

Gilman, Theresa

From: Blakslee, Michael
Sent: Wednesday, October 03, 2018 11:36 AM
To: rock@rockwebsterconstruction.com
Cc: McAvoy, Brian; Gilman, Theresa; Bump, Chris
Subject: Webster 11111 Permit
Attachments: Webster 11111 Permit Application.pdf; Fee Schedule.pdf

Hi Rock,

We met on site (9/13/18) to review the 1111 permit application submitted by Brodie for a proposed access on to VT 12 in Barnard at MM 5.35 LT. We met later that day and I verbally explained we wouldn't be able to approve the permit because this lot can be accessed from town highway #5 West Hill Rd. Our Access Management Plan requires that if a parcel can be accessed from a town highway, an access will not be granted onto a State Highway.

During our conversation you had expressed that you would like to appeal the decision made. If this is correct, please respond with a detailed explanation of why/how the access can't be connected onto the town highway. Once we receive this, we will appropriate staff for further consideration.

You had mentioned that the access from the town highway won't work because of a future subdivision. Our office does not issue permits for properties involving subdivisions. For a new access onto a State highway where a subdivision is involved, the permit application should be sent to Brian McAvoy with our Permits Section. I've attached the fee schedule and the original application above.

Sincerely,

Michael Blakslee
AOT District 4 Tech
221 Beswick Drive
White River Jct., VT 05001
Cell: (802)-291-4668

PERMIT ID# _____

FOR AGENCY USE ONLY

Town: _____
Route: _____
Mile Marker: _____
Log Station: _____

VERMONT AGENCY OF TRANSPORTATION State Highway Access and Work Permit

Owner's/Applicant's Name, Address, E-mail & Phone No. Brodie Webster 6871 vt rt12 barnard vt 05031 po box 22
802-353-8791

Co-Applicant's Name, Address, E-mail & Phone No. (if different from above) Rock Webster 530 west road barnard vt

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)
Barnard, Route 12, directly across from residential address 6714 rt12

Description of work to be performed in the highway right-of-way (attach plan) Build access 90 degrees off state right
40-60' of 24" culvert with 12" road fabric with 12" of 2" hardpack base

Property/Deed Reference Book: 01 Page: 0750 (only required for Permit Application for access)

Fee \$ _____ (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 october 20 18

Owner/Applicant: Brodie Webster Position Title: _____

(Print name above)

Sign in Shaded area:  Date: 08/24/18

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

Sign in Shaded area:  Date: 08/24/18

INSTRUCTIONS:

-Contact the Development Review and Permitting Services Section (802.828.2653) 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.

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

PERMIT APPROVAL

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 _____ Date work accepted: _____

By: _____ Issued Date _____ 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 #4, 221 Beswick Drive, White River Junction, VT 05001, (802)-295-8888

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

RESTRICTIONS AND CONDITIONS

DEFINITIONS:

- "Agency" means the Vermont Agency of Transportation (a/k/a VTrans).
- "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 871 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-built's" 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.

FOR AGENCY USE ONLY

PERMIT ID# _____
AMOUNT PAID _____
CHECK # _____
RECEIVED DATE _____
ACCEPTED BY _____

VERMONT AGENCY OF TRANSPORTATION
State Highway Access and Work Permit

FEE SCHEDULE (July 1, 2016)

The applicant shall pay the applicable administrative processing and application review fee by submitting a check made payable to the "State of Vermont" to the following address

Vermont Agency of Transportation
Development Review and Permitting Services Section
One National Life Drive
Montpelier, VT 05633-5001
(802) 828-2653

Municipal and State projects are not exempt from fees. Nonprofit organizations and companies are not exempt from fees. Permit revisions and time completions are not exempt from fees. **Fees are not refundable.**

The Agency reserves the right to return an application that is incomplete, inaccurate or does not meet the requirements for a VSA, Title 19, Section 1111 Permit. The Agency may require an applicant to submit additional information that the Agency considers necessary in order to make a decision on the permit request. Calculate the fee using the table below (only one fee per permit)

Residential or Agricultural	\$0
Utility Installations	\$100
Minor Commercial Developments	\$250
Major Commercial Developments	\$2,500
Annual Utility Permits	\$500

Notes:

1. "Residential or Agricultural" means accessses serving a single-family home, a duplex residence, or a logging or field access for agricultural use only. Three or more dwelling units are considered a "Minor" or "Major" Commercial Development. **All** land subdivisions are considered either "Minor" or "Major Commercial Development";
2. "Utility Installations," include each direct connection to the State highway storm water system;
3. "Minor Commercial Developments" means a commercial development for which the Agency does not require the applicant to submit a traffic impact study. Resurfacing or reconstructing an existing commercial access is considered a Minor Commercial Development;
4. "Major Commercial Developments" means a commercial development for which the Agency requires the applicant to submit a traffic impact study (in any case involving an access permit for a development contributing 75 or more peak hour trips to State highways based upon latest trip generation guidance by Institute of Transportation Engineers);
5. "Annual Utility Permits" are the Routine Maintenance and Emergency Repair Permits;
6. There exist other types of permits for which a fee is **not** required. Examples of these types of permits are: temporary traffic control signage, survey or boring work, sidewalks, installation of traffic counting devices, trailer-mounted or permanent speed radar feedback signs and regrading of a roadside ditch; and

7. **Any questions please call the Permitting Services Office at (802) 828-2653**

Gilman, Theresa

From: Blakslee, Michael
Sent: Monday, September 10, 2018 8:04 AM
To: McAvoy, Brian; Gilman, Theresa
Cc: Bump, Chris
Subject: RE: VT 12 Barnard 1111 Permit

Good morning,

He did not have a plan, but that's his intensions

From: McAvoy, Brian
Sent: Monday, September 10, 2018 7:44 AM
To: Blakslee, Michael <Michael.Blakslee@vermont.gov>; Gilman, Theresa <Theresa.Gilman@vermont.gov>
Cc: Bump, Chris <Chris.Bump@vermont.gov>
Subject: RE: VT 12 Barnard 1111 Permit

Did he have any kind of plan for the subdivision? It would be helpful to have something in hand to research before meeting.

From: Blakslee, Michael
Sent: Friday, September 07, 2018 4:09 PM
To: Gilman, Theresa <Theresa.Gilman@vermont.gov>; McAvoy, Brian <Brian.McAvoy@vermont.gov>
Cc: Bump, Chris <Chris.Bump@vermont.gov>
Subject: VT 12 Barnard 1111 Permit

Hi Theresa and Brian,

We received an 1111 permit application from Brodie Webster for a residential drive on VT 12 in Barnard. The District noticed that the parcel has frontage along West Road. While meeting on site with the co-applicant (Rock Webster), the District advised him that the permit would not be issued because the property can be accessed from a town road.

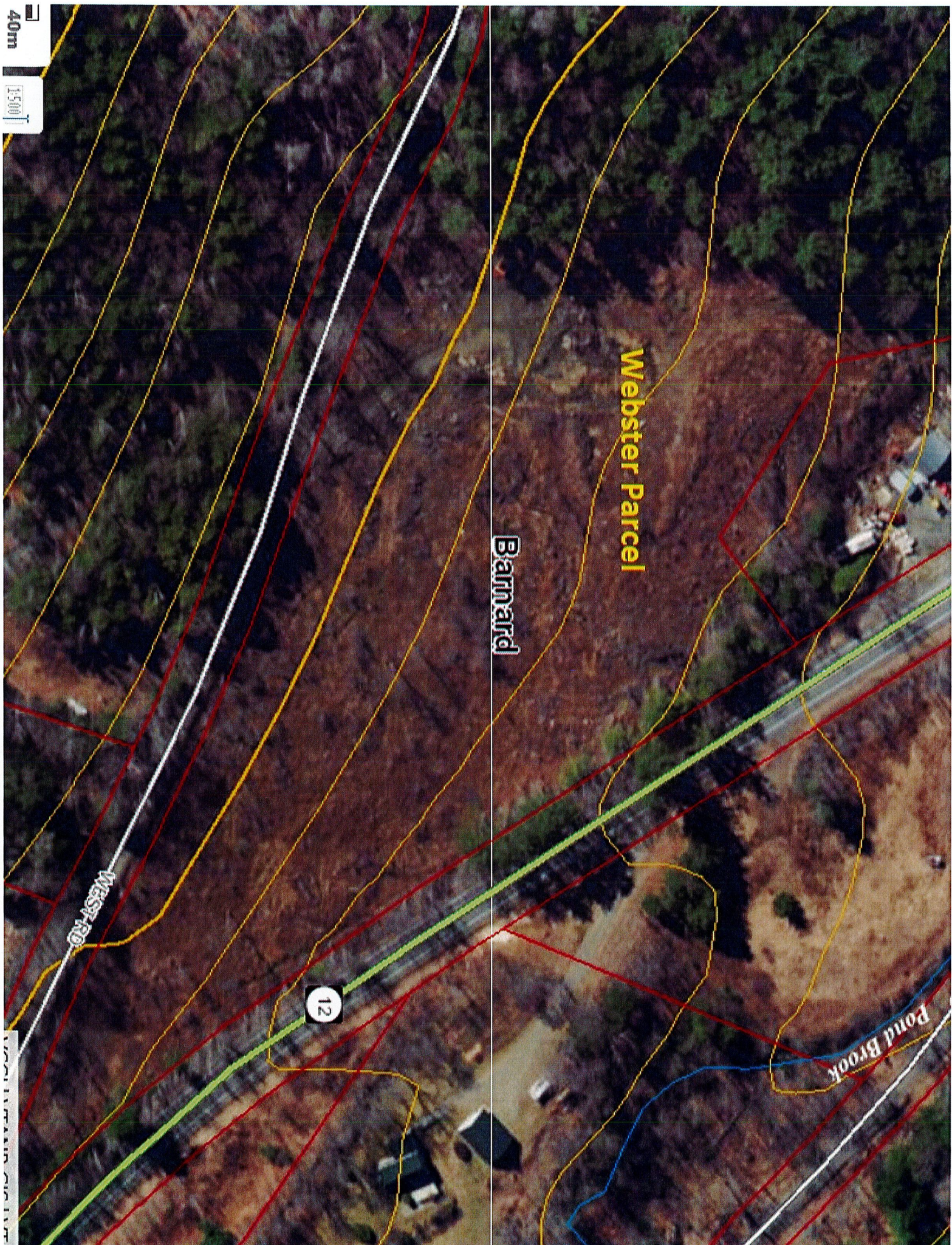
The co-applicant explained that the bigger plan for this parcel is to subdivide it 3 ways and an access from the town highway would not work. So now we are not sure if we are really dealing with a single family residential drive.

