Improvements required to be provided in a minor subdivision.*

The following improvements shall be provided by the developer in a major subdivision as a prerequisite for recordation of the final plat, as may be required:

(a) Public roads developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the secondary system of state highways maintained by the Virginia department of Transportation and/or the town, if the developer intends for said roads to be public and not maintained by the developer and/or the owners of lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does not intend such roads to be added to the secondary system, and with the expressed written agreement of the subdivision agent, private roads satisfying the following requirements or criteria..

5. Sidewalks, curbs, gutters and driveway aprons. Concrete structures shall be installed within the right-of-way and conform to the specifications of the Town of Chincoteague Drawing Number 35, "Miscellaneous Concrete Work." If curb ramps are utilized they shall conform to the requirements of the Americans with Disabilities Act.

- a. Width. *The width of the sidewalk and the drive apron shall be five feet (5').*
Length. *The standard length of the drive apron shall be fifteen feet (15'); if the owner desires a longer drive apron, then the difference in the total length and fifteen feet (15') shall be born entirely by the owner.*
- b. Right-of-way. *The width of the road shall be maintained at a minimum of thirty feet. (30').*
If the road right-of-way is a minimum of forty feet (40'), the sidewalk and drive apron may be placed abutting the owner's property line.
If the road right-of-way is less than forty feet (40'), an easement of five feet (5') of the owner's property along the property line must be deeded to the Town upon which to install the sidewalk and drive apron.
- c. Other. *Any manmade or natural structures within the area where the sidewalk and/or drive apron is to be located, shall be removed entirely at the owner's expense.*

Additional revisions to the Subdivision and Development Ordinance should address when sidewalks are required to be constructed by a developer or landowner, where they should be built (trail in a rural section road), and what are the standards for construction. Staff will continue to work on draft changes as directed.



STAFF REPORT

To: Planning Commission
From: Bill Neville, Director of Planning
Date: November 12, 2013
Subject: Subdivision Ordinance Review

❖ Private Streets

The history of subdivision control has been complicated by the use of both Town and County ordinances prior to a comprehensive annexation in 1989 and our recent efforts to clarify future road requirements in 2007 and 2008. Consequently we have private roadway problems that generally fall into the following categories:

1. Private ownership of road right-of-way by single owner(s) who does not necessarily own building lots within the subdivision. In some cases, this is the original developer that has refused to maintain the private roads to a standard that allows for safe access to the lots, and has not deeded the roadway to the property owners. Drainage issues associated with maintenance of ditches has also become a significant issue for many Town residents.
2. Common private ownership of road right-of-way by multiple owners of building lots within the subdivision. In some cases, the majority of owners are not year round residents and have refused to pay for, or agree to allow for, the common maintenance of the roadways serving their lots.
3. Mixed public and private ownership of road right-of-way due to Town ownership of land partially served by the private roadway. In this case, it is not clear how to set up and enforce a shared cost agreement for maintenance if the majority of owners are unwilling to participate.

Private Street Standards

A review of the following documents was completed to determine the minimum design standards for a subdivision street if a developer intends to maintain a private street system and if approval from the 'subdivision agent' (zoning administrator) is obtained.

- Town of Chincoteague Land Subdivision and Development Ordinance (Appendix B)

- The prior ordinance which prohibited private streets was revised on 9/4/07 to allow private streets serving proposed subdivisions if certain criteria (1-11) were met and a written agreement was reached with the subdivision agent
 - The subdivision agent is the Town Zoning Administrator and his determination may be appealed to the Planning Commission and Town Council if necessary
 - The adopted design criteria require a private street to be constructed to public street standards unless otherwise modified through written agreement
 - Ordinance section 15.05.a.12, in the case of a minor subdivision of less than 11 lots, requires the zoning administrator to determine whether public or private streets are required, and also which design criteria will be enforced
 - Ordinance section 15.05.a.13 allows the zoning administrator and the director of public works to make reasonable modifications or deviations from the requirements and criteria given the specific circumstances of each application
- VDOT Subdivision Street Requirements 2005, as amended
 - Most subdivision streets function similar to an urban area; therefore, the urban classification of street standards is used
 - Minimum urban standard is 28 feet of paved surface with concrete curb and gutter/sidewalk that provides parking on both sides of the roadway and a piped storm water drainage system
 - Minimum rural standard is 18 feet of paved surface with 4 foot graded shoulders, and open ditch for drainage. Shoulder width may be reduced to 2 feet when pedestrian facilities are provided behind ditches. Rural standards anticipate large lot subdivisions with adequate off street parking and well spaced driveway entrances
 - VDOT Urban Maintenance Program requirements
 - Non-hard surfaced streets do not qualify for street payments
 - 50 feet of right of way width may be important for future qualification

If there are unique conditions for a proposed subdivision of property that support the use of private streets and other important criteria such as drainage, long term maintenance, and off street parking are met by plan submissions and written agreements, then the zoning administrator clearly has the ability to grant modifications to the design criteria. Modification to less than the minimum rural standard is not recommended.

