



State of Vermont  
Policy, Planning & Intermodal Development Division  
Policy, Planning and Research Bureau  
Development Review & Permitting Services Section  
Barre City Place, 219 North Main Street  
Barre, VT 05641  
vtrans.vermont.gov

*Agency of Transportation*

September 25, 2019

Frederick H. Budzyn  
Po Box 65  
Post Mills, VT 05058

Subject: Berlin, US302, L.S. 0075+50 RT

Dear Mr. Budzyn:

Your application for a permit to work within the State Highway right-of-way to replace a sewer service line, at the location indicated, has been processed by this office and is enclosed.

**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.**

**Any excavation within five (5) feet from the edge of pavement, and more than five (5) feet deep, must be sheeted to prevent undermining of the highway pavement.**

Please contact the District Transportation Office #7 prior to starting work in the state highway right-of-way. The telephone number in St. Johnsbury is (802) 748-6670.

Sincerely,

Nathan Covey  
Permit Coordinator  
Permitting Services

Enclosures

cc: District Transportation Office #7  
Town of Berlin Sewer Commission

PERMIT ID# 43491

FOR AGENCY USE ONLY

Town: Berlin  
Route: US 302  
Mile Marker: 1.43 RT  
Log Station: 75+50 RT

VERMONT AGENCY OF TRANSPORTATION  
State Highway Access and Work Permit

Owner's/Applicant's Name, Address, E-mail & Phone No. Frederick H. Budzyn 802-371-7653  
PO Box 65 Post Mills VT 05058 fdg.appliance@gmail.com  
Co-Applicant's Name, Address, E-mail & Phone No. (if different from above) \_\_\_\_\_

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)  
465 Rte 302 Berlin VT heading south from Price Chopper entrance @ 1/2 mile  
Description of work to be performed in the highway right-of-way (attach plan) upgrade  
replacement of sewerline from building to street

Property Deed Reference Book: 52 Page: 272 (only required for Permit Application for access)  
Fee \$ 100.00/m (fees do not apply for residential or agricultural purposes)

Is a Zoning Permit required? Yes ☐ No ☐ - If Yes, # \_\_\_\_\_  
Is a 30 VSA § 248 permit required? Yes ☐ No ☐ - If Yes, # \_\_\_\_\_  
Is an Act 250 permit required? Yes ☐ No ☐ - If Yes, # \_\_\_\_\_  
Other permit(s) required? Yes ☐ No ☐ - If Yes, name and # of each \_\_\_\_\_

Date applicant expects work to begin Sept - Oct 20 19  
Owner/Applicant: Frederick Budzyn Position Title: owner  
(Print name above)

Sign in Shaded area: [Signature] Date: 9/23/19

Co-Applicant: \_\_\_\_\_ Position Title: \_\_\_\_\_  
(Print name above)

Sign in Shaded area: \_\_\_\_\_ Date: \_\_\_\_\_

INSTRUCTIONS:

-Contact the Development Review and Permitting Services Section (802.636.0037) or your local area Transportation Maintenance District Office to determine your issuing authority. The issuing authority will determine what plans, fee and other documents are required to be submitted with your Vermont Statutes Annotated, Title 19, Section 1111, permit application request.

- **Original signatures are required on an original Form.** The Owner/Applicant and Co-Applicant (if applicable) declares under the pains and penalty of perjury that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.

FEE:

-See Fee Schedule for applicable administrative processing and application review fee.

PERMIT APPROVAL

This covers only the work described below: Permission is granted to work within the State Highway right-of-way to replace a sewer service line, and incidental items, at the location indicated, in accordance with the attached plan and permit special conditions.

The work is subject to the restrictions and conditions on the reverse page, plus the Special Conditions stated on the attached page(s).  
Date work is to be completed December 1, 2020 Date work accepted: \_\_\_\_\_

By: \_\_\_\_\_ Issued Date September 25, 2019 By: \_\_\_\_\_ DTA or Designee  
Authorized Representative for  
Secretary of Transportation

NOTICE: This permit covers only the Vermont Agency of Transportation's jurisdiction over this highway under Vermont Statutes Annotated, Title 19, Section 1111. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations. This permit 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.

