

Town: Wilmington
 Route: 9
 Mile Marker: 3.82
 Log Station: _____

 VERMONT AGENCY OF TRANSPORTATION
19 V.S.A. § 1111 PERMIT APPLICATION

 Owner's/Applicant's Name, Address & Phone No. ANTHONY & JEANETTE LOPEZ 631/689-5523
10 OLD COACH ROAD, EAST SETAUKET, NY 11733

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)

WILMINGTON, VT ROUTE 9, SOUTH SIDE @ "WHITE HOUSE HILL"

 Description of work to be performed in the highway right-of-way (attach sketch) CREATE DRIVEWAY ACCESS
ONTO THE LOT. (THE UNDEVELOPED EXISTING DRIVE IS "BLIND" TO THE WEST.)

 Property Deed Reference Book: 311 Page: 207 (only required for Permit Application for access)

 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 JUNE 9, 2014

 Owner/Applicant: ANTHONY LOPEZ Position Title: OWNER
 (Print name above)

Sign in Shaded area: _____ Date: _____

 Co-Applicant: _____ Position Title: _____
 (Print name above)

Sign in Shaded area: _____ Date: _____

INSTRUCTIONS:

- Contact the Agency of Transportation, Utilities and Permits Unit (802 828 2653), One National Life Drive, Montpelier, VT 05633, or your local area Agency Transportation Maintenance District to determine your issuing authority.
- Contact the issuing authority to determine what plans and other documents are required to be submitted with your, under Vermont Statutes Annotated, Title 19, Section 1111, permit application.
- Complete this TA 210 Form (some information may not apply to you) and attach all necessary documents and submit it to the issuing authority. We require this application to be signed by the property owner or their legally authorized representative. **Original signatures are required on an original TA 210 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.
- If you have any questions contact the issuing authority.

PERMIT APPROVAL

PERMISSION HAS BEEN GRANTED TO INSTALL A
 DRIVEWAY ACCESS, WITHIN THE STATE RIGHT-OF-WAY

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 JUNE 5, 2015

Date work accepted: _____

 By: Chm Ctl
 Authorized Representative for
 Secretary of Transportation

 Issued Date 6/5/14

 By: _____
 DTA or Designee

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.

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

District #1, 359 Bowen Road, Bennington, VT 05201, (802) 447-2790

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 to whom the permit is to be issued.

"Co-Applicant" means the party who performs the work, if other than Owner/Applicant.

"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 conditions and restrictions and any imposed special conditions. If the Owner/Applicant is aggrieved by the restrictions and conditions of the permit, they shall submit a written request for consideration to the Engineer 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, before excavation and/or pavement grinding in or on the state highway right-of-way, the Permit Holder's Contractor must contact the Agency's District Transportation Administrator to obtain/verify the location of Agency's underground utility facilities or to confirm the absence of such facilities.

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 or 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 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 variance from approved plans is to be recorded on "as-built" with copies provided to both the Chief of Utilities and Permits 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 and 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 highway right-of-way boundary line and shall be installed without damaging the highway or the highway right-of-way. No pole, push-trace, 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.

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

GENERAL

1. 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 Agency of Transportation 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.
 2. All work shall be accomplished in accordance with
 - a. detail A, F, G, H, I and J and the profile and notes of standard drawing B-71, copy attached, and
 - b. the attached plan dated 5/23/14.
 3. 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.
 4. Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.
 5. 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. The Permit Holder shall be responsible for ensuring that all grading work in or on the State Highway right-of-way is in compliance with applicable statutes, rules,
-

regulations or ordinances.

6. 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 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.

7. The placement, size, shape, and color of all pavement markings will be in accordance with the most recent editions of the Manual on Uniform Traffic Control Devices and Vermont Standards. All existing pavement markings that become disturbed or overlaid with pavement shall be replaced with "in kind" (durable or paint) markings. All costs associated with this work shall be borne by the Permit Holder.

8. 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.

9. 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.

UTILITY WORK ONLY

10. Should any portion of the utility facility installed within the highway right-of-way require relocation due to future highway improvements, all expenses will be borne by the Owner, its successors or assigns, and all necessary adjustments shall be completed in a timely manner.