I would like to have a meeting onsite Tuesday at 9:00am? Should I also invite the applicants? Please let me know if that works

Thank You

Michael Blakslee
AOT District 4 Tech
221 Beswick Drive
White River Jct., VT 05001
Cell: (802)-291-4668

40m
1:500



Webster Parcel

Barnard

West Rd

12

Pond Brook

Map of the area around the Webster Parcel

PERMIT ID# _____

FOR AGENCY USE ONLY

Town: _____
Route: _____
Mile Marker: _____
Log Station: _____

**VERMONT AGENCY OF TRANSPORTATION
State Highway Access and Work Permit**

Owner's/Applicant's Name, Address, E-mail & Phone No. Brodie Webster 6871 vt rt12 barnard vt 05031 po box 22
802-353-8791

Co-Applicant's Name, Address, E-mail & Phone No. (if different from above) Rock Webster 530 west road barnard vt

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)
Barnard, Route 12, directly across from residential address 6714 rt12

Description of work to be performed in the highway right-of-way (attach plan) Build access 90 degrees off state right
40-60' of 24" culvert with 12' road fabric with 12" of 2" hardpack base

Property Deed Reference Book: 01 Page: 0750 (only required for Permit Application for access)

Fee \$ _____ (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 october 20 18

Owner/Applicant: Brodie Webster Position Title: _____
(Print name above)

Sign in Shaded area: _____ Date: 08/24/18

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

Sign in Shaded area: _____ Date: 08/24/18

INSTRUCTIONS:

-Contact the Development Review and Permitting Services Section (802.828.2653) 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.

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

PERMIT APPROVAL

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 _____ Date work accepted: _____

By: _____ Issued Date _____
Authorized Representative for Secretary of Transportation _____ 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. 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 #4, 221 Beswick Drive, White River Junction, VT 05001, (802)-295-8888

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

RESTRICTIONS AND CONDITIONS

DEFINITIONS:

- "Agency" means the Vermont Agency of Transportation (a/k/a VTans).
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- "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.

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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:

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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:

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JOINT PERMITS:

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Gilman, Theresa

From: Gilman, Theresa
Sent: Friday, October 19, 2018 1:42 PM
To: Bump, Chris
Cc: McAvoy, Brian; Blakslee, Michael; Starr, Trevor; Keller, Craig; Dunleavy, John
Subject: RE: Barnard VT-12 Webster 11111 Permit
Attachments: Denial Letter Webster - Banard VT12.docx

Chris,

Assuming Mr. Webster has submitted a permit application, has the District issued a permit denial letter yet? If not, that would be the first step. Attached is a denial letter which may be used – with a few additions and edits as highlighted. This letter provides the next steps Mr. Webster would need to follow.

