



**State of Vermont  
Policy, Planning & Intermodal Development Division  
Policy, Planning and Research Bureau  
Development Review & Permitting Services Section**

*Agency of Transportation*

One National Life Drive [phone] 802-828-2653  
Montpelier, VT 05633-5001 [fax] 802-828-2456  
**Vtrans.vermont.gov** [ttd] 800-253-0191

**! LETTER OF INTENT!  
THIS IS NOT A PERMIT**

April 03, 2018

Morris Properties, LLC  
James Morris  
413 Barclay Road  
Barre, VT 05641

Subject: East Montpelier, US2, L.S. 0223+34 LT

Dear Mr. Morris:

Your highway permit application to upgrade an existing access to serve three single family residences and one vehicle repair facility, at the above-referenced location, has been reviewed and found to meet the requirements for work within the highway right-of-way.

Title 19 VSA § 1111 requires that we ensure compliance with all local ordinances and regulations relating to highways. **Your highway permit application will be processed after you provide us with copies of your Act 250 and/or local approvals, including all conditions.** In cases where local zoning does not exist, a letter from the legislative body of the municipality will be acceptable.

When issued, the permit will contain, but will not be limited to, the attached Special Conditions.

This commitment is valid for two years from the date of this letter. Should your other permits require a longer time period, please contact us relative to an extension of time.

This Letter of Intent addresses only access to, work within, and drainage affecting the State highway. It does not address other possible transportation issues, such as access to town highways, use of private roads, and use of railroad crossings. If relevant to the proposed development, such issues must be addressed separately.

If you have any further questions about this matter, please call me at (802) 498-7055.

Sincerely,

Nathan Covey  
Permit Coordinator  
Permitting Services

Attachment

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_  
Theresa Gilman, Permitting Services Supervisor

cc:

Town of East Montpelier

District # 7

Chase & Chase

### **SPECIAL CONDITIONS**

This permit is granted subject to the restrictions and conditions on the back of the permit, with particular attention given to the Special Conditions listed below. This permit pertains only to the authority exercised by the Vermont Agency of Transportation (Agency) under Vermont Statutes Annotated, Title 19, Section 1111, and does not relieve the Permit Holder from the requirements of otherwise applicable statutes, rules, regulations or ordinances (e.g., Act 250, zoning, etc.). The Permit Holder shall observe and comply with all Federal and State laws and local bylaws, ordinances, and regulations in any manner affecting the conduct of the work and the action or operation of those engaged in the work, including all orders or decrees as exist at present and those which may be enacted later by bodies or tribunals having jurisdiction or authority over the work, and the Permit Holder shall defend, indemnify, and save harmless the State and all its officers, agents, and employees against any claim or liability arising from or based on the violation of any such law, bylaws, ordinances, regulations, order, or decree, whether by the Permit Holder in person, by an employee of the Permit Holder, by a person or entity hired by the Permit Holder, or by a Subcontractor or supplier.

The Permit Holder shall accomplish all work under this permit in accordance with detail C and the profile and notes of standard drawing B-71, copy attached, and the attached plan dated March 30, 2018.

**A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such meeting.**

**Please note that the Vermont Agency of Transportation is not a member of Dig Safe.** The Permit Holder shall also contact Derek Lyman, State Signal Engineer, at (802) 249-5079. Mr. Lyman will need to locate and mark all existing buried utility facilities owned by the Agency near the location of the proposed work.

**Upon completion of the work, the Permit Holder shall be responsible to schedule and hold a final inspection. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such inspection.**

**This permit supersedes all earlier permits for the subject land parcels.**

**Any work within the highway rights of way that is not addressed by the included plans or project specifications shall be done in accordance with the Vermont Agency of Transportation, "2011 Standard Specifications for Construction", with the latest amendments and all applicable Vermont Agency of Transportation Standard Drawings. If a discrepancy between the included plans and all Agency specifications is identified, the more stringent specification shall be used.**

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

Two-way traffic shall be maintained at all times unless permission is granted from the District Transportation Administrator. Whenever two-way, one-lane controlled traffic is authorized to be maintained by the Applicant's Contractor, **the traveling public shall not be delayed more than 10 minutes.**

All grading within the State Highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or his or her staff. The Permit Holder shall be responsible for ensuring that all grading work in or on the State Highway right-of-way complies with applicable statutes, rules, regulations or ordinances.