NONCOMMERCIAL WORK ONLY

11. The Permit Holder shall be responsible for all damages to persons and/or property due to or resulting from any work allowed 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.

ACCESS

12. 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 Owner's expense.

13. A new "Vermont Agency of Transportation approved" culvert shall be placed under the access. The size shall be 15 inches in diameter. The culvert shall be placed so that existing normal drainage flow is undisturbed and ponding is not created. The applicant may have to excavate the roadside drainage ditch to accommodate the required culvert. Culvert location shall be staked, reviewed and approved by the District Transportation Administrator prior to installation. There shall be no headwalls allowed within the highway right-of-way on the ends of drive culverts.

14. 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 snowbanks to provide corner sight distance.

15. 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 or other access improvements (which may serve more than one property or lot) must be constructed to alleviate this burden. The expense of the frontage road or other access improvements shall be borne by the Permit Holder, his/her successors or assigns of the properties abutting said frontage road or served by the access. The Agency of Transportation shall determine the need of a frontage road or other improvements based upon and justified by standard Agency procedures.

16. 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 of Transportation, 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 opinion of the Agency, that safety of highways users is or may be affected.

STORMWATER, WATER QUALITY, AND EROSION PREVENTION & SEDIMENT CONTROL

17. All stormwater from the defined area approved by VTrans to discharge into the highway right-of-way shall be pre-treated (to the maximum extent practicable on the Permit Holder land) for water volume, velocity, and quality prior to discharging into the VTrans Stormwater Management System.

18. The Owner/Applicant shall erect and maintain all necessary site erosion prevention and sediment control measures to maintain compliance with Vermont Water Quality Standards within the highway right-of-way. All exposed earth areas having erosion potential must be temporarily or permanently stabilized within seven (7) days of disturbance or as necessary to prevent sediment from entering the VTrans highway stormwater management system. Slopes steeper than 1:3 shall make use of appropriate erosion matting.

19. By acceptance of this Permit, the permittee, for itself, its successors or assigns, agrees to defend, hold harmless and indemnify VTrans, the State of Vermont, and their officers and employees from and against all claims arising out of connections of the permittee's stormwater management system to the VTrans highway stormwater management system.

TRAFFIC CONTROL

20. 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.

21. Construction will be performed in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, a sign package that conforms to the MUTCD or VAOT Standards, and trained Flaggers shall be provided. 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.

22. 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 -

Anthony & Jeanette Lopez
Wilmington, VT 9, MM 3.82 Rt.
June 2, 2014
Page 5 of 5

shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

Revised 7/1/11 820.031

VERMONT AGENCY OF TRANSPORTATION
NOTICE OF PERMIT ACTION

Grantor (Owner/Applicant): Anthony and Jeanette Lopez
Address: Street: 10 Old Coach Road
City/State/ZIP: East Setauket, NY 11733

Location of Work:
Town: Wilmington
Route: VT 9
Log Station/MM: 3.82 Rt

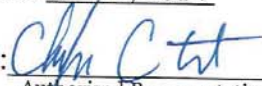
Property Deed Reference: Book: 311 Page: 207

Permit ID #: _____

Description of Work: Driveway Access

☒ Issued Permit ☐ Notice of Violation
☐ Suspension of Permit

Action Date: June 5, 2014

Signature: 
Authorized Representative for
the Secretary of Transportation

Location of Record: Vermont Agency of Transportation
Utilities & Permits Unit – National Life Bldg.
Drawer 33
Montpelier, Vermont 05633-5001

Town/City of _____ Clerk's Office
Received _____ at _____ a.m./p.m.
and recorded in Book _____ on Page _____
of land records. _____

Attest: _____
Assistant Town/City Clerk

State of Vermont
Agency of Transportation
359 Bowen Road
Bennington, VT 05201
www.aot.state.vt.us

[phone] 802-447-2790
[fax] 802-447-2793
[ttd] 800-253-0191

Agency of Transportation

June 5, 2014

Anthony and Jeanette Lopez
10 Old Coach Road
East Setauket, NY 11733

RE: Wilmington, VT 9, MM 3.82 Rt.

Dear Mr. Mundell:

Your application for a permit to work within the State Highway right-of-way to install a driveway access has been processed by this office and is enclosed.