ADDENDUM 5

Model restrictions for property served by private roads and easements:

"The roadway shown on this plat is a private road/easement, the maintenance for which shall not be the responsibility of the Commonwealth of Virginia, the Town of Chincoteague, or any other public body. Maintenance of the said roadway shall be the responsibility of the owner of lots abutting thereon, each of whom shall be responsible for his pro rata share of such maintenance. Assessments for such maintenance shall be made

whenever a majority of the owners of lots abutting on said roadway deem necessary and such assessments shall constitute a lien on all lots from the time of such assessments until paid."

Commissioners are requested to review the Subdivision Ordinance standards and provide direction to Staff whether these sections are adequate to meet the needs of the Town or if amendments are recommended.

PRIVATE ROAD GRADING REQUEST

Any request for the grading of a private road must include the name of a primary "CONTACT" person who assumes the responsibility of acting as a go-between between the Town and the group of private individuals who are making the request. Any questions, comments or other communication with the Town regarding the grading request and project (if approved) must come through the group's contact.

CONTACT NAME AND ADDRESS

Contact Name: _____ Phone: (home) _____

Local Address: _____ (work) _____

(please indicate your 911 street address)

Mailing Address: _____

ROADWAY AND OWNERSHIP

What is the name of the private road you would like to have graded?

Who owns this private roadway? _____

If an association or other property owner's group own this roadway, who is the chief administrative officer and what is his/her title? _____

Name: _____ Title: _____

Phone: (home) _____ (work): _____

What portion of the private road would you like to have graded?

From: _____ To: _____

(Please include the name of at least one intersecting street. If you would like the entire roadway graded, please designate by stating "TO END, "TO TURN—AROUND", or by listing the intersection where it terminates.)

PLEASE COMPLETE PAGES TWO AND THREE. INSURE THAT ALL PARTIES WHO HAVE SIGNED SIGNATURE PAGE THREE HAVE READ THE ATTACHED "PRIVATE ROAD GRADING POLICY".

SKETCH PAGE

III. In the space below, please draw a rough sketch showing the private road, intersections, and approximate locations of all adjacent property owners. Have each of these property owners sign the Signature Page.

SIGNATURE PAGE

IV. All individuals owning property adjacent to the private roadway being proposed for grading must sign below. The "ADDRESS" column must be the local 911 address adjoining the proposed roadway.

	DATE	SIGNATURE	ADDRESS
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
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16.			
17.			
18.			
19.			
20.			

By signing the above, I acknowledge that I have read and agree to the terms contained in the attached "Private Road Grading Policy".

(Please see copy as needed.)

PRIVATE ROAD GRADING POLICY

1. Request for grading must be made in writing to the Town.

2. Such request in a form as prescribed by the Town will be signed by each and every property owner adjacent to the private roadway for which grading has been requested. Such request form shall include appropriate provisions whereby in consideration for such work being performed such property owners agree and acknowledge:
 - (A.) that the Town by performing said grading in no way, either expressly or by implication, assumes ownership, dominion, control, or any responsibility, present or future, to maintain said roadway, or accept said roadway into the public highway system,
 - (B.) that any such roadway can not become dedicated to public use and impose on the Town any obligation to maintain such, unless expressly accepted by the Town in conformity with Chapter 2, Section 56 of the Town Charter,
 - (C.) that any such grading will be deemed to be by and with the consent of the lawful owners of said roadway whether or not such person or entity has executed such request, and the Town by performing such work asserts no rights against any such lawful owner,
 - (D.) that no such property owner executing such request will either individually or collectively undertake or participate in any legal action or proceeding to declare that any such roadway is public and impose on the Town any obligation to maintain such roadway, unless expressly consented and agreed to by the Town prior to the institution thereof.

3. The Town assumes NO responsibility for the manner, method, or result of such work, and such request form shall contain appropriate provisions so indicating, which shall be agreed to by such property owners. Such property owners shall further agree, jointly and severally, to indemnify, save, and hold harmless the Town, its officers, and employees from any and all claims and for any and all damages or loss whatsoever arising out of such work.

4. Any grading considered by the Town will be scheduled for completion at the Town's convenience.

5. The Town will not supply any type of fill material or aggregate.

6. The Town will Finish Grade only; it will not level piles of material.

7. The basis for the Town grading any such private roadway shall be for the preservation of any Town vehicles utilizing such roadways as well as making such roadways accessible for emergency vehicles and vehicles performing other Town functions such as trash removal.