In areas to be grass covered, the Permit Holder shall restore turf by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch, all to the satisfaction of the District Transportation Administrator. The Permit Holder shall be responsible for ensuring that all turf restoration work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

In the event that area lighting proves to be a hazard to the traveling public, the Permit Holder will be ordered to remove or modify it at his or her expense to the satisfaction of the District Transportation Administrator.

This permit does not become effective until the Permit Holder records, in the office of the appropriate municipal clerk, the attached "Notice of Permit Action".

The access must be constructed in such a manner as to prevent water from flowing onto the State Highway. If the access is not constructed satisfactorily, the District Transportation Administrator can order reconstruction of the access at the Permit Holder's expense.

This access will serve as the only access to this property and to any future subdivisions of this property unless approved otherwise by the Agency. The Permit Holder is required to allow a connection and to grant an associated right to pass between the access and adjoining properties (in the future) that will result in a combination of accesses to serve more than one property or lot. By issuance of this permit, the Agency revokes all previous permits for access to this property.

In the event traffic from this project increases to the point where traffic signals, additional lanes for turning or any other modifications are necessary, the Permit Holder shall bear the expense of such improvements or facilities. The Agency may require the Permit Holder to update or provide a traffic study to determine if additional modifications are necessary.

The Permit Holder is responsible for access maintenance (beyond the edge of paved shoulder). "Access maintenance" will include, but not be limited to, the surface of the access, the replacement and maintenance of the culvert, as necessary, the trimming of vegetation, and the removal of snow banks to provide corner sight distance.

In conformance with Vermont Statutes Annotated, Title 19, Section 1111(f), the Agency may eliminate this access in the future where development has burdened the highway system to such an extent that a frontage road or other access improvements (which may serve more than one property or lot) must be constructed to alleviate this burden. The Permit Holder shall bear the expense of the frontage road or other access improvements. The Agency shall determine the need of a frontage road or other improvements based upon and justified by standard Agency procedures.

The Permit Holder shall pave the access (drive) from the edge of paved shoulder to the State Highway right-of-way.

In the event of the Permit Holder's failure to complete all the work, approved under this permit, by the "work completion date," the Agency, in addition to any other enforcement powers that may be provided for by law, may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Agency may physically close the driveway or access point if, in the Agency's opinion, safety of highways users is or may be affected.

The Permit Holder shall promptly and unconditionally pay for full repair and restoration of any and all damages to existing underground utility facilities (meaning any underground pipe, conduit, wire or cable, including appurtenances) that have been brought about by the execution of the permitted work. The Permit Holder also is required to pay for any costs to repair the highway following and resulting from any repairs to existing utilities occurring as a result of the work covered by this permit. Except with the specific, written permission of the Engineer, the Permit Holder or his or her contractor shall expose all underground facilities to verify their location and depth, at each location where the authorized boring or drilling work crosses a facility; and at reasonable intervals when closely paralleling a facility. Whenever possible, existing facilities should be crossed at a perpendicular angle. The Permit Holder shall be responsible for obtaining the modification of this permit, if necessary, for any additional survey work before initiating boring or drilling operations under the permit. The Agency will treat the Permit Holder's failure to fully, promptly, and conscientiously comply with all of conditions of this paragraph, including but not limited to the obligation to pay for repairs, as grounds for the Agency to refuse to grant any further requests by the Permit Holder for any other permits for subsurface work unless the Permit Holder furnishes irrevocable financial security, in a type and an amount deemed sufficient by the Agency in its sole discretion, prior to such future subsurface work.