Please contact the District Transportation #1 Office to discuss the permit conditions and to arrange for their timely inspection of the work. The telephone number in Bennington is (802) 447-2790.

Sincerely,



Christopher C. Taft
District Project Manager

c: Theresa Gilman, Utilities & Permits Unit
File

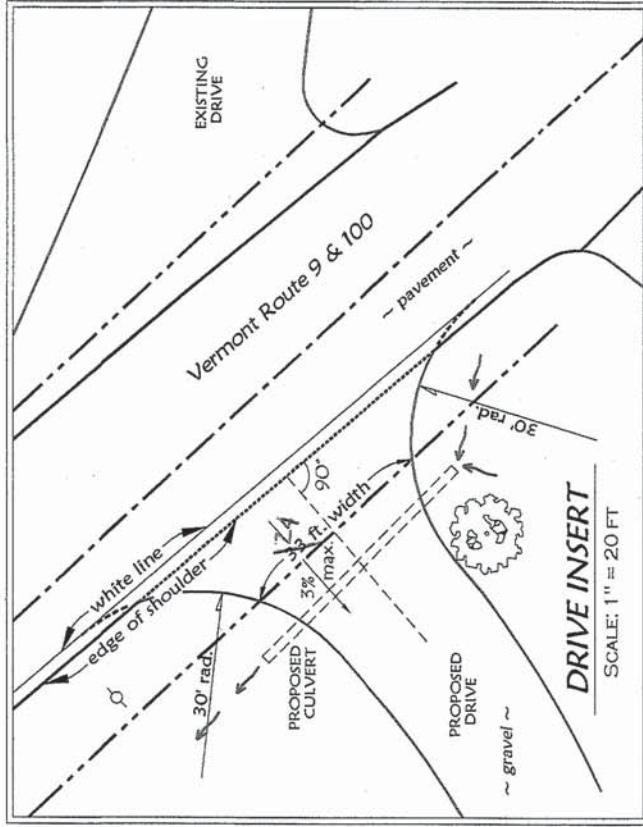


Reference is made to survey plan by:

1. Wm. F. Drude, Jr. & Assoc., Inc., Springfield, Vt., entitled "Portion of Land of HUBBARD BROWN FOX COMPANY, Wilmington, Vermont", plan dated Sept., 1980. Filed in the Wilmington Land Records on slide #159.

