

Town of Hardwick
Office of the Zoning Administrator
P.O. Box 523
Hardwick, Vermont 05843
phone: (802) 472-1686
e-mail: zoning.administrator@hardwickvt.org

HARDWICK DEVELOPMENT REVIEW BOARD

NOTICE OF PUBLIC HEARING

A public hearing of the Hardwick Development Review Board will be held virtually on Zoom on Wednesday, December 2, 2020 beginning at 7:00 p.m. to discuss the following:

Major Subdivision (2 lots with a ROW) – **7:00 pm** - Permit #2020-056 (Gravel Construction Company Inc.) at 2138 VT Route 15 West, Hardwick, VT.

To join the Zoom hearing, sign up for a free Zoom account anytime (zoom.us), then at 7:00 pm on Wednesday, December 2, 2020, go to Zoom and click on: join a meeting. The meeting number is 999 4875 4382. The passcode is 734113. You may phone into the Zoom meeting at: 301-715-8592 (this is not a toll free number).

Join this Zoom Meeting: <https://zoom.us/j/99948754382?pwd=UXhhcTJ5TWNRakhIT3NaZiBrK3pkUT09>

The application is available for inspection outside the Hardwick Memorial Building or on the Hardwick website – <http://hardwickvt.org>. Pursuant to 24 V.S.A. §§ 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal. Persons wishing to be heard may join the Zoom hearing or be represented by an authorized agent or attorney at the hearing.

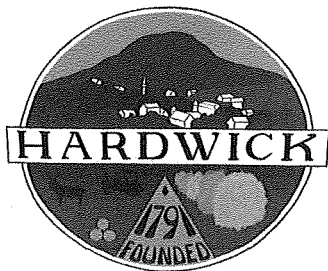
Communications regarding the above applications may be filed in writing with the Hardwick Development Review Board at the Zoning Administrator's Office in the Hardwick Memorial Building or by email at zoning.administrator@hardwickvt.org. Communications must be received prior to the scheduled virtual hearing.

Kristen Leahy, Zoning Administrator

Town Manager's Office
Town Clerk's Office
Town Highway Department

Shaun Fielder
Alberta Miller
Tom Fadden

(802) 472-6120
(802) 472-5971
(802) 472-6029



APPLICATION FOR SUBDIVISION REVIEW
TOWN OF HARDWICK
PO Box 523, Hardwick, VT 05843
(802) 472-6120 Fax (802) 472-3793
Zoning.administrator@hardwickvt.org

FOR TOWN USE ONLY

Application Number: 2020-056 Tax Map Number 04007-00010
Zoning District Rural Residential
Date Application Received 11/5/2020 Fee Paid \$ 240 Date Paid 11/5/2020

Please provide all of the information requested in this application. Failure to provide all required information will delay the processing of this application. Submit the completed application and a check payable to the *Town of Hardwick* - \$60 for a minor subdivision and \$240 for a major subdivision.

Applicant(s):

Name(s): Gravel Construction Co Inc
Mailing Address: P.O. Box 78, Wolcott VT 05680
Telephone(s) Home: 802-472-3776 Work: _____ Cell: _____
E-Mail: dana@gravelconstruction.com

Landowner(s) (if different from applicant(s)):

Name(s): _____
Mailing Address: _____
Telephone(s) Home: _____ Work: _____ Cell: _____
E-Mail: _____

Physical Location of Property (911 address):

213.8 VT Rte 15 West, Hardwick VT 05843

Proposed Subdivision of Land (please check all that applies):

☐ **Minor Subdivision – to be reviewed by the Zoning Administrator under Section 6.2 and includes one of the following:**

- ☐ Subdivision of land which results in the creation of 3 or fewer lots;
- ☐ Amendment to an approved subdivision which does not substantially alter the subdivision nor result in the creation of a major subdivision.

☒ **Major Subdivision – to be reviewed by the Development Review Board under Section 6.3 and includes one of the following:**

- ☐ Subdivision of land which results in the creation of 4 or more lots and/or involves the construction of a new road;
- ☐ Amendment to an approved subdivision which substantially alters the subdivision or conditions of approval, or which results in the creation of a major subdivision or a new road;
- ☐ A Planned Unit Development;
- ☒ The creation of a lot which does not meet minimum frontage or access requirements, which is subject to approval under Section 3.3. (ie. Lots accessed by a Right-of-Way).