Additional information on the appeal process can be found on our website's FAQ's. Attached is the link to this section, see the last FAQ item.

<https://vtrans.vermont.gov/planning/permitting/faqs>

If you have any other questions, let us know.
Theresa

From: Bump, Chris
Sent: Thursday, October 18, 2018 8:46 AM
To: Keller, Craig <Craig.Keller@vermont.gov>; Dunleavy, John <John.Dunleavy@vermont.gov>
Cc: Gilman, Theresa <Theresa.Gilman@vermont.gov>; McAvoy, Brian <Brian.McAvoy@vermont.gov>; Blakslee, Michael <Michael.Blakslee@vermont.gov>; Starr, Trevor <Trevor.Starr@vermont.gov>
Subject: FW: Barnard VT 12 Webster 1111 Permit
Barnard VT 12
Webster request for residential access on to VT 12

All

Mr. Webster has stated that we wants to "appeal" the District's decision to Not issue a permit for access on to VT 12. Please see attached map. The District feels that the lot has reasonable access From town highway and that is the basis for not permitting access from the State highway.
Mr. Webster feels that access from the town highway will not work with his future plans to subdivide this into 2 parcels
Want is the process for Mr. Webster to "appeal" this or to take it to the next level?

Thanks
Chris

From: rock@rockwebsterconstruction.com <rock@rockwebsterconstruction.com>
Sent: Wednesday, October 17, 2018 1:42 PM

To: Bump, Chris <Chris.Bump@vermont.gov>

Subject: Re: Barnard VT 12 Webster 1111 Permit

Chris I would like to appeal the decision on permit 1111

Rock

On Oct 3, 2018, at 1:30 PM, Bump, Chris <Chris.Bump@vermont.gov> wrote:

Rock,

We do understand the situation you have described. Our office only issues permits for accesses for single family residence and agricultural accesses.

One of the first requirements we check is if the lot can be reasonably accessed from a town highway. If it can we don't issue a permit for access onto a state highway.

This is a key requirement of our Access Management Program.

So if we are evaluating your permit based on a single family residence with no sub division, and at this time this is just one lot, our position is that this lot can reasonably be accessed from a town highway.

If you do not agree with our position please let me and we will make arrangements for your objection to be heard.

Thank you,

Chris Bump

District 4 Project Manager

(802) 296-5567

From: rock@rockwebsterconstruction.com

Date: October 3, 2018 at 12:04:04 PM EDT

To: "Blakslee, Michael" <Michael.Blakslee@vermont.gov>

Subject: Re: Webster 1111 Permit

Michael I have talked with Chris Bump and I am having a hard time getting you people to understand that the piece of property that I am giving to Brodie will not have access from a town road and the access that we applied for is to service his house only, the rest of the land will belong to me and I will have access from the town road so I don't feel that I need to apply for a subdivision access permit

Rock

On Oct 3, 2018, at 11:36 AM, Blakslee, Michael <Michael.Blakslee@vermont.gov> wrote:

Hi Rock,

We met on site (9/13/18) to review the 1111 permit application submitted by Brodie for a proposed access on to VT 12 in Barnard at MM 5.35 LT. We met later that day and I verbally explained we wouldn't be able to approve the permit because this lot can be accessed from town highway #5 West Hill Rd. Our Access Management Plan requires that if a parcel can be accessed from a town highway, an access will not be granted onto a State Highway.

During our conversation you had expressed that you would like to appeal the decision made. If this is correct, please respond with a detailed explanation of why/how the access can't be connected onto the town highway. Once we receive this, we will appropriate staff for further consideration.

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Sincerely,

Michael Blakslee

AOT District 4 Tech

221 Beswick Drive

White River Jct., VT 05001

Cell: (802)-291-4668

<Webster 1111 Permit Application.pdf>

<Fee Schedule.pdf>



Agency of Transportation

State of Vermont
Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section
One National Life Drive
Montpelier, VT 05633-5001
vtrans.vermont.gov

[phone] 802-828-2653
[fax] 802-828-2456
[ttd] 800-253-0191

October 19, 2018

Webster
VT Route 12
Barnard, VT 05

Subject: Permit Denial for Access @ LS
Barnard, VT12 - Permit #

Dear **Mr. Webster**:

This is to advise you that we have reviewed your application for permitting a residential access, at the above-referenced location, and must deny your request. Our decision to deny permitting an access at this location is based on safety, as provided for in Title 19 Vermont Statutes Annotated (19 V.S.A.) Section 1111(b).

