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Castleton, VT 4A ±0.94

STATE OF VERMONT
AGENCY OF TRANSPORTATION

PERMIT APPLICATION

Owner's Name, Address & Phone No. Sunrise Plaza, Inc. 40 William N. Gilbert
P.O. Box 452, Hydeville VT 05750

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

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)
Route 4A north side, 0.1 mile east of outlet to L. Bomaseen

Description of the work to be performed (attach sketch) reconstruct access to 5 lot subdivision
servicing 3 ^{existing} businesses, 1 existing home, and 4 new homes

Have zoning or Act 250 permits been applied for? yes, Act 250 issued 2.21.96 (120788)

If yes, give application # or other identification, if different from above.

Date work expected to begin 3/15/96 19 96

Owner x [Signature]

By x [Signature] Date 3-15-96

Co-Applicant _____

By _____

PERMIT APPROVAL

This permit is issued with the following directions, restrictions and conditions, and covers only the work described hereinafter, and then only when the work described is performed as directed, and subject to the following special conditions:

Permission is granted to reconstruct the existing commercial access, at the location indicated, in accord with the attached two sheets of Special Conditions and the attached plan.

Work to be completed by _____ December 1, 19 96

Glenn Gershaneck
Secretary of Transportation

By [Signature] Date 4/4/96
Robert F. Shattuck, Engineering Services Engineer

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.

This permit is effective upon compliance with such of these other requirements as are applicable.

SEE OTHER SIDE FOR ADDITIONAL CONDITIONS

No work shall be done under this permit until the party or parties to whom it is granted shall have communicated with and received instructions from the District Transportation Administrator at the District #3 Office in Rutland.

DTA Wayne Jarvis, phone (802)786-5826.

Applicant to complete

RESTRICTIONS AND CONDITIONS

GENERAL CONDITIONS:

The word "Engineer" as used herein is to mean the authorized agent of the Chief Engineer.

The word "Agency" as used herein is to mean the Vermont Agency of Transportation.

The word "Applicant" as used below is to mean the party(s) to whom the permit is to be issued.

Permit is granted subject to compliance with all federal and state statutes or regulations controlling occupancy of public highways, and adherence to all governing local or national codes, unless specific conditions quoted herein are more restrictive.

Compliance with all local ordinances and regulations relating to highways is required.

All work, including rock blasting, shall comply with all the laws and regulations of the State of Vermont. The permit holder must, in every case where there is a possibility of injury to life or property in blasting, use blasting mats and bags of sand, if necessary, to prevent the stone from scattering. During the progress of the work, all existing utility facilities shall be properly protected from damage or injury.

Such barriers, as may be necessary for the protection of the traveling public, shall be erected and maintained and shall be properly lighted at night. The Applicant shall be responsible for all damages to person or property due to or resulting from any work done under this permit.

Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the state highway in such a manner as to interfere, unnecessarily, with travel over said road.

If any work done under this permit interferes with the drainage of the state highway, such catch basins and outlets shall be constructed as may be necessary, in the opinion of the Engineer, to take proper care of said drainage.

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

The permit may be modified or revoked at any time by the Engineer 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 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 driveway or access point if, in the opinion of the Engineer, the safety of highway users is or may be affected.

All of the above conditions shall be applicable to the work herein authorized, unless the same are inconsistent with the conditions on the face of the permit, in which case the conditions written or printed on the face of the permit shall apply.

The acceptance of this permit, or the doing of any work thereunder, shall constitute an agreement by the party or parties to whom this permit is granted, to comply with all of the conditions and restrictions printed or written herein.

RELATING TO UTILITY WORK AND THE CUTTING AND TRIMMING OF TREES:

This permit is granted on condition that the 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 injury to trees.

In general, all utilities shall be located along and closely adjacent to the highway right-of-way boundary line and shall be installed in such a manner that no damage will result to highway property. No pole, pushbrace, guy wire or other above-ground facilities shall be placed closer than thirty (30) feet from the edge of pavement unless the existing right-of-way is insufficient width. Should the location of the utility facilities covered by this Permit be in conflict with the above, each location must be reviewed by the Engineer, and approved only if, in his opinion, the minimum clearance cannot be obtained.

In the event that observation of the minimum standard will result in the placing of such facilities within 4' of the center of a maintained or natural ditch or within 10.0' of the inlet or outlet of a culvert or any type of waterway which crosses the highway, no anchor guy, pushbraces or other appurtenances shall cross a ditch and thereby be installed between the ditch and roadway.