Other Permits or Verifications Which May Be Necessary:

- ☒ State Potable Water and Wastewater Permits - ACT 250
- ☐ Town of Hardwick Water and/or Sewer Connection Verification - _____
- ☒ Local utility company has been consulted - ☒ yes [] no _____
- ☒ Access Permits from either the State of Vermont or from the Hardwick Select Board - necessary if a new driveway or road must be installed. Received Letter of Intent
- ☒ Applied (date) 10/14/2020 [] Not required

Dimensions of Proposed Development:Total Acreage in the parcel to be subdivided 5.94Total Feet of Road Frontage in parcel ROWTotal number of lots after the subdivision 2**Lot No. and Description:****Area****Road Frontage**

- 1: SEE Attached Plan/Survey - Lot 1 - 5.94 acres ROW
- 2: SEE Attached Plan/Survey - Lot 2 - 46.17 acres 1748'

3:

4:

5:

6:

If additional space is needed, please continue on a separate sheet.*Dimensions Required by Zoning Bylaws (to be completed by Zoning Administrator):**Zoning District and Class: Rural ResidentialMinimum Lot Size: 3 acres**Minimum Property Requirements:****Road Frontage**200'**Front Setback**35' + 25' ROW**Side Setback**50'**Rear Setback**50'**Stream Setback**75'**Site Plan and Supporting Information and Documentation:**

Please see attached checklist – Table 6.1 Subdivision Application Requirements.

Minor Subdivisions are reviewed by the Zoning Administrator and the Site Plan requirements are found in the “Sketch” column.

Major Subdivisions are submitted for review to the Development Review Board (DRB). The Site Plan requirements are found in the “Final” Column. A hearing with the DRB is necessary prior to Subdivision Approval for a Major Subdivision.

All items must be submitted as described or a waiver must be requested. If the information is not complete, you will be contacted to provide further information.

☒ Completed Site Plan Submitted to Zoning Administrator.

TABLE 6.1 SUBDIVISION APPLICATION REQUIREMENTS

	Sketch	Final
(A) Application Information		
Application Form [number of copies]	One [original]	Three [2 copies]
Application Fee [to be set by Selectboard]		✓
Name of project, if any	✓	✓
Name, address of applicant [landowner and/or subdivider]	✓	✓
Written description of proposed development plans, including: Number and size of lots, intended use, general timing of development	✓	✓
Waiver request, in writing [optional]	✓	
Names, addresses of all adjoining property owners		?
(B) Plan/Plat Mapping Requirements		
Material	Paper	Mylar
Preparer Information, Certifications		✓
Scale	To scale noted	Min. 1" = 100'
Date, North Arrow, Legend	✓	✓
Project boundaries and property lines;	Drawn	Surveyed
Existing and proposed lot lines, dimensions	Drawn	Surveyed
Adjoining land uses, roads and drainage	✓	✓
Zoning district designations and boundaries	✓	✓
The location of natural and physical features located on the site, including buildings; roads, driveways and parking areas; fences and walls; watercourses; wetlands; areas of slope in excess of 20%; and a general indication of land cover, including forested areas and land in current or recent (prior 3 years) agricultural production	✓ [General Locations]	✓ [Specifically Delineated Areas]
Existing and proposed elevations, contour lines within 50 feet of any proposed excavation/grading		5' interval
Existing and proposed roads, paths, common or shared parking areas, associated rights-of-way or easements	Drawn	Surveyed
Proposed building envelopes (if required)		✓
Proposed utilities, water and wastewater systems and associated rights-of-way or easements	✓	✓
Road profiles; road, intersection and parking area geometry and construction schematics		✓
Proposed landscaping and screening		✓
Proposed conservation buffer and/or open space easement areas		✓
Monument locations		✓

(C) Supporting Information & Documentation		Sketch	Final
Site location map showing proposed subdivision in relation to major roads, drainage ways, and adjoining properties		✓	✓
Statement of compliance with town plan and applicable local regulations		✓	✓
Engineering reports (water and wastewater systems)			✓
Existing and proposed traffic generation rates, volumes			Documented
Off-site easements (e.g., for water, wastewater, access)	Description		Final
Proposed phasing schedule	Description		Final
Proposed covenants and/or deed restrictions	Description		Final
Proposed homeowner or tenant association or agreements	Description		Final
Proposed performance bond or surety			Final
(D) As may be required by the Development Review Board			
Stormwater and erosion control plan			As required under sketch plan or preliminary approval
Grading plan (showing proposed areas of cut and fill)			
Open space management plan			
Site reclamation plan (for subdivisions involving extraction)			
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements)			
Fiscal impact analysis (analysis of fiscal costs and benefits to the town)			
Historic or archeological assessment			
Environmental impact assessment (analysis of potential environmental impacts, proposed mitigation measures)			
Other			

~~X~~ Applicant requests a waiver from application requirements (for example, underground utilities). Requirement(s) to be waived and reason(s) for waiver include(s) the following:

Purchaser of land is responsible for any cost of property development.