The Permit Holder shall verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency standards and any additional traffic control deemed necessary by the District Transportation Administrator. The Permit Holder's failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

The Permit Holder will perform construction in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, the Permit Holder shall provide a sign package that conforms to the MUTCD (Manual on Uniform Traffic Control Devices) or Agency standards, as well as trained Flaggers. The District Transportation Administrator may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the District Transportation Administrator may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of UTOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

The Permit Holder shall ensure that all workers exposed to the risks of moving highway traffic and/or construction equipment wear high-visibility safety apparel meeting the requirements of ISEA (International Safety Equipment Association) "American National Standards for High-Visibility Safety Apparel," and labeled as ANSI (American National Standards Institute) 107-2004, or latest revisions, for Performance Class 2 or 3 requirements. A competent person - one designated by the Permit

Holder's Contractor to be responsible for worker safety within the activity area of the State highway right-of-way -shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

**Independence; Liability:** The Permit Holder will act in an independent capacity and not as officers or employees of the State.

The Permit Holder shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Permit Holder or of any agent of the Permit Holder. The State shall notify the Permit Holder in the event of any such claim or suit, and the Permit Holder shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement, the Permit Holder may request recoupment of specific defense costs and may file suit in the Washington Superior Court requesting recoupment. The Permit Holder shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Permit Holder.

The Permit Holder shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Permit Holder.

**Insurance:** Before beginning any work under this Permit the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State for the duration of work under the Permit. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations. These are solely minimums that have been established to protect the interests of the State.

Workers' Compensation: With respect to all operations performed under the Permit, the Permit Holder shall carry workers' compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the Permit, the Permit Holder shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations  
Products and Completed Operations  
Personal Injury Liability  
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$2,000,000 Per Occurrence  
\$2,000,000 General Aggregate  
\$2,000,000 Products/Completed Operations Aggregate  
\$ 50,000 Fire/Legal Liability

Morris Properties, LLC  
East Montpelier, US2, L.S. 0223+34 LT  
April 03, 2018  
Page 5 of 5

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

*Automotive Liability:* The Permit Holder shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Permit. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

DRAFT



Surveyors & Septic Designers, Inc

March 28, 2018

VT Agency of Transportation  
Development Review and Permitting Services  
Section  
Attn: Nathan Covey  
One National Life Drive  
Montpelier, VT 05633-5001

301 North Main Street, Suite 1  
Barre, Vt. 05641  
Phone 802-479-9636  
Fax 802-479-4017  
email: cdchase@chasesurveyors.com  
billchase@chasesurveyors.com  
kjurentkuff@chasesurveyors.com

RE: Access Permit, Morris Properties, LLC, 4233 US Route 2, East Montpelier

Dear Nate,  
Please find enclosed an 1111 Application for an updated permit at 4233 US Route 2, East Montpelier.

As we have discussed via email, the original permit was drawn to Norm and Carla Messier in 1990 to serve the residence on Lot 1 (now Morris Properties, LLC) and commercial Lot 2B. Lot 2B was subsequently subdivided into the commercial property now owned by Jim and Ashley Morris and two residential lots owned by Neddo and Bailey to the rear. All three of these properties have access to Route 2 over a 60' wide right-of-way over the Morris Properties, LLC land.

The commercial property is used as an automobile service facility by the Morris'. Per the ITE Trip Generation Manual, an Automobile Care Center (code 942) generates 12.5 one-way trips/service bay/day, or 25 trips per day for the two-bay facility. The ITE trip generation for the single-family residences (code 210) is 9.6 trips/dwelling unit/day, or 29 trips when the final unit on the Bailey property is constructed. Therefore the total trips generated for the existing project(s) is 54 trips. Given the traffic volume on Route 2, this number would appear insignificant.

The largest truck the Morris' have entering the facility is a roll-off car hauler typically associated with towing and repair facilities. Large, over-the-road car transporters capable of delivering multiple vehicle are not utilized here. The roll-off owned by the Morris' has a 215" wheelbase and a 22' deck, which is consistent with the type typical of this area. Turning movements for this truck into and out of the drive – each the worst case from/to the west-bound lane – have been modeled and are depicted on the enclosed diagram. The diagram does indicate that some minor changes to the geometry of the existing drive are appropriate. The necessary radius' and widths are noted on the revised site plan. I believe they are all in keeping with the VTrans requirements.

