VERMONT

State of Vermont *Agency of Transportation*
Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section
Barre City Place, 219 North Main Street [phone] 802-636-0037
Barre, VT 05641 [ttd] 800-253-0191
vtrans.vermont.gov

! LETTER OF INTENT !
THIS IS NOT A PERMIT

March 04, 2021

Donal Cain
4304 East Hill Road
Plainfield, VT 05667
(via e-mail only)

Subject: East Montpelier, US2, L.S. 0162+09 ~ 0163+15 RT

Dear Mr. Cain

Your highway permit application to close open frontage to the highway with grass islands and create two access locations, 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 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,

E-SIGNED by Nathan Covey
on 2021-03-04 14:51:22 GMT

Nathan Covey
Permit Coordinator
Permitting Services

Attachment

E-SIGNED by Theresa Gilman
on 2021-03-05 13:34:54 GMT

Reviewed by: _____
Theresa Gilman, Permitting Services Supervisor

cc: Town of East Montpelier **(via e-mail only)**
District Transportation Office #7 **(via e-mail only)**
Jason Lawrence **(via e-mail only)**
Arthur Montegue

C.K.

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 D and the profile and notes of standard drawing B-71B, copy attached, and the attached plan dated received February 18, 2021.

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 Dan Ertel, State Signal Supervisor, at (802) 343-2188. Mr. Ertel 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.

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

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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.

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 Permit Holder, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the access(es) in accordance with the Special Conditions.

The Permit Holder shall file a municipal clerk certified copy of the recorded "Notice of Permit Action" within one (1) month of the permit issuance date in the Office of the Development Review and Permitting Services Section.

The conditions of this permit and the land uses permitted herein in using the State highway access shall run with the land and are binding upon and enforceable against the Applicant and their successors and assigns.

No change shall be made to the design, operation or use of the approved accesses without a permit amendment issued by the Agency of Transportation or a jurisdictional opinion from the Development Review and Permitting Services Section that a permit amendment is not required.

The accesses at L.S. 162+09 RT and L.S. 163+15 RT 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.

These accesses will serve as the only accesses 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

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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.

When traffic control becomes so complex that the traffic control cannot be accomplished using Agency

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standards, the Permit Holder must submit a traffic control plan to the Agency's Permitting Services office for Agency approval prior to beginning work.

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

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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

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.

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VTrans Permitting Services
Permit # 44293
Received 02/18/2021

VTrans L.S. 162+09 RT

VTrans L.S. 163+15 RT

VT ROUTE 2

22'-7" (6.88M)

13'-4" (4.23M)

24'

GRASS STRIP

5'

5'

GRASS STRIP

24'

GRASS STRIP

RIGHT OF WAY TYP.

PROPERTY LINE

2 ADA PARKING SPACES

EXISTING SURFACE TO REMAIN

LOADING ZONE

3070 RTE 2

25'

20'

50'

ACCESS LANE

YARD ACCESS

EXISTING FENCE TO REMAIN

EASEMENT LINE

WINOOSKI RIVER

10 0 10 20
SCALE OF FEET

SITE - LANDSCAPE PLAN

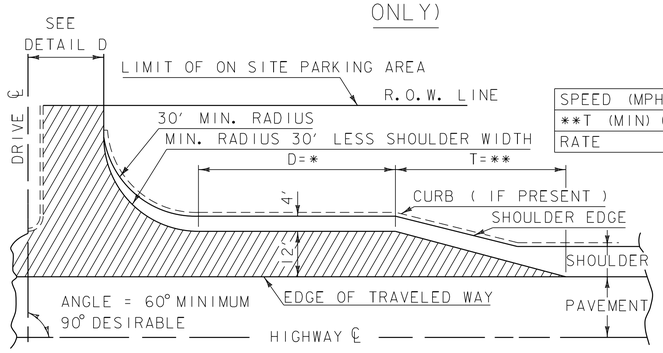
3070 RTE 2 (FOX MARKET) EAST MONTPELIER, VT

JOB NO. 000
SCALE: 1"=10'
DRAWN BY: JFS
DATE: 021721

L100

DETAIL A — RIGHT TURN LANE FOR COMMERCIAL DRIVE (UNSIGNALIZED INTERSECTIONS ONLY)

USE WITH DETAILS B AND D WHEN VOLUME WARRANTS FOR RIGHT TURN LANES ARE MET.