Permission to Enter Property & Applicant Certification Signatures

Signing of this application authorizes Town Personnel to enter onto the property for the purpose of verifying information presented.

The undersigned hereby certifies that the information submitted in this application regarding the above property is true, accurate and complete and that I (we) have full authority to request approval for the proposed use of the property and any proposed structures. I (we) understand that any permit will be issued in reliance of the above representations and will be automatically void if any are untrue or incorrect.

The undersigned understand that additional information, such as a survey of the property or expert testimony may be required for review and consideration of this application by the Zoning Administrator and, that, upon my written authorization, fees for such additional information shall be my responsibility.

The permit will expire and become null and void within 2 years from the date of issuance if the permitted development has not commenced.

Subdivision may not be concluded until 15 days from the date of approval for a minor subdivision or 30 days from the date of approval for a major subdivision.

Signature of Applicant(s) Dana M. Gravel Date 10/14/2020

Signature of Landowner(s) _____ Date _____

Note: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.

Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board, c/o the Town Clerk's Office at the address shown above, with the appropriate fee, within 15 days of the decision or act. Failure to appeal this decision will mean that all interested persons are bound by this decision and will foreclose these persons from contesting this decision either directly or indirectly in the future. **This permit shall not take effect until the time for such appeal has passed.**

Please note that this is only a local permit and state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at 1-802-505-5367.

FOR ZONING ADMINISTRATOR USE ONLY

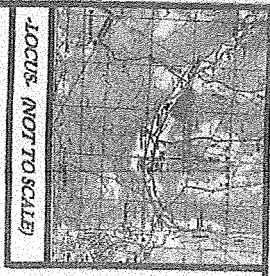
{ } Approved { } Denied { ☒ } Referred to the Development Review Board – Major Subdivision

Date _____ Signature _____

Remarks and/or Conditions: _____

Waiver Requested: 11/5/2020 - underground utilities

Date of Approval or Denial by Development Review Board: _____



LOCUS (NOT TO SCALE)

JOEY & DARLINE DEVENGER
REFER TO:

BOOK	PAGE	DATE
108	461	03/14/2007
53	490	12/21/2009
32	369	02/22/2016
10	307	09/17/2016
43	01/20/2015	

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EDWARD & LAURIE MASON
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10	307	09/17/2016
43	01/20/2015	

SEE PLAT ENTITLED "SOUTH PLAIN OF STATION
R. WINDLAND ROAD" DATED MAY
1999 BY ROBERT FARNSWORTH PLAT # 45

GRAVEL CONSTRUCTION, INC. DEED REFERENCES		
BOOK	PAGE	DATE
106	452	05/02/2003
77	631	06/04/1999
44	394	08/09/1987
10	7	08/09/1987
43	146	02/16/1987
42	43	02/16/1987
42	43	04/01/1984

CUT BACK BERMS ON BOTH SIDES
OF ACCESS TO IMPROVE SIGHT
DISTANCE

HIGHWAY NOTE:

THE RIGHT OF WAY LINES OF VERMONT ROUTE 15 WHICH
MAKES THE SOUTHWEST CORNER OF THE SUBJECT
PARCEL HAVE BEEN CALCULATED USING THE SUBJECT
HARDWICK-HOLCOTT ROUTE SERIES, MAP NO. 49 E SHEETS 11 TO
15 OF 18 SHEETS DATED 1936, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

PAVE EXISTING ACCESS 30' WIDE
PER VTRANS STANDARD B-71 B

LEGEND:

- PROPERTY LINE
- ROAD RIGHT-OF-WAY
- EDGE OF GRAVEL
- EDGE OF PAVEMENT
- PROPOSED PROPERTY LINE
- BARBED WIRE FENCE LINE
- 5/8" DIA. BEND ROD SET
- VARIOUS DIA. IRON PIPE FOUND
- UNMARKED POINT
- UTILITY POLE, TELEPHONE LINES
- UTILITY POLE, TRANSMISSION LINES

REMOVE 2 COMMERCIAL SIGNS
FROM HIGHWAY RIGHT OF WAY

NOTE:

THE METES AND BOUNDS SHOWN ON THIS PLAT ARE BASED ON A CLOSED ELECTRONIC
INSTANTANEOUS TRAVERSE WITH A DEGREE OF PRECISION OF 1: 565,151 OBTAINING A
ANGULAR POSITIONAL TOLERANCE OF 0.68 HET PL 1: 5,500.