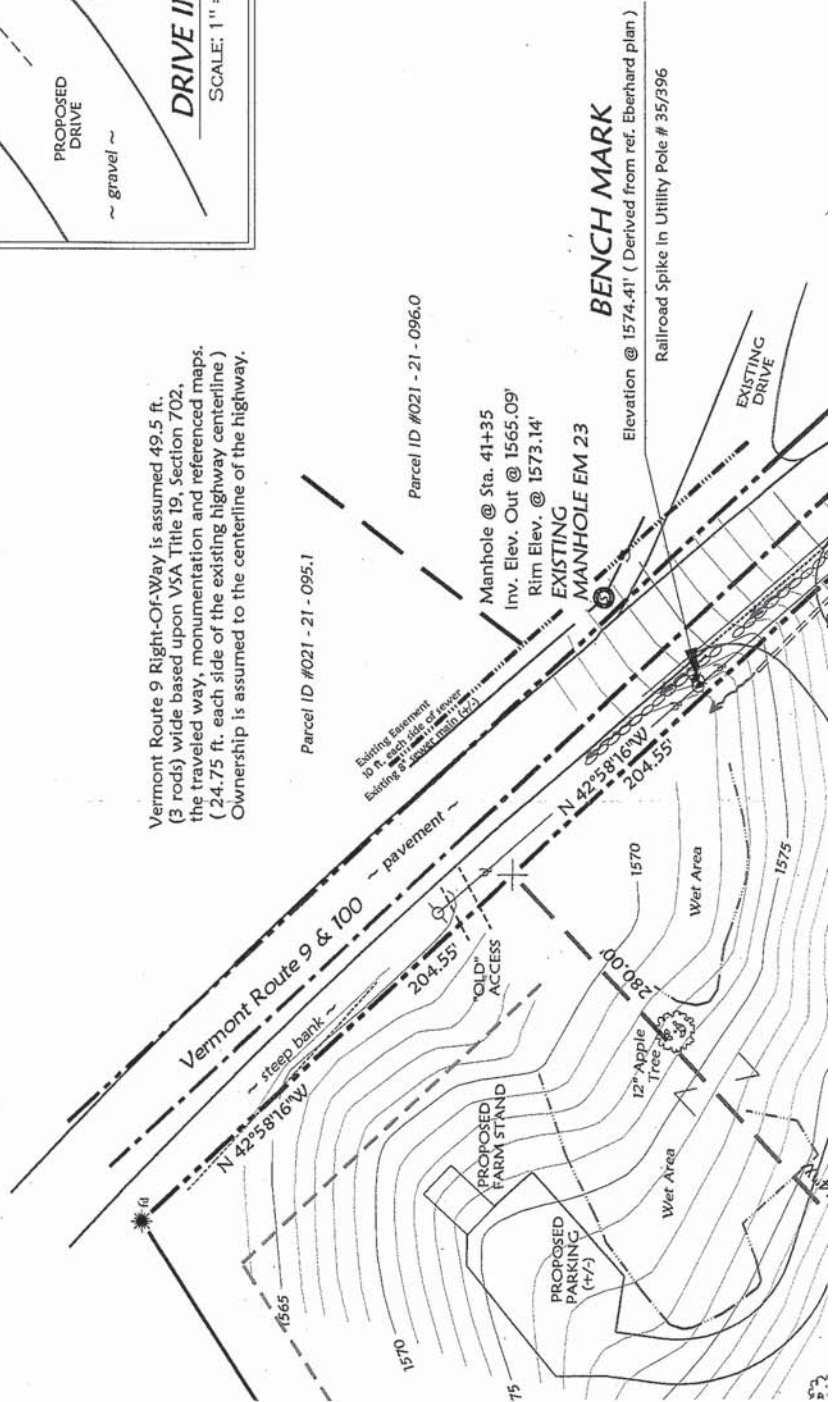
Reference is made to plans by Eberhard Engineering, P.C., entitled "Contract No. 2, Wastewater Collection System, Wilmington, Vermont, EAST MAIN ST., sheet 2 of 2, AS BUILT", dated July, 1987, Dwg. No. 11A.

Vermont Route 9 Right-Of-Way is assumed 49.5 ft. (3 rods) wide based upon VSA Title 19, Section 702, the traveled way, monumentation and referenced maps. (24.75 ft. each side of the existing highway centerline) Ownership is assumed to the centerline of the highway.

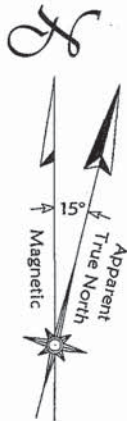


LEGEND

- Point of Intersection
- Iron pipe found
- Traverse reference point
- Rebar pin found
- Iron Axle Rod found
- Stonewall remnants
- Barbed Wire Fence remnants
- Utility pole
- Utility lines
- Water supply
- Highway Right-of-way
- Highway Centerline