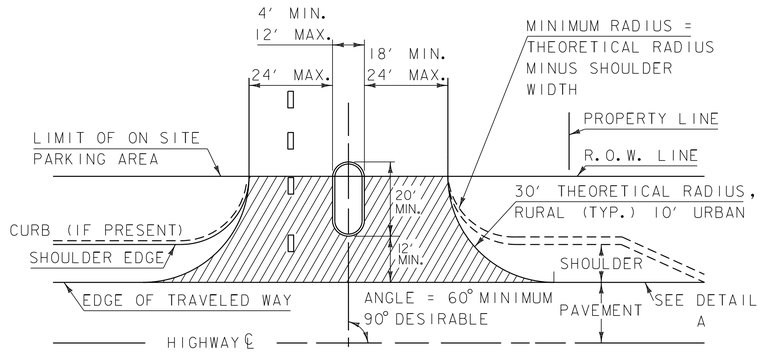


TAPERS

SPEED (MPH)	30	35	40	50
**T (MIN) (FT)	100	120	140	180
RATE	8:1	10:1	12:1	15:1

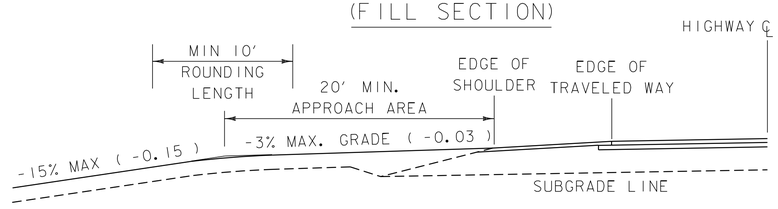
* STORAGE LENGTH IS VARIABLE DEPENDING ON TRAFFIC VOLUME AND MUST BE ADJUSTED TO PROVIDE PROPER DECELERATION LENGTH. REFER TO VTRANS STANDARD E-192

DETAIL B — TWO-WAY COMMERCIAL DRIVE WITH DIVISIONAL ISLAND

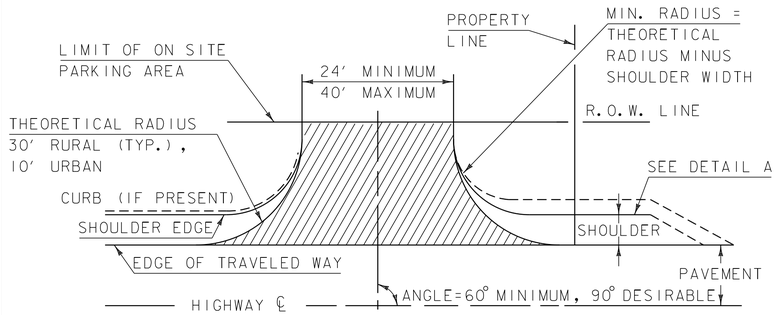


THE CURBED DIVISIONAL ISLAND SHALL NOT EXCEED 4" HEIGHT (AND HAVE NO PROJECTION ABOVE THE CURB HEIGHT WITHIN THE R.O.W. OR CLEAR ZONE)

DETAIL C — PROFILE OF DRIVE INTERSECTION (FILL SECTION)