In accordance with the access standards, it is the Morris' intent to, at a minimum, pave the entry apron as noted on the site plan. If the cost to do so is acceptable, the entire drive to and parking area for the auto care facility will be paved. A note has been added regarding the suitability of the existing subgrade material – or potential lack thereof – beneath the proposed pavement within the right-of-way.

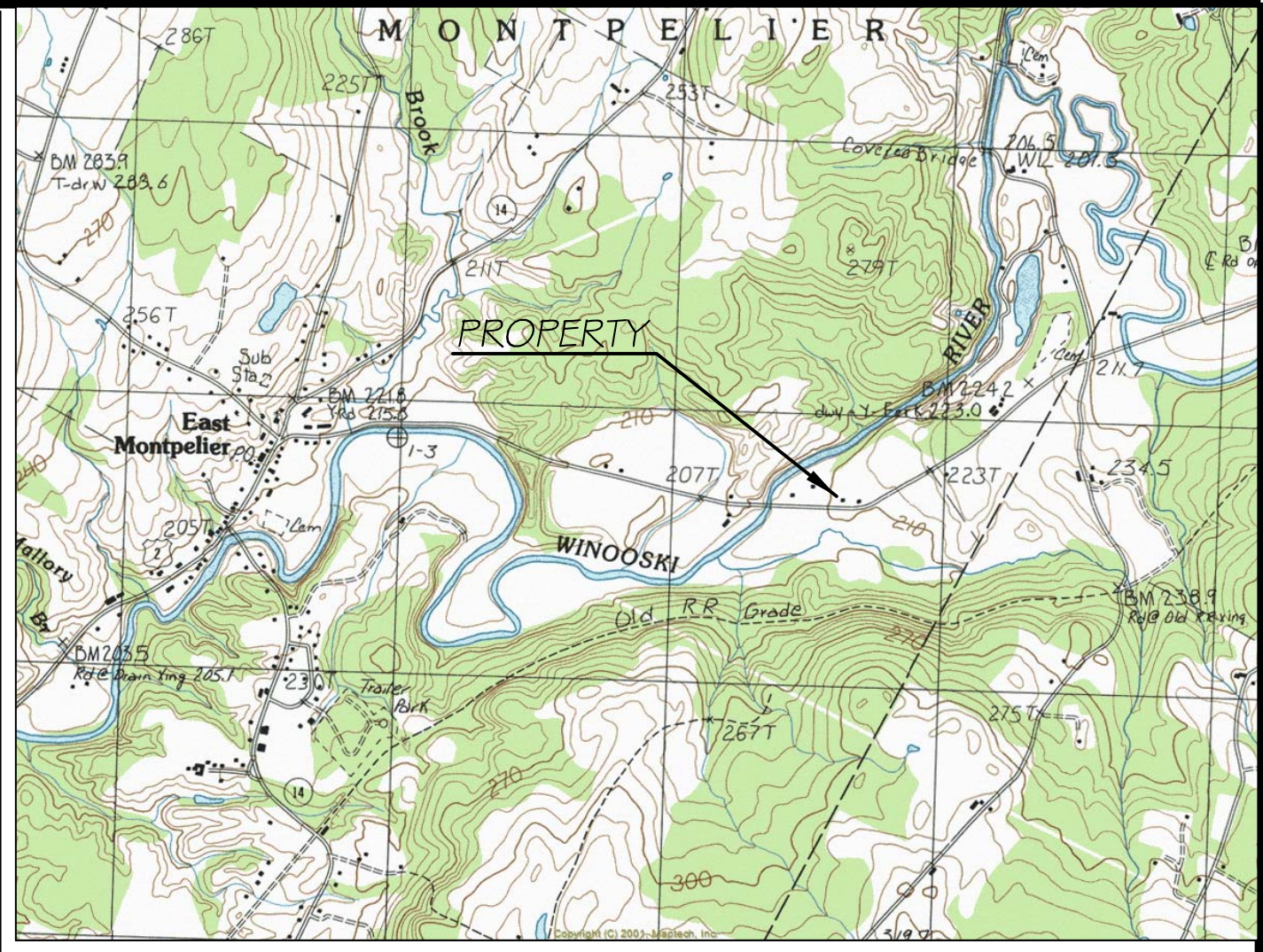
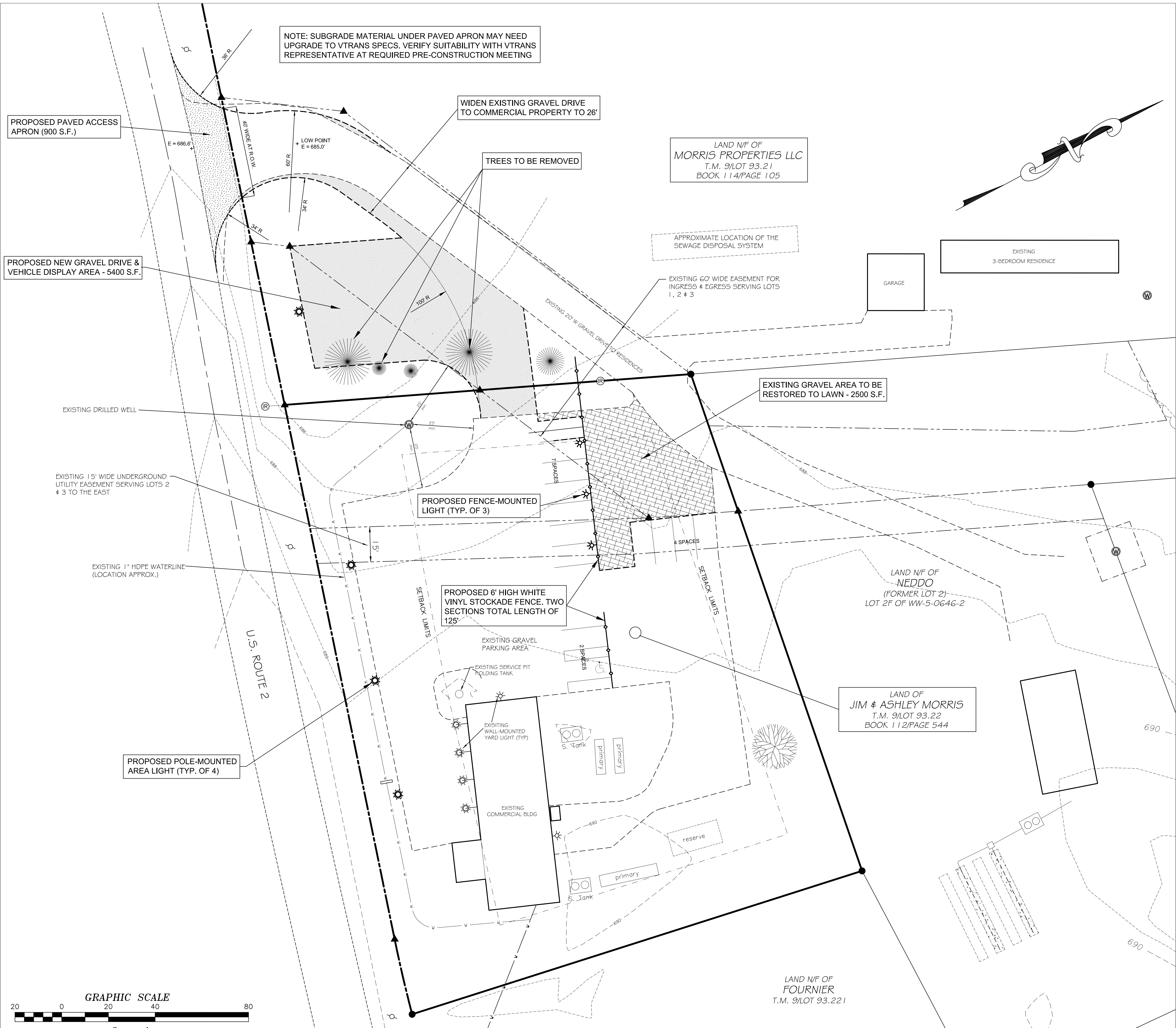
I hope this letter, attached diagram and revised site plan are sufficient to garner a letter of intent from the Agency in regards to this access point. Thank you