THE BEARINGS SHOWN ARE BASED ON MAGNETIC NORTH AS OBSERVED AT THE SITE
ON AUGUST 20, 2020 AND SERVED ONLY TO DEFINE THE ANGULAR RELATIONSHIP BETWEEN
ADJACENT CO-ORDINATES.

THE AREA HAS BEEN CALCULATED TO THE RIGHT OF WAY LINES OF VERMONT ROUTE 15
WHICH ARE THE SOUTHWESTERN BOUNDARY LINES OF THE SUBJECT PARCEL AND ARE
SHOWN ON THE ABOVE REFERENCED VTRANS HIGHWAY PLANS.

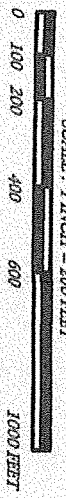
CERTIFICATION:

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE
BASED ON AND CONSISTENT WITH THE DEED AND PLAT
REFERENCES LISTED, AS WELL AS EXISTING MONUMENTATION
AND OTHER PHYSICAL EVIDENCE AND ARE CORRECT TO THE
BEST OF MY KNOWLEDGE AND BELIEF.

PROPOSED
RECORD COPY
09/30/2020

VTRANS PERMITTING SERVICES
10/9/2020

SCALE: 1 INCH = 200 FEET



SUBDIVISION SURVEY OF PROPERTY BELONGING TO:
GRAVEL CONSTRUCTION, INC.
VERMONT ROUTE NO. 15, HARDWICK, VERMONT

SCALE: 1 INCH = 200 FEET
DATE: SEPTEMBER, 2020
SURVEYED BY: DMG
DRAFTED BY: LMP
CHECKED BY: DAG



FILE NO. A-20-555



Vermont



Hardwick, VT

1 inch = 537 Feet



November 13, 2020

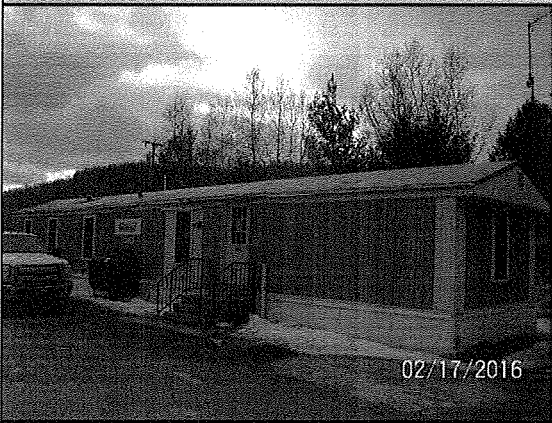


Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Assessment Field Card

Town of Hardwick, Vermont



Parcel Information	
 <p>02/17/2016</p>	<p>Address: 2142 VT ROUTE 15 WEST Map-Lot: 04007-00010 Patriot Account #: 605 Owner: GRAVEL CONSTRUCTION CO Co-Owner: INC Mailing Address: PO BOX 78 WOLCOTT, VT 05680</p>
Building Exterior Details	General Information
<p>Building Type: MH - SINGLE Year Built: 1982 Grade: D+ Frame Type: WOOD Living Units: 1 Building Condition: Average Roof Cover: METAL Roof Type: GABLE Exterior Wall Type: ALUMINUM Pool: False</p>	<p>Total Acres: 51.6 Land Use Code: 41 Neighborhood Code: XA Owner Occupied: Condo Name: Condo Unit: Zone: Utility Code 1: Utility Code 2: Utility Code 3:</p>
Building Area	Ownership History
<p>Gross Area: 924 sqft Finished Area: 924 sqft Basement Area: 0 sqft Garage Area: 0 sqft Detached Garage: 58X33 sqft Basement Garage: 0 sqft</p>	<p>Sale Date: 6/6/2003 Sale Price: \$ 158000 NAI Description: Grantor (Seller): Book/Page: 114/452</p>
Building Interior	Assessed Value
<p>No. Total Rooms: 0 No. Bedrooms: 0 No. Full Baths: 0 No. Half Baths: 1 Bath Rating: No. Kitchens: 0 Kitchen Rating: Building Framing: WOOD Interior Wall Type: PLYWD PANL Fireplaces: 0 Solar Hot Water: False Central Vac: False Floor Type: LAMINATE Heat Type: FORCED H/A Heat Fuel: OIL Percent A/C: 0</p>	<p>Assessed Yard Value: \$ 23000 Assessed Land Value: \$ 184300 Assessed Bldg Value: \$12300 Total Assessed Value: \$219600</p>