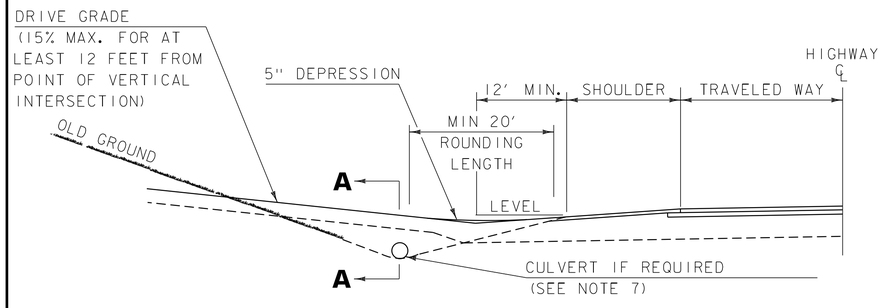


DETAIL D — TWO-WAY UNDIVIDED COMMERCIAL DRIVE

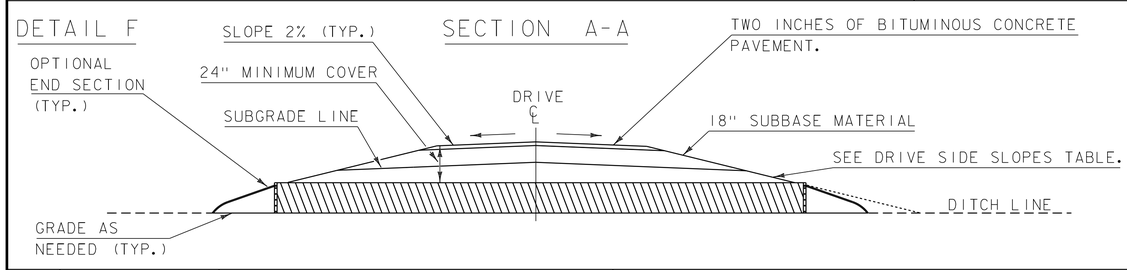


THIS DETAIL WILL ALSO APPLY TO COMMERCIAL SERVICE DRIVES, WHEN AUTHORIZED, HAVING A MAXIMUM WIDTH OF 20'. THE SERVICE DRIVE WILL HAVE A "SERVICE VEHICLES ONLY" SIGN PLACED AT THE HIGHWAY ROW LINE.

DETAIL E — PROFILE OF DRIVE INTERSECTION (CUT SECTION)



DETAIL F — SECTION A-A



DRIVE SIDE SLOPES TABLE

LOCATION OF SLOPE	SLOPE RATE
DESIGN SPEED > 40 MPH	1:6 OR FLATTER
URBAN AREAS, OR DESIGN SPEED < 40 MPH	1:4 DESIRABLE 1:2 ALLOWABLE
OUTSIDE CLEAR ZONE	1:2 OR FLATTER

1. THIS SHEET IS INTENDED FOR USE BY DESIGNERS ON HIGHWAY PROJECTS AND IN CONJUNCTION WITH A PERMIT FOR WORK WITHIN HIGHWAY RIGHTS OF WAY. ALL CONSTRUCTION REQUIRED BY THE PERMIT AND INDICATED ON THIS SHEET SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND IS SUBJECT TO THE APPROVAL OF THE VERMONT AGENCY OF TRANSPORTATION. WHEN USED WITH THE PLANS FOR A HIGHWAY CONSTRUCTION PROJECT, THIS SHEET IS INTENDED TO BE A GUIDE FOR THE DESIGNER CONCERNING DRIVE WIDTHS, HORIZONTAL, VERTICAL AND GEOMETRIC CHARACTERISTICS.

2. ALL COMMERCIAL DRIVES SHALL BE PAVED FROM THE EDGE OF THE TRAVELED WAY TO THE HIGHWAY RIGHT-OF-WAY, TO THE FARTHEST POINT OF CURVATURE ON THE DRIVEWAY EDGE OR AS DIRECTED BY THE DISTRICT TRANSPORTATION ADMINISTRATOR. THIS PAVING IS INDICATED IN DETAILS (A, B AND D) BY HATCHING.

3. DEPTH OF SUBBASE AND PAVEMENT TO BE THE SAME AS HIGHWAY OR AS SHOWN IN DETAIL F WITHIN THE LIMITS OF THE HIGHWAY RIGHT-OF-WAY.

4. VEHICULAR ACCESS FROM PARKING AREAS TO THE RIGHT-OF-WAY AT OTHER THAN APPROVED ACCESS POINTS WILL BE PREVENTED BY THE CONSTRUCTION OF CURBING OR OTHER SUITABLE PHYSICAL BARRIER.

