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Mile Marker St. Albans Town
Log Station US 7 - LS 110+80 RT
MM 002.10 RT

STATE OF VERMONT
AGENCY OF TRANSPORTATION

PERMIT APPLICATION

Applicant to Complete

Owner's/Applicant's Name, Address & Phone No. Commons Associates, c/o Kellogg Properties
40 West 57th St. New York NY 10019 (212)586-6756

Co-Applicant's Name, Address & Phone No. (if different from above) _____

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)
Route 7 North, Town of St. Albans, Highgate Commons Shopping Center entrance drive

Description of work to be performed in the highway right-of-way (attach sketch) Install curbing and drainage
improvements, repave drive; reconnect loops in drive after paving

Is a Zoning 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 _____
(Use additional sheet, if necessary)

Date work expected to begin September 1998 19 _____

Owner/Applicant COMMONS ASSOCIATES

Signature By: Franklin R. Kelly, Mgr.; D. Kelly, Pres. Date 8/25/98

Co-Applicant _____

Signature _____ Date _____

PERMIT APPROVAL

This covers only the work described below:
Install curbing, 40 foot quadruple loops, construct drainage improvements and repave access.

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, 19 98

By C. Allan Wright Issued Date 10/1/98
Authorized Representative for
Secretary of Transportation

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

SEE OTHER SIDE FOR ADDITIONAL CONDITIONS

No work shall be done under this permit until the owner/applicant has contacted the District Transportation Administrator at:
the District #8 Office in St. Albans, DTA John Bushey, telephone (802)524-5926.

RESTRICTIONS AND CONDITIONS

DEFINITIONS:

"Agency" means the Vermont Agency of Transportation.

"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.

GENERAL:

The Owner/Applicant shall be responsible for all damages to persons or property resulting from any work done under this permit, even if the Co-Applicant 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 blasting mats and bags of sand, if necessary, to prevent the stone from scattering. 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.

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

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.

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.

By accepting this permit, or doing any work hereunder, the Owner/Applicant agrees to comply with all of the conditions and restrictions.

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 Title 30, Section 2506, Vermont Statutes Annotated, regarding cutting of or injury to trees.

In general, all utilities shall be located adjacent to the highway right-of-way boundary line and shall be installed without damaging the highway or the highway right-of-way. No pole, pushbrace, 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 ditches and culverts.

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

The party or parties to whom the permit is granted shall be responsible for corrective action within the work area for a minimum of 18 months from the date of completion or acceptance.

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.

RECEIVED
AUG 28 1998
UTILITIES

Commons Associates
St. Albans Town, US 7, L.S. 110+80 RT
October 1, 1998

SPECIAL CONDITIONS

This permit is granted subject to the conditions on the back of the permit, with particular attention given to the Special Conditions listed below.

All work shall be accomplished in accordance with detail D and the profile and notes of Standard Drawing B-71, copy attached, and the attached revised plan dated September 30, 1998.

If Pole #43 has not been removed by October 2, 1998, the applicant may construct the northerly curb of the access with a 20 foot radius, instead of a 30 foot radius, as shown on the attached plan.

Act No. 86 of 1987 (30 VSA Chapter 86) ("Dig Safe") requires that notice be given prior to making an excavation. It is suggested that the Permit Holder or his/her contractor telephone 1-888-344-7233 at least 48 hours before, and not more than 30 days before, beginning any excavation at any location.

A preconstruction meeting must be held prior to the Permit Holder's employees or contractor beginning work to discuss work to be completed.

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.

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

All grading within the highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or his staff.

In areas to be grass covered, the turf shall be restored by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch to the satisfaction 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, without specific, written permission from the District Transportation Administrator. These limitations will not apply for the purposes of maintenance, emergency repairs, proper protections of the work which includes, but is not limited to, the curing of concrete and for the repairing and servicing of equipment.

All existing pavement markings that become disturbed or overlaid with pavement shall be replaced with durable markings. All costs associated with this work shall be borne by the Permit Holder.

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 period of 18 months after final inspection by the District.

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 their expense.

Any variance from approved plans is to be recorded on "as-builts" with copies provided to both the Utilities Engineer and the District Transportation Administrator.

Upon completion of the work by the Permit Holder, a final inspection will be held.

The Permit Holder shall be responsible for all damages to persons and/or property due to or resulting from any work done under this permit. The Permit Holder shall defend, indemnify and save harmless the State, the Agency, and all of their officers, agents, and employees from all suits, actions, or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person, persons or property, including all costs or expenses to defend against such suits, actions or claims.

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

Curbing or other suitable physical barriers must be installed to control ingress and egress of vehicles to the approved access only.

In the event traffic from this project increases to the point where additional lanes for turning or any other modifications are necessary, the expense of such improvements or facilities shall be borne by the Permit Holder, his/her successors, and assigns. The Permit Holder may be required by the Agency 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 the surface of the access, the replacement of the culvert, as necessary, and the trimming of vegetation to provide corner sight distance.

In conformance with Title 19 VSA § 1111(f), this access may be eliminated in the future where development has burdened the highway system to such an extent that a frontage road must be constructed to alleviate this burden. The expense of the frontage road shall be borne by the Permit Holder, his/her successors or assigns of the properties abutting said frontage road. The Agency of Transportation shall determine the need of a frontage road based upon and justified by standard Agency procedures.