After reviewing your request, we conclude that you have reasonable access to your property from TH# [REDACTED] (West Road). In accordance with VTrans Access Management Program Guidelines, when access to a parcel can be achieved from a general street or town highway it shall serve as the primary access to the land. This follows 19 V.S.A. Section 1111, which requires the Agency to limit the number of driveways onto State highways.

In accordance with 19 V.S.A. Section 7(a) you may obtain a review of this decision by appealing in writing within thirty (30) days to the Secretary of Transportation at the Vermont Agency of Transportation, One National Life Drive, Montpelier, Vermont 05633-5001.

In most instances, the Secretary will delegate actual responsibilities for conducting the evidentiary hearing to one of the Agency's hearing examiners. Following the close of the evidentiary hearing, the hearing examiner will prepare findings of fact and a recommended decision that, upon acceptance by the Secretary, constitute final administrative action by the Agency. Under 19 V.S.A. Sections 5(d)(7) and 7a(b), persons aggrieved by a decision of the Agency's hearing examiner will be entitled to seek subsequent review before the Transportation Board.

If you have questions or comment, please contact me at (802) [REDACTED]

Sincerely,

Tammy Ellis
District #4 Transportation Administrator

cc: Town of Barnard
Craig Keller, Chief of Permitting Services
John Dunleavy, Assistant Attorney General



247.0 0 124.00 247.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Vermont Agency of Natural Resources

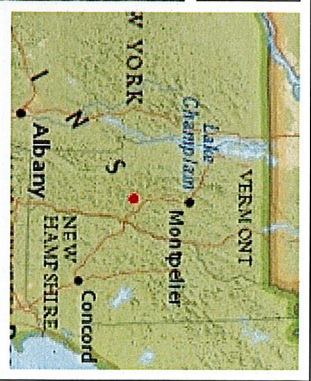
1" = 406 Ft. 1cm = 49 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION













1: 4,870
 October 18, 2018



DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



LEGEND

-  Parcels (Standardized)
- Roads**
 -  Interstate
 -  Principal Arterial
 -  Minor Arterial
 -  Major Collector
 -  Minor Collector
 -  Local
 -  Not part of function Classification S
-  Waterbody
-  Stream
-  Parcels (Non-Standardized)
-  Town Boundary

NOTES

Map created using ANR's Natural Resources Atlas

Gilman, Theresa

From: Blakslee, Michael
Sent: Friday, November 02, 2018 1:48 PM
To: rock@rockwebsterconstruction.com
Cc: Dunleavy, John; Keller, Craig; Gilman, Theresa; McAvoy, Brian; Bump, Chris; Starr, Trevor
Subject: RE: Barnard VT 12 Webster 1111 Permit

No, this is the official denial letter of the permit application and has instructions included for the appeal process.

Mike

From: rock@rockwebsterconstruction.com <rock@rockwebsterconstruction.com>
Sent: Friday, November 02, 2018 1:40 PM
To: Blakslee, Michael <Michael.Blakslee@vermont.gov>
Cc: Dunleavy, John <John.Dunleavy@vermont.gov>; Keller, Craig <Craig.Keller@vermont.gov>; Gilman, Theresa <Theresa.Gilman@vermont.gov>; McAvoy, Brian <Brian.McAvoy@vermont.gov>; Bump, Chris <Chris.Bump@vermont.gov>; Starr, Trevor <Trevor.Starr@vermont.gov>
Subject: Re: Barnard VT 12 Webster 1111 Permit

Is this letter the response to my appeal of the first denial of my application?

Rock

On Nov 2, 2018, at 12:37 PM, Blakslee, Michael <Michael.Blakslee@vermont.gov> wrote:

Rock,

Please see the letter attached above, I'll also be sending a hard copy through the mail.