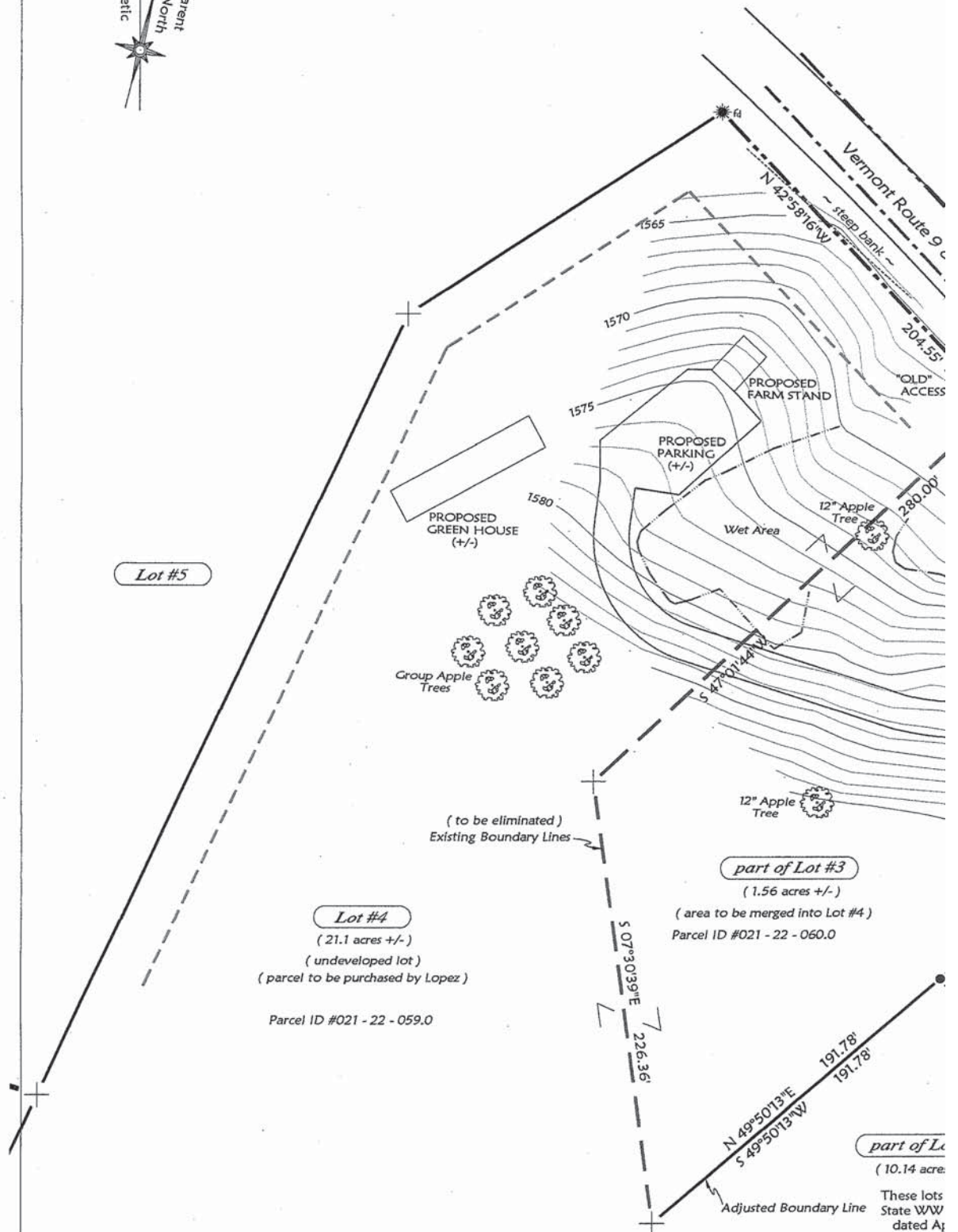
Bearings shown hereon are referenced to Magnetic North as determined in the referenced 1980 "Drude" map.