5. IF CURB IS PRESENT, SEE APPROPRIATE CURB DETAIL STANDARD.

6. WHERE TRAFFIC VOLUME FOR A PROJECT IS SUBSTANTIAL THE AGENCY MAY REQUIRE SPECIAL LANES FOR TURNING, SIGNALS OR OTHER MODIFICATIONS. BASED ON TRAFFIC STUDIES THE AGENCY WILL DETERMINE SPECIFIC TREATMENT TO BE USED.

7. CIRCULAR DRAINAGE CULVERTS UNDER DRIVES SHALL HAVE A MINIMUM INSIDE DIAMETER (I.D.) OF 15" OR AS OTHERWISE SHOWN ON THE PLANS. PIPE ARCHES USED UNDER DRIVES SHALL HAVE A MINIMUM INSIDE CROSS-SECTIONAL AREA EQUIVALENT TO THAT PROVIDED BY A 15" CIRCULAR PIPE. IF A CULVERT LARGER THAN 15" IS LOCATED UPSTREAM OF THE PROPOSED CULVERT THEN THE NEW CULVERT SHALL, AS A MINIMUM, MATCH THE SIZE OF THE UPSTREAM CULVERT.

8. THE OFFSET BETWEEN THE PROPERTY LINE AND THE EDGE OF THE DRIVEWAY MAY BE GOVERNED BY LOCAL ZONING LAWS. DRIVEWAY WIDTH RESTRICTIONS SHOWN PERTAIN ONLY TO THE AREA WITHIN THE HIGHWAY R.O.W. OR THE END OF THE TURNING RADIUS WHICHEVER IS GREATEST.

9. DRIVEWAY GRADES STEEPER THAN THOSE SHOWN MAY BE ALLOWED AS LONG AS A 20' APPROACH AREA IS ACHIEVED FOR THE VEHICLE TO PAUSE BEFORE ENTERING THE HIGHWAY.

10. THIS STANDARD APPLIES TO LARGER RESIDENTIAL DEVELOPMENTS, SUBDIVISIONS AND OTHER COMMERCIAL ACCESSES. SEE VTRANS STANDARD B-71A FOR FIELD DRIVES, LOGGING DRIVES, AND RESIDENTIAL ACCESSES SERVING UP TO TWO SINGLE FAMILY HOMES OR A DUPLEX.

11. FOR DRIVEWAY AND INTERSECTION SPACING DISTANCES REFER TO THE "VERMONT AGENCY OF TRANSPORTATION ACCESS MANAGEMENT PROGRAM GUIDELINES", LATEST REVISION.

12. INTERSECTION SIGHT DISTANCES, EQUAL TO OR GREATER THAN THOSE SHOWN BELOW, SHOULD BE PROVIDED IN BOTH DIRECTIONS FOR ALL DRIVES ENTERING ON PUBLIC HIGHWAYS, UNLESS OTHERWISE APPROVED BY THE AGENCY OF TRANSPORTATION. INTERSECTION SIGHT DISTANCE IS MEASURED FROM A POINT ON THE DRIVE AT LEAST 15 FEET FROM THE EDGE OF TRAVELED WAY OF THE ADJACENT ROADWAY AND MEASURED FROM A HEIGHT OF EYE OF 3.5 FEET ON THE DRIVE TO A HEIGHT OF 3.5 FEET ON THE ROADWAY. STOPPING SIGHT DISTANCE IS MEASURED FROM AN EYE HEIGHT OF 3.5 FEET TO AN OBJECT HEIGHT OF 2.0 FEET ON THE ROADWAY.

SIGHT DISTANCE TABLE

POSTED SPEED OR DESIGN SPEED (MPH)	MINIMUM STOPPING SIGHT DISTANCE (FT)	MINIMUM INTERSECTION SIGHT DISTANCE (FT)
25	155	280
30	200	335
35	250	390
40	305	445
45	360	500
50	425	555
55	495	610

THE ABOVE VALUES ARE TAKEN FROM THE 2011 AASHTO "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS & STREETS."

REV.	DATE	DESCRIPTION
0	JUL. 1, 2019	ORIGINAL APPROVAL

OTHER STANDARDS REQUIRED:

COMMERCIAL DRIVES

VTrans Working to Get You There — VERMONT AGENCY OF TRANSPORTATION

STANDARD B-71B