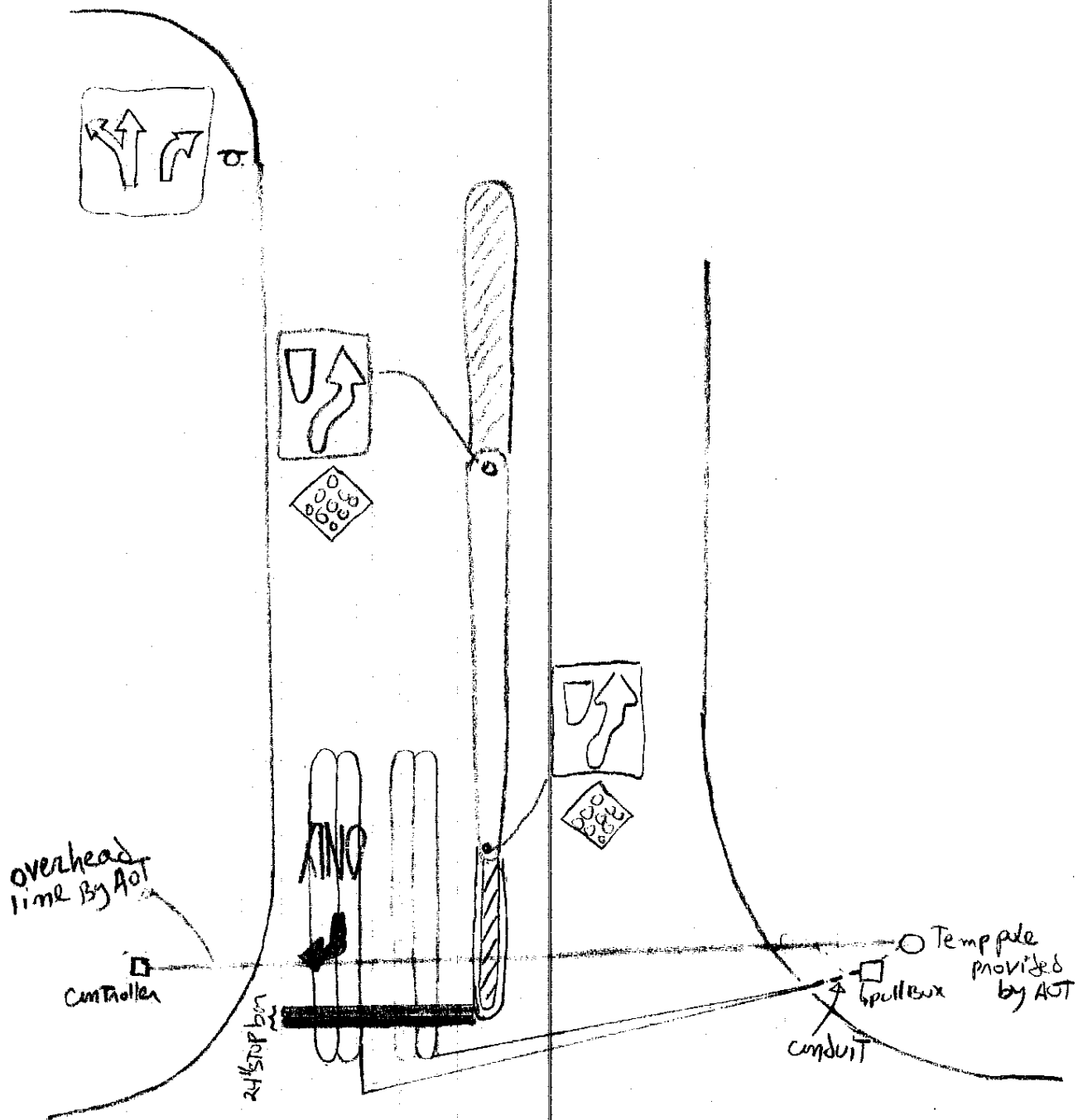
Paving of commercial drives from the edge of paved shoulder to the highway right-of-way may be waived or modified at the discretion of the District Transportation Administrator.

It is incumbent upon the Permit Holder to 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 of Transportation Standards and any additional traffic control deemed necessary by the District Transportation Administrator. Failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

Construction will be performed in such a way as to minimize conflicts with normal highway traffic. Uniformed traffic officers or trained flagpersons, shall be provided when two-way traffic cannot be maintained, and at the request of the District Transportation Administrator whenever he deems it necessary for the protection of the traveling public.



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STATE OF VERMONT
AGENCY OF TRANSPORTATION
133 State Street, Administration Building
Montpelier, Vermont 05633-5001



October 1, 1998

Commons Associates
c/o Kellogg Properties
40 West 57th Street
New York, New York 10019

Subject: St. Albans Town, US 7, L.S. 110+80 RT

Dear Sir or Madam:

Your application for a permit to install curbing, 40 foot quadruple loops, construct drainage improvements and repave access, at the location indicated, has been processed and is enclosed.

Please contact the District Transportation Administrator, John Bushey, to discuss the permit conditions and to arrange for his timely inspection of the work. His telephone number in St. Albans is (802)524-5926.

Sincerely,

Rob Hall

Robert I. Hall
Project Supervisor
Utilities Section

RIH:mw
Enclosures

cc: John Bushey, District Transportation Administrator #8
Doug Hewitt, Pinkham Engineering Associates, Inc.
Catherine Dimitruk, Northwest Regional Planning & Development Commission