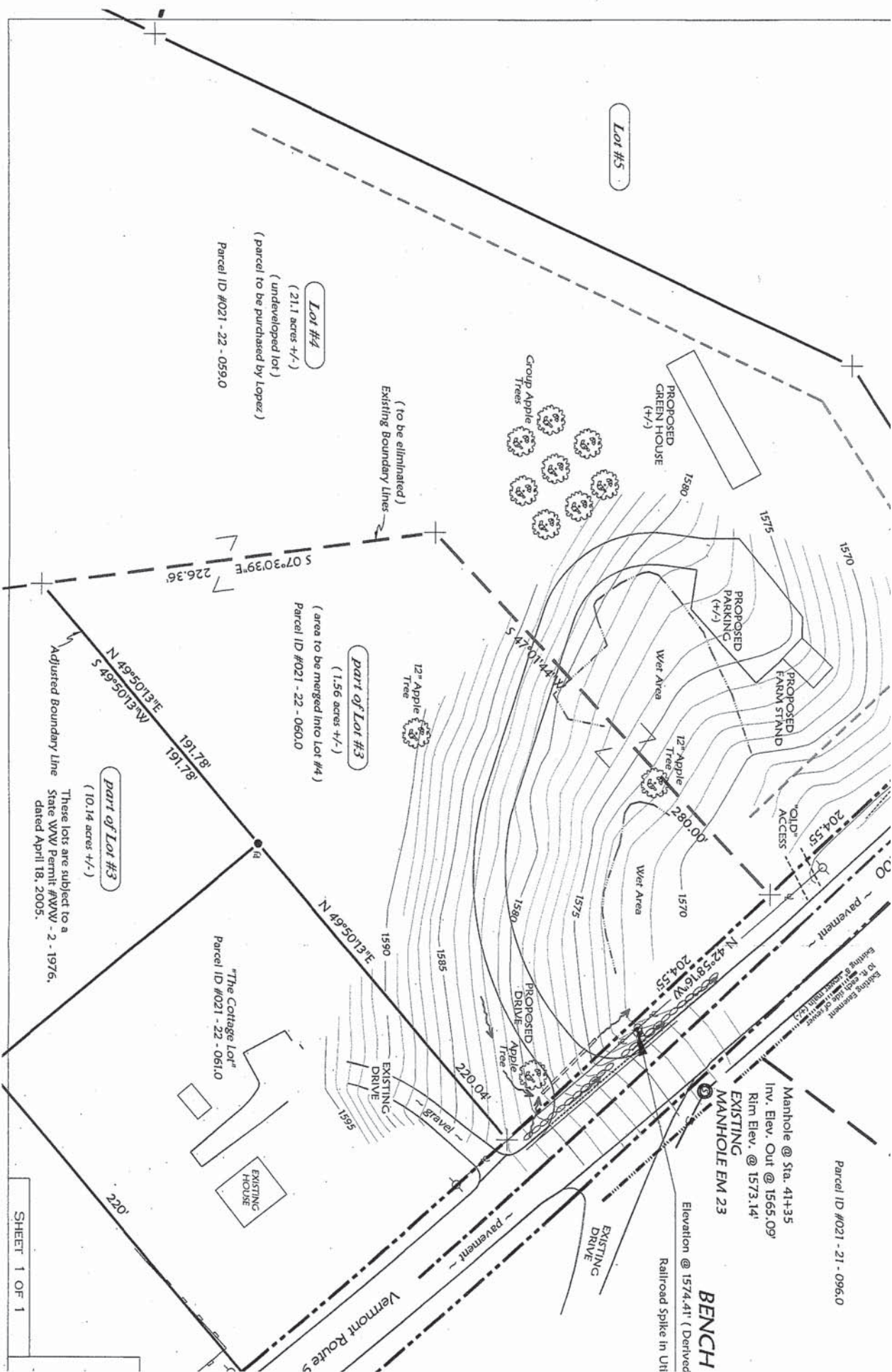


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1. Wm. F. Drude, Jr. &
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Wilmington, Verm
Filed in the Wilmin