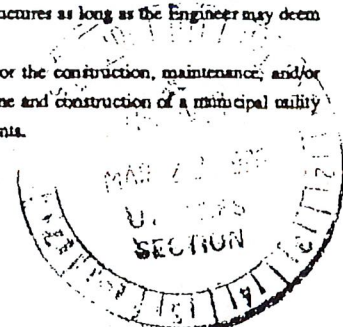
Unless otherwise herein provided, no trees within the limits of the state highway shall be cut or trimmed. No guy wires shall be attached to trees without a special permit from the engineer, and in no event shall they be attached as to girdle-tie trees or in any way interfere with their growth. Wires shall be so protected at all times and places that they shall not interfere with or injure the trees inside or outside the location of the highway.

Where the cutting or trimming of trees is authorized by permit, only such cutting and trimming shall be done as may be designated by the Engineer. All debris resulting from such cutting and trimming shall be removed from the highway limits.

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 prove to be impractical. The Applicant shall obtain an appropriate modification of the highway permit from the Engineer prior to the utilization of open cut methods.

The party or parties to whom the permit is granted shall maintain the surface of the roadway over such structures as long as the Engineer may deem necessary, until all signs of the trench shall have been eliminated.

JOINT PERMITS - A joint permit applicant is required when more than one party will be responsible for the construction, maintenance, and/or operation of the facility being constructed under this permit. Examples are 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.



Sunrise Plaza, Inc.
Castleton, VT 4A, L.S. 49+60 LT
April 4, 1996

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 the attached plan, dated 12/18/95.

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 (800)225-4977 at least 48 hours before, and not more than 30 days before, beginning any excavation at any location.

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 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.

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 eighteen (18) months after final inspection by the District.

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 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.

Sunrise Plaza, Inc.
Castleton, VT 4A, L.S. 49+60 LT
Special Conditions
Page Two

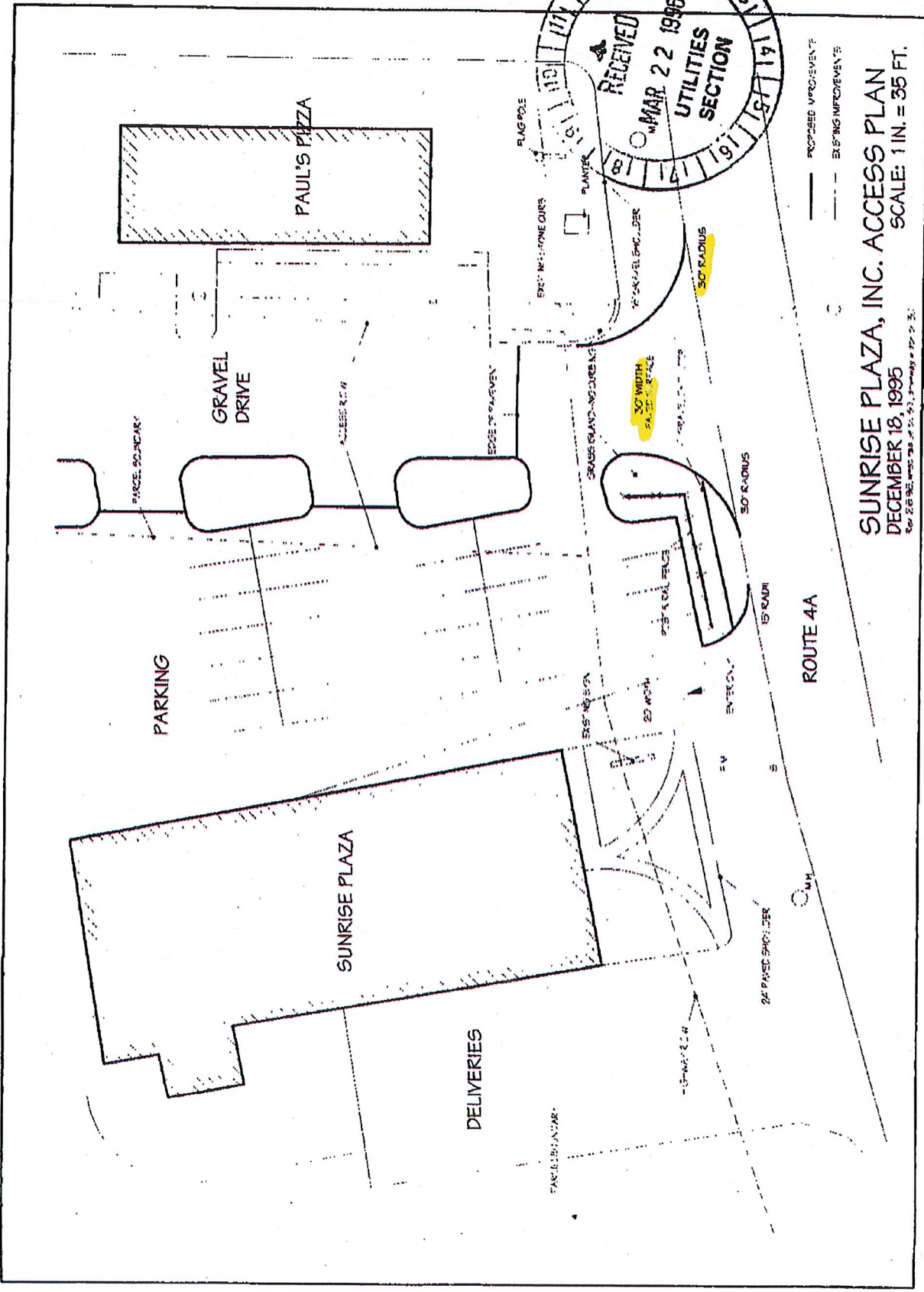
The access must be constructed in such a manner as to prevent water from flowing onto the highway. If the access is not constructed satisfactorily, the District Transportation Administrator can order reconstruction of the access at the Owner's expense.