Sincerely,

Michael Blakslee
AOT District 4 Tech
221 Beswick Drive
White River Jct., VT 05001
Cell: (802)-291-4668

From: rock@rockwebsterconstruction.com <rock@rockwebsterconstruction.com>
Sent: Wednesday, October 17, 2018 1:42 PM
To: Bump, Chris <Chris.Bump@vermont.gov>
Subject: Re: Barnard VT 12 Webster 1111 Permit

Chris I would like to appeal the decision on permit 1111

Rock

On Oct 3, 2018, at 1:30 PM, Bump, Chris <Chris.Bump@vermont.gov> wrote:

Rock,

We do understand the situation you have described. Our office only issues permits for accesses for single family residence and agricultural accesses. One of the first requirements we check is if the lot can be reasonably accessed from a town highway. If it can we don't issue a permit for access onto a state highway. This is a key requirement of our Access Management Program. So if we are evaluating your permit based on a single family residence with no subdivision, and at this time this is just one lot, our position is that this lot can reasonably be accessed from a town highway. If you do not agree with our position please let me and we will make arrangements for your objection to be heard.

Thank you,
Chris Bump
District 4 Project Manager
(802) 296-5567

From: rock@rockwebsterconstruction.com
Date: October 3, 2018 at 12:04:04 PM EDT
To: "Blakslee, Michael" <Michael.Blakslee@vermont.gov>
Subject: Re: Webster 1111 Permit

Michael I have talked with Chris Bump and I am having a hard time getting you people to understand that the piece of property that I am giving to Brodie will not have access from a town road and the access that we applied for is to service his house only, the rest of the land will belong to me and I will have access from the town road so I don't feel that I need to apply for a subdivision access permit

Rock

On Oct 3, 2018, at 11:36 AM, Blakslee, Michael
<Michael.Blakslee@vermont.gov> wrote:

Hi Rock,

We met on site (9/13/18) to review the 1111 permit application submitted by Brodie for a proposed access on to VT 12 in Barnard at MM 5.35 LT. We met later that day and I verbally explained we wouldn't be able to approve the permit because this lot can be accessed from town highway #5 West Hill Rd. Our Access Management Plan requires that if a parcel can be

accessed from a town highway, an access will not be granted onto a State Highway.

During our conversation you had expressed that you would like to appeal the decision made. If this is correct, please respond with a detailed explanation of why/how the access can't be connected onto the town highway. Once we receive this, we will appropriate staff for further consideration.

You had mentioned that the access from the town highway won't work because of a future subdivision. Our office does not issue permits for properties involving subdivisions. For a new access onto a State highway where a subdivision is involved, the permit application should be sent to Brian McAvoy with our Permits Section. I've attached the fee schedule and the original application above.

Sincerely,

Michael Blakslee
AOT District 4 Tech
221 Beswick Drive
White River Jct., VT 05001
Cell: (802)-291-4668

<Webster 1111 Permit Application.pdf>

<Fee Schedule.pdf>

<Webster Letter - Banard VT12.pdf>



Agency of Transportation

State of Vermont
Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section
One National Life Drive
Montpelier, VT 05633-5001
vtrans.vermont.gov

[phone] 802-828-2653
[fax] 802-828-2456
[tld] 800-253-0191

October 23, 2018

Rock Webster
530 West Rd.
Barnard, VT 05031

Subject: Permit Denial for Access @ 282+48 LT
Barnard, VT12

Dear Mr. Webster:

After reviewing your request, we conclude that you have reasonable access to your property from TH# 5 West Road. In accordance with VTTrans Access Management Program Guidelines, when access to a parcel can be achieved from a general street or town highway it shall serve as the primary access to the land. This follows 19 V.S.A. Section 1111, which requires the Agency to limit the number of driveways onto State highways.

In accordance with 19 V.S.A. Section 7(a) you may obtain a review of this decision by appealing in writing within thirty (30) days to the Secretary of Transportation at the Vermont Agency of Transportation, One National Life Drive, Montpelier, Vermont 05633-5001.

In most instances, the Secretary will delegate actual responsibilities for conducting the evidentiary hearing to one of the Agency's hearing examiners. Following the close of the evidentiary hearing, the hearing examiner will prepare findings of fact and a recommended decision that, upon acceptance by the Secretary, constitute final administrative action by the Agency. Under 19 V.S.A. Sections 5(d)(7) and 7a(b), persons aggrieved by a decision of the Agency's hearing examiner will be entitled to seek subsequent review before the Transportation Board.

If you have questions or comment, please contact me at (802) 295-8888

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor Starr".

Trevor Starr
Acting District #4 Transportation Administrator

cc: Town of Barnard
Craig Keller, Chief of Permitting Services
John Dunleavy, Assistant Attorney General