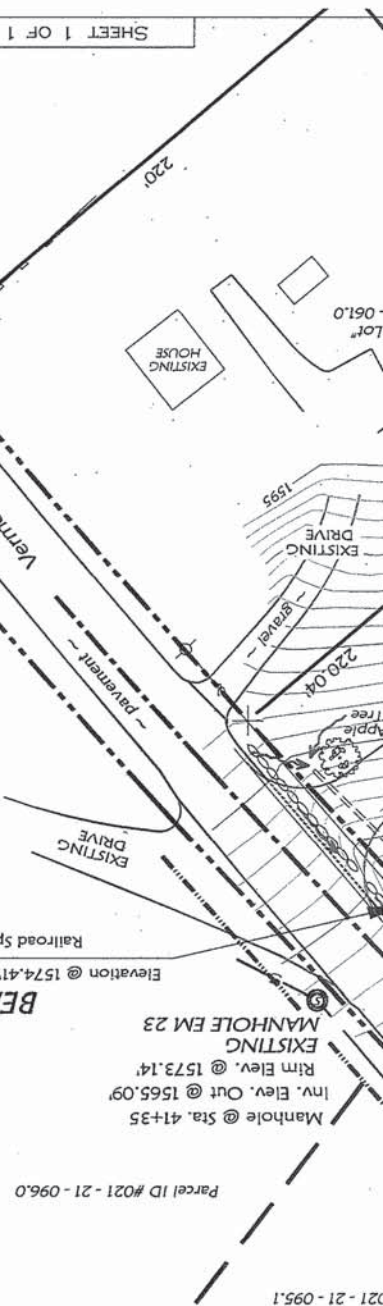
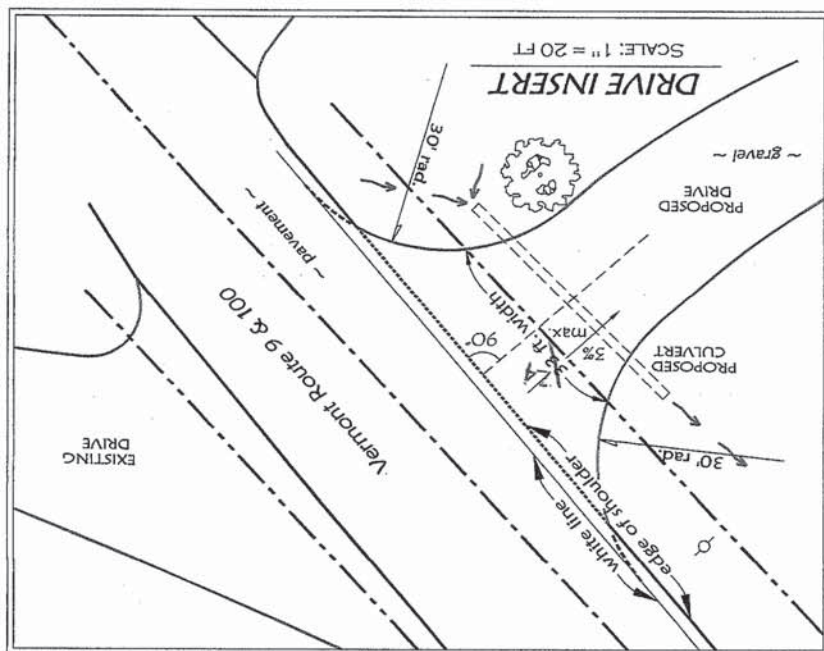
Reference is made
entitled "Contrac
Wilmington, Ver
dated July, 1987,





2. AS BUILT",
/stem,
3. P.C.,

Right-Of-Way is assumed 49.5 ft.
d upon VSA Title 19, Section 702,
monumentation and referenced maps.
of the existing highway centerline)
med to the centerline of the highway.



BENCHMARK

Elevation @ 1574.41' (Derived from ref. Eberhard plan)
Railroad Spike in Utility Pole # 35/396

- | | |
|----------------------------|-------|
| Point of intersection | + |
| Iron pipe found | ○ |
| Traverse reference point | ● |
| Rebar pin found | ⊙ |
| Iron Axle Rod found | ⊗ |
| Stonewall remains | ⊖ |
| Barbed Wire Fence remnants | ⊗ |
| Utility pole | ⊕ |
| Utility lines | —+— |
| Water supply | ⊙ |
| Highway Right-of-way | —+—+— |
| Highway Centerline | —+—+— |
| Easement line | —+—+— |
| Boundary line | —+—+— |
| Zoning Setback line | —+—+— |
| 5 ft. Contour line | —+—+— |
| 1 ft. Contour line | —+—+— |
| Edge of Gravel | —+—+— |
| Runoff Ditch | —+—+— |
| Edge of Wet Area | —+—+— |
| Edge of woods (+/-) | —+—+— |
| Now or Formerly | N/F |

LEGEND

Highway Access Plan
ANTHONY & JEANETTE LOPEZ
LOT #4 (+) ON VERMONT ROUTE 9, EAST
WILMINGTON, VERMONT
SCALE: 1" = 50'
PLAN DATE: MAY 23, 2014
BY: *Merrill A. Mundell, Jr., P.E.*
P.O. Box 866/20 Gallip Pitch Road
Wilmington, Vermont 05363-0866
Tele. 802/464-2042 / email: mundellsa@vernet

PRELIMINARY
FOR:
MERRILL A. MUNDELL, JR.
P.E. & L.S.

SHEET 1 OF 1