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).

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.

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.



SUNRISE PLAZA, INC. ACCESS PLAN
 DECEMBER 18, 1995
 SCALE: 1 IN. = 35 FT.

— PROPOSED IMPROVEMENTS
 - - - EXISTING IMPROVEMENTS

FOR 20' PARALLEL MEASUREMENTS
 SEE DRAWING 100-1-1-11 THROUGH 100-1-1-13

TRANSMITTAL REQUESTS
ASSOCIATED WITH ACCESS
PERMIT

Gilbert Realty and Development
Commercial
Investment

Residential
Lake Properties
Rental Properties

Gilbert Realty and Development

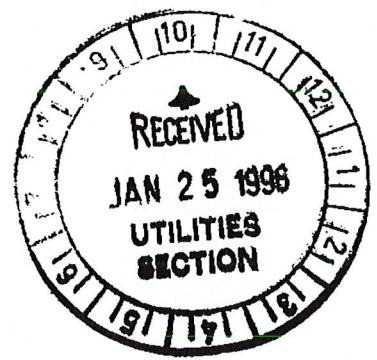
Route 4A, P.O. Box 452
Hydeville, Vermont 05750

Phone: (802) 265-8337 - 468-5303

Telex: (802) 265-2437

POOR ORIGINAL

FAX TRANSMISSION COVER LETTER



DATE: January 24, 1996

TIME: 11:55 GREENE (P.M.)

POOR ORIGINAL

TO: Mr. Sandy Woodbeck
802-282-2437

FROM: J.J. Gilbert
GILBERT REALTY & DEVELOPMENT
ROUTE 4A PO BOX 452, HYDEVILLE, VERMONT 05750

NUMBER OF PAGES (INCLUDING COVER SHEET) THREE (3)
IF YOU DO NOT RECEIVE ALL PAGES CLEARLY, PLEASE CALL
ABOVE NUMBER.

DELIVERY INSTRUCTIONS

POOR ORIGINAL

HIGH PRIORITY DELIVER ASAP!! XX NORMAL PROCESSING _____

CONFIDENTIAL ADDRESSEE ONLY! _____ SUPPLY REQUESTED _____

MESSAGE: YOU HAVE ANY QUESTIONS PLEASE GIVE US A CALL.

Dear Mr. Woodbeck:

This is the revised diagram that we submitted with our application. If this is acceptable please notify us accordingly.

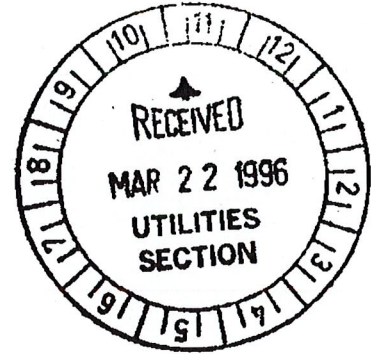
Regards,

J.J. Gilbert

A.T. Stout Land Use Consulting

R.R. 1, Box 1205, Mt. Philo Road
North Ferrisburgh, Vermont 05473 tel/fax (802)425-2301

February 6, 1996



Mr. Sanford Woodbeck
Utilities Division, AOT
133 State Street
Montpelier, VT 05620

Re: Sunrise Plaza, Route 4A, Castleton

Dear Sandy:

Here is the revised access plan as we discussed. I have narrowed the proposed driveway to 30 feet and increase the radius on the western side from 15 to 30 feet.

If this is satisfactory, would you please mail an approval letter to Bill Burke at the Rutland district office, and fax a copy to me at 425-2301 before I leave Thursday. In the mean time, I will forward a hard copy of the plan with the access application, which must first go to Bill Gilbert for his signature.

As always, thanks for your help.

Cordially yours,

A handwritten signature in cursive script, appearing to read 'Anthony T. Stout'.