No work shall be done under this permit until the owner/applicant has contacted the District Transportation Office at:

District #7 1068 US Route 5, Suite 2, St. Johnsbury, Vermont 05819 (802) 748-6670

July 1, 2016 (All previously dated editions are not valid)



## RESTRICTIONS AND CONDITIONS



### DEFINITIONS:

- "Agency" means the Vermont Agency of Transportation (a/k/a VTTrans).
- "Engineer" means the authorized agent of the Secretary of Transportation.
- "Owner/Applicant" means the party(s) to whom the permit is to be issued.
- "Co-Applicant" means the party who performs the work, if other than Owner/Applicant or a secondary Owner/Applicant under a joint permit application.
- "Permit Holder" means the party who currently owns the lands abutting the highway that are the subject of the permit.

### GENERAL:

By accepting this permit, or doing any work hereunder, the Owner/Applicant agrees to comply with all of the restrictions and conditions and any imposed special conditions. If the Owner/Applicant is aggrieved by the restrictions and conditions or special conditions of the permit, they shall submit a written request for consideration to the Engineer within 30-days of permit issuance and prior to starting any work. No work will be authorized by the Agency, or performed under the permit, until the dispute is fully resolved.

Vermont Statutes Annotated, Title 30, Chapter 86 ("Dig Safe") requires notice to Dig Safe before starting excavation activities. The Permit Holder or his/her contractor must telephone Dig Safe at 811 at least 48 hours (excluding Saturdays, Sundays and legal holidays) before, but not more than 30 days before, starting excavation activities at any location. In addition, please note that the Agency and many municipalities are not members of Dig Safe and will need to have their utility facilities investigated with due diligence prior to starting excavation activities in or on the State Highway right-of-way.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the State Highway right-of-way. A copy of this permit and Special Conditions must be in the possession of the individual performing this work for the Permit Holder.

Except with the specific, written permission of the District Transportation Administrator, all work in the State Highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15. These limitations will not apply for the purposes of maintenance, emergency repairs, or proper protections of the work which includes, but not limited to, the curing of concrete and the repairing and servicing of equipment.

The Owner/Applicant shall be responsible for all damages to persons or property resulting from any work done under this permit, even if the Applicant's Contractor performs the work. All references to the Owner/Applicant also pertain to the Co-Applicant.

The Owner/Applicant must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.

The Owner/Applicant must, in every case where there is a possibility of injury to persons or property from blasting, use a pre-approved Blasting Plan. All existing utility facilities shall be protected from damage or injury.

The Owner/Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night and must be MUTCD (Manual on Uniform Traffic Control Devices) compliant.

All temporary and permanent traffic control measures and devices shall be MUTCD compliant.

The Owner/Applicant shall not do any work or place any structures or obstacles within the State Highway right-of-way, except as authorized by this permit.

The Owner/Applicant may pay the entire cost of the salary, subsistence and traveling expenses of any inspector appointed by the Engineer to supervise such work.

The Engineer may modify or revoke the permit at any time for safety-related reasons, without rendering the Agency or the State of Vermont liable in any way.

In addition to any other enforcement powers that may be provided for by the law, the Engineer may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Engineer may physically close the work area and take corrective action to protect the safety of the highway users.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a minimum period of eighteen (18) months after final inspection by the District.

Any approved variance from the permitted plans is to be recorded on "as-builts" with copies provided to both the Chief of Permitting Services and the District Transportation Administrator.

### ACCESS:

This permit (if for access) does not become effective until the owner/applicant records in the office of the appropriate municipal clerk, the attached "Notice of Permit Action"

As development occurs on land abutting the highways, the Agency may revoke a permit for access and require the construction of other access improvements such as the combination of access points by adjoining owners.

Under Vermont Statutes Annotated, Title 19, Section 1111, no deed purporting to subdivide land abutting a state highway can be recorded unless all the abutting lots so created are in accordance with the standards of Section 1111.

The Permit Holder acknowledges and agrees that neither this permit nor any prior pattern of use creates an ownership interest or other form of right in a particular configuration or number of accesses to or through the highway right-of-way, and that the right of access consists merely of a right to reasonable access the general system of streets, and is not a right to the most convenient access or any specific configuration of access.

### DRAINAGE:

The Owner/Applicant shall install catch basins and outlets as may be necessary, in the opinion of the Engineer, to preclude interference with the drainage of the state highway. Direct connections shall not be allowed without written approval.