Sincerely,

Kris Jurentkuff  
Project Manager







LEGEND:

EXISTING FEATURES	PROPOSED IMPROVEMENTS
ROAD RIGHT OF WAY LINE	FINISH GRADE CONTOUR
PROPERTY LINE	SPOT ELEVATION
LIMIT OF EXISTING EASEMENT	EDGE OF GRAVEL PARKING AREA
SETBACK LINE	VINYL STOCKADE FENCE
EDGE OF PAVEMENT	SURFACE-MOUNTED LIGHT FIXTURE
EDGE OF GRAVEL	POLE-MOUNTED LIGHT FIXTURE
IRON ROD FOUND (DIA. , HT.)	
#5 REBAR SET W/ I.D. CAP	
UNMONUMENTED POINT	
UTILITY POLE	
DRILLED WELL	
EXISTING 1-FOOT CONTOUR	
EXISTING 5-FOOT CONTOUR	

- NOTES:
- MATCH FINISH GRADE OF PROPOSED PARKING EXPANSION TO ORIGINAL. DO NOT ALTER DRAINAGE PATTERNS.
  - MAINTAIN ALL DEPICTED ISOLATIONS BETWEEN EDGE OF PROPOSED PARKING AREAS AND ALL WASTEWATER AND WATER SUPPLY COMPONENTS.
  - VERTICAL DATUM IS NGVD 1929.
  - THE RIGHT-OF-WAY OF ROUTE 2 IS BASED ON A PLAN ENTITLED "SUBDIVISION OF LAND OF NORMAN & CARLA MESSIER, EAST MONTPELIER, VERMONT", DATED AUGUST 1995, BY GREGORY F. DUBOIS, L.S. AS RECORDED IN MAP SLIDE #50 OF THE LAND RECORDS OF THE TOWN OF EAST MONTPELIER.
  - SEE PRIOR SUBDIVISION PLAN ENTITLED "SITE PLAN, KEN BAILEY, 4243 U.S. ROUTE 2, EAST MONTPELIER, VERMONT", DATED AUGUST 1, 2005 BY THIS OFFICE.
  - SEE PRIOR WASTEWATER AND WATER SUPPLY PERMIT WW-5-0646-3.
  - ALL CONSTRUCTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE VERMONT "LOW-RISK SITE HANDBOOK FOR EROSION PREVENTION AND SEDIMENTATION CONTROL" (2006).
  - AT THE OWNERS DISCRETION, THE PARKING/DRIVE AREAS MAY BE PAVED AS SHOWN.
  - ALL PROPOSED LIGHTING SHALL BE HIGH-EFFICIENCY L.E.D. FIXTURES OF SHARP CUT-OFF DOWN-SHIELDED DESIGN.

OWNER/APPLICANT: MORRIS PROPERTIES, LLC  
ADDRESS: 413 BARCLAY RD.  
TAX PARCEL #: 009-01-93.21  
DEED: VOLUME 114/PAGE 105

OWNER/APPLICANT: JIM & ASHLEY MORRIS  
ADDRESS: 413 BARCLAY RD.  
TAX PARCEL #: 009-01-93.222  
DEED: VOLUME 114/PAGE 105