Anthony T. Stout

✓ cc: Bill Gilbert



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



LETTER OF INTENT
THIS IS NOT A PERMIT

Start file

February 7, 1996

William Gilbert
Gilbert Realty and Development
Post Office Box 452/Route 4A
Hydeville, Vermont 05750

Subject: Sunrise Plaza - VT 4A, Castleton

Dear Mr. Gilbert:

Your revised proposal, dated February 6, 1996, to reconstruct and delineate the proposed access has been reviewed and found to meet the requirements for work within the highway rights-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 upon our receipt of 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 following requirements relative to your request:

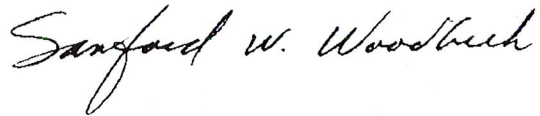
1. Review approval is granted for the attached plan sheet.
2. The access is to be 30' in width with 30' radiuses.

William Gilbert
Gilbert Realty and Development
Subject: Sunrise Plaza - VT 4A, Castleton
February 7, 1996
Page Two

This commitment is valid for 2 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.

If you have any further questions about this matter, please call me at (802)828-2653.

Sincerely,



Sanford W. Woodbeck
Project Supervisor
Utilities Section

SWW:mw
Attachment

c: Town of Castleton
William Burke, District Environmental Coordinator #1
Anthony Stout

Real Estate Development
Commercial
Investment

Residential
Lake Properties
Rental Properties

Gilbert Realty and Development

Route 4-A / P.O. Box 452
Hydeville, Vermont 05750

Phone: (802) 265-8834 - 468-5308

Telefax: (802) 265-2026

March 20, 1996

Utilities Division, AOT
ATTN: Mr. Sanford Woodbeck
133 State Street
Montpelier, VT 05620

RE: HYDEVILLE PLAZA, HYDEVILLE, VERMONT

Dear Sandy:

We are pleased to enclose our Permit Application for your review and approval. If you have any questions please give us a call.

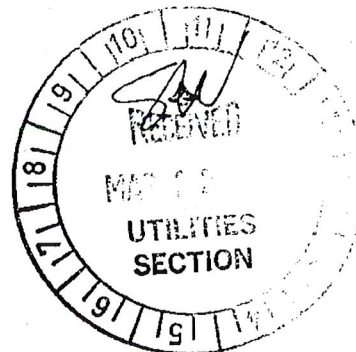
Regards,



William N. Gilbert

WG/edc

Enclosure



TRANS PERMIT EXTENSION REQUEST
TO COMPLETE ACCESS IMPROVEMENTS

Real Estate Development
Commercial
Investment

Residential
Lake Properties
Rental Properties

Gilbert Realty and Development

Route 4-A / P.O. Box 452
Hydeville, Vermont 05750

Phone: (802) 265-8834 - 468-5308

Telefax: (802) 265-2026

October 2, 1996

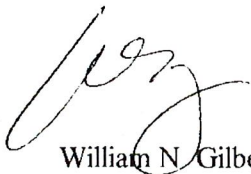
State of Vermont
Agency of Transportation
ATTN: Sanford W. Woodbeck, Project Supervisor
133 State Street, Administration Building
Montpelier, VT 05633-5001.

RE: **SUNRISE PLAZA, INC.**
CASTLETON, VT 4A, L.S. 49+60 LT

Dear Mr. Woodbeck:

It appears that we may not be able to complete or start this project with a completion date of December 1, 1996. As such, I have enclosed copies of the Permit for your review and we would respectfully request an extension to December 1, 1997. Our goal is to do all the work for the entire project at the same time and again, we request an extension from your office.

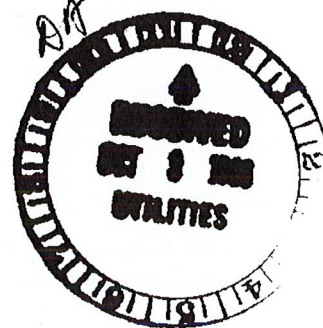
Regards,



William N. Gilbert

WG/edc

Enclosure





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



October 4, 1996

Mr. William N. Gilbert
Gilbert Realty & Development
Route 4-A/Post Office Box 452
Hydeville, Vermont 05750

Subject: Sunrise Plaza, Inc. - Castleton, VT 4A, L.S. 49+60 LT

Dear Mr. Gilbert:

The completion date for the above-referenced permit issued April 4, 1996, for the reconstruction of an existing commercial access, is hereby extended to December 1, 1997.

All of the Special Conditions of the permit remain valid through the extended period. As stated in paragraph 5 of the Special Conditions, no work shall be performed during the period of December 1, 1996, through April 1, 1997, without specific, written permission from the District Transportation Administrator.

Sincerely,

Donald Z. Gilman
Project Supervisor
Utilities Section

DZG:mw

cc: Richard Hosking, District Transportation Administrator #3

Work was not completed.