### UTILITY WORK; CUTTING AND TRIMMING TREES:

The Owner/Applicant shall obtain the written consent of the adjoining owners or occupants or, in the alternative, an order from the State Transportation Board in accordance with, Vermont Statutes Annotated, Title 30, Section 2506, regarding cutting of or injury to trees.

In general, all utilities shall be located adjacent to the State Highway right-of-way boundary line and shall be installed without damaging the highway or the highway right-of-way. No pole, push-brace, guy wire or other aboveground facilities shall be placed closer than 10 feet to the edge of traveled-way. If the proposed utility facilities are in conflict with the above, each location is subject to the approval of the Engineer.

Poles and appurtenances shall be located out of conflict with intersection sight distance, guardrail, ditches, signs, culverts, etc.

Where the cutting or trimming of trees is authorized by permit, all debris resulting from such cutting and trimming shall be removed from the State Highway right-of-way.

Open cut excavation for highway crossings is NOT the option of the Applicant, and may be utilized only where attempted jacking, drilling, or tunneling methods fail or are impractical. The Owner/Applicant shall obtain an appropriate modification of the highway permit from the Engineer before making an open cut.

### JOINT PERMITS:

A joint permit application is required when more than one party will be involved with the construction, maintenance, and/or operation of the facility being constructed under this permit. Examples include, but are not limited to, joint ownership or occupancy of a utility pole line and construction of a municipal utility line by a contractor. Both utility companies, and in the second case, the municipality and the contractor, must be joint applicants.

### **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 the attached plan dated September 24, 2019.

**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.**

**Any excavation within five (5) feet from the edge of pavement, and more than five (5) feet deep, must be sheeted to prevent undermining of the highway pavement.**

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, "2018 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



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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.

Should any portion of the utility facility installed within the State Highway right-of-way require relocation due to future highway improvements, the Permit Holder shall bear all expenses, and all necessary adjustments shall be completed in a timely manner.

The Permit Holder acknowledges and agrees that pursuant to Title 19, Section 26a(b) and applicable federal regulations, VTTrans is required to collect reasonable rent from providers of broadband or wireless communications facilities or services within State rights-of-way. To accomplish this, VTTrans intends to develop lease or license agreements with all covered providers. The Permit Holder acknowledges and agrees that the principles recognized in this paragraph apply not only to the Permit Holder's installation(s) covered by this permit, but also to all past, current, and future situations in which the Permit Holder is a provider of broadband or wireless communications facilities or services within State owned, managed, or controlled rights-of-way. The Permit Holder acknowledges and agrees that neither this permit nor any prior, current, or future pattern of use creates an ownership interest nor any other form of right to occupy or use any property owned, managed, or controlled by the State of Vermont or VTTrans and that VTTrans may revoke or amend this permit at any time and in any manner, in its sole discretion, without rendering the State of Vermont, VTTrans, or any of the State's other agencies, departments, or units or divisions of government liable in any way.

The Permit Holder must backfill all open trenches or pits at the end of each day. With permission from the District Transportation Administrator, trenches or pits may be left open for short periods of time if properly protected. In no case shall trenches or pits be left open over a weekend. The Permit Holder shall be responsible for ensuring that all trench or pit work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

Where a trench is excavated within the roadbed, all backfill material within 24 inches of the bottom of pavement shall be new material from a source approved by the District Transportation Administrator. The Permit Holder shall place all backfill material in six inch layers and compacted to not less than 95% of the material's maximum dry density as determined by AASHTO (American Association of State Highway and Transportation Officials) Standard Method of Test, T-99, Method C, using air or mechanical tampers. (This is a contingency condition in the event the "open cut method" is approved during construction.)

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

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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:

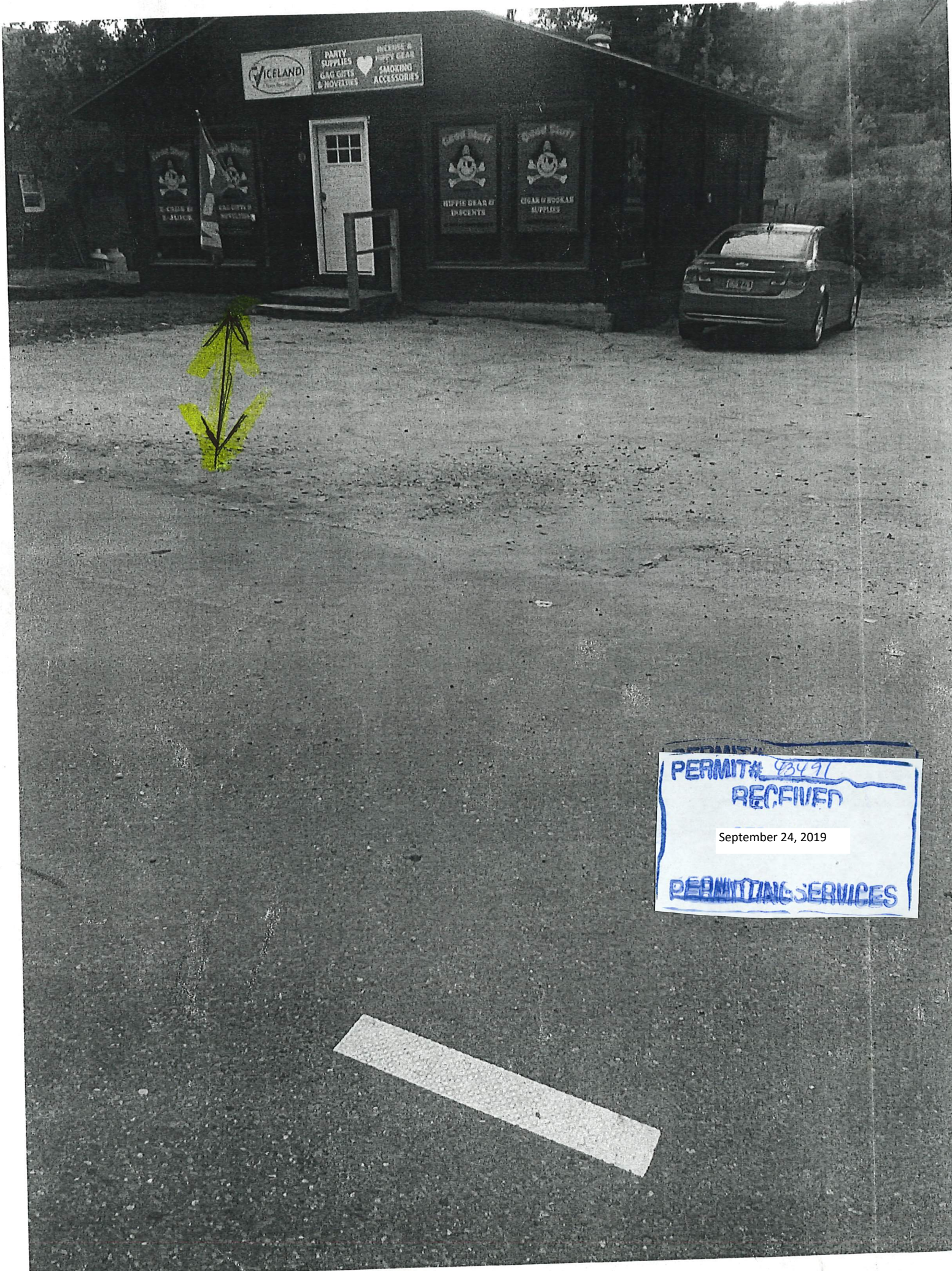
\$2,000,000 Per Occurrence  
\$2,000,000 General Aggregate  
\$2,000,000 Products/Completed Operations Aggregate  
\$ 50,000 Fire/Legal Liability

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.





VICELAND  
PARTY SUPPLIES  
GAG GIFTS & NOVELTIES

INCENSE &  
HIPPIE GEAR  
SMOKING  
ACCESSORIES

GOOD STUFF  
HIPPIE BEAR & ESCENTS

GOOD STUFF  
HIPPIE BEAR & ESCENTS

GOOD STUFF  
HIPPIE BEAR & ESCENTS

PERMIT # 93491  
RECEIVED  
September 24, 2019  
PERMITTING SERVICES



PERMIT# 43991  
RECEIVED

September 24, 2019

PERMITTING SERVICES

6 feet to end of Road  
10 feet  
Tramway

From  
end of Road  
10 feet





Typical Sewer  
line depth noted  
from town of  
Berlin to be 5.5  
+/- feet

Connection

PERMIT# 93991  
RECEIVED  
September 24, 2019  
PERMITTING SERVICES





*Connection*

*Sewer Line*

PERMIT# 43491  
RECEIVED  
September 24, 2019  
PERMITTING SERVICES