REVISED: 3/28/18 - ACCESS IMPROVEMENTS PER VTRANS ADDED - KKJ

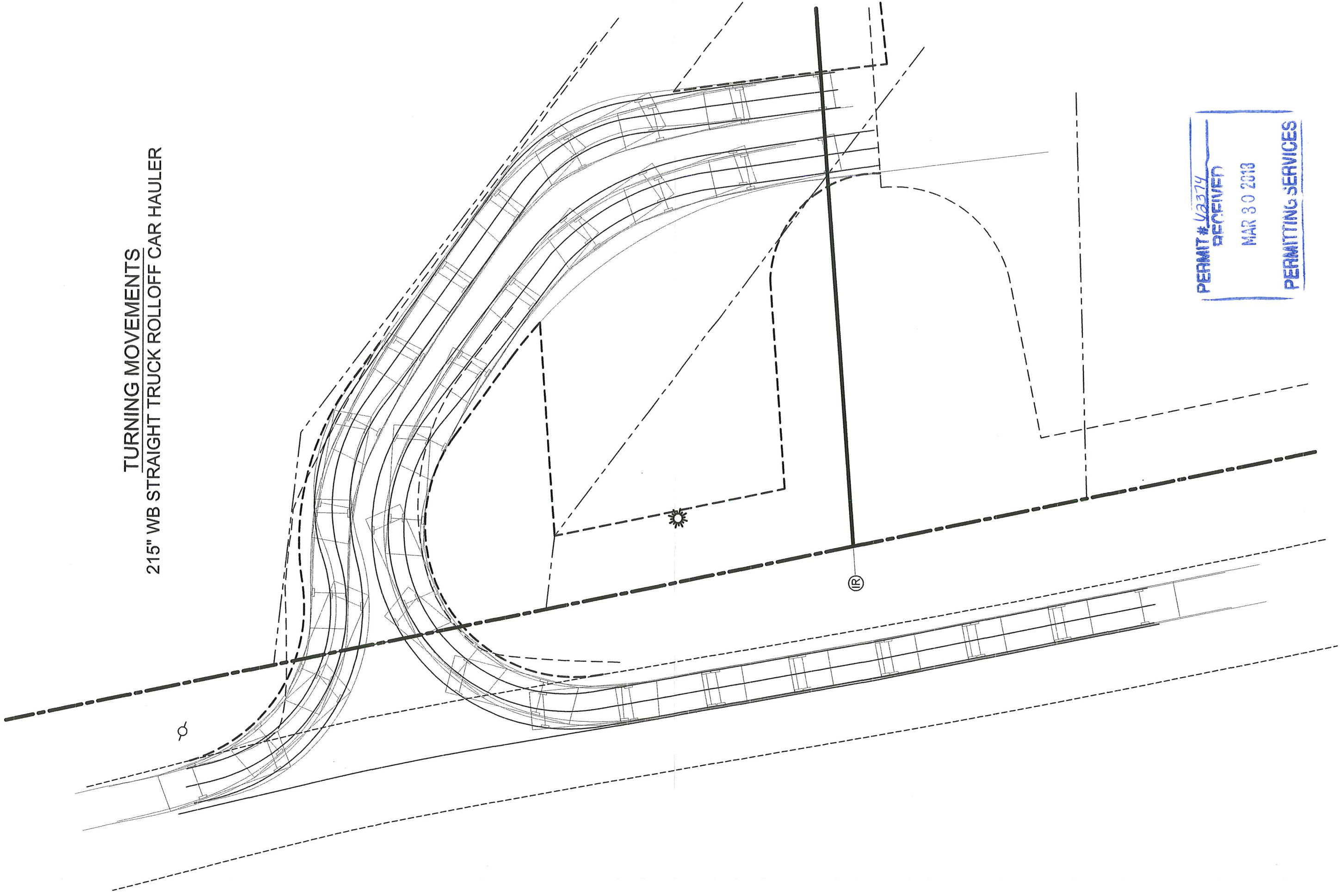
SITE PLAN - PROPOSED IMPROVEMENTS  
JIM & ASHLEY MORRIS AND  
MORRIS PROPERTIES, LLC.  
4233 & 4243 U.S. ROUTE 2  
EAST MONTPELIER, VERMONT

SCALE: 1" = 20' DATE: 3/13/18 PROJ. #2018-022 DWG. # 022A  
DRAWN BY: KKJ CHECKED BY: CDC FB/PG. N/A SHEET 1 OF 1

CHASE & CHASE  
SURVEYORS & SEPTIC DESIGNERS INC.  
301 N. MAIN ST. - BARRE, VT. 05641  
(802)-479-9636



TURNING MOVEMENTS  
215" WB STRAIGHT TRUCK ROLLOFF CAR HAULER



PERMIT # U2374  
RECEIVED  
MAR 30 2018  
PERMITTING SERVICES