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FFL
(924)

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www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



**State of Vermont
Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section**

Barre City Place, 219 North Main Street
Barre, VT 05641

[phone] 802-636-0037
[ttd] 800-253-0191

vtrans.vermont.gov

Agency of Transportation

**! LETTER OF INTENT !
THIS IS NOT A PERMIT**

November 2, 2020

Gravel Construction Inc.
Dana Gravel via email: dana@gravelconstruction.com
Po Box 78
Wolcott, VT 05680

Subject: Hardwick, VT15, L.S. 0028+51 LT

Dear Dana,

Your highway permit application to construct access improvements for a two lot commercial subdivision, at the above-referenced location, has been reviewed and found to meet the requirements for work within the highway right-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 after you provide us with copies of your Act 250 and/or local approvals, including all conditions. A site/grading plan detailing the proposed work on the berms, paving and sign removal will also be required.** In cases where local zoning does not exist, a letter from the legislative body of the municipality will be acceptable.

This Letter of Intent applies only to the proposed access work and subdivision. A commercial development proposal will be required before the new lot is developed.

When issued, the permit will contain, but will not be limited to, the attached Special Conditions.

This commitment is valid for two 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.

This Letter of Intent 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.

If you have any further questions about this matter, please call me at (802) 498-8946.

Sincerely,

E-SIGNED by Edward Pierce
on 2020-11-02 13:20:08 GMT

Ed Pierce
Permit Coordinator

E-SIGNED by Craig Keller
on 2020-11-02 14:34:15 GMT

Attachment

Reviewed by: Craig S. Keller, P.E., Chief of Permitting Services

cc: Town of Hardwick: zoning.administrator@hardwickvt.org
District Environmental Coordinator #7: Kirsten.Sultan@vermont.gov
District Transportation Office #8: Michael.Chrastina@vermont.gov

SPECIAL CONDITIONS

This permit is granted subject to the restrictions and conditions on the back of the permit, with particular attention given to the Special Conditions listed below. This permit pertains only to the authority exercised by the Vermont Agency of Transportation (Agency) under Vermont Statutes Annotated, Title 19, Section 1111, and does not relieve the Permit Holder from the requirements of otherwise applicable statutes, rules, regulations or ordinances (e.g., Act 250, zoning, etc.). The Permit Holder shall observe and comply with all Federal and State laws and local bylaws, ordinances, and regulations in any manner affecting the conduct of the work and the action or operation of those engaged in the work, including all orders or decrees as exist at present and those which may be enacted later by bodies or tribunals having jurisdiction or authority over the work, and the Permit Holder shall defend, indemnify, and save harmless the State and all its officers, agents, and employees against any claim or liability arising from or based on the violation of any such law, bylaws, ordinances, regulations, order, or decree, whether by the Permit Holder in person, by an employee of the Permit Holder, by a person or entity hired by the Permit Holder, or by a Subcontractor or supplier.

The Permit Holder shall accomplish all work under this permit in accordance with the attached:

a. Plan "Subdivision Survey - Gravel Construction, Inc. – Vermont Route 15 – Hardwick, Vermont", by Sunwise Surveying dated September 2020 and annotated by VTrans Permitting Services 10/26/2020.

b. VTrans Standard B-71B, Two-Way Undivided Commercial Drive.

A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such meeting.

Please note that the Vermont Agency of Transportation is not a member of Dig Safe. The Permit Holder shall also contact Dan Ertel, State Signal Supervisor, at (802) 343-2188. Mr. Ertel will need to locate and mark all existing buried utility facilities owned by the Agency near the location of the proposed work.

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

Two-way traffic shall be maintained at all times unless permission is granted from the District Transportation Administrator. Whenever two-way, one-lane controlled traffic is authorized to be maintained by the Applicant's Contractor, **the traveling public shall not be delayed more than 10 minutes.**

All grading within the State Highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or his or her staff. The Permit Holder shall be responsible for ensuring that all grading work in or on the State Highway right-of-way complies with applicable statutes, rules, regulations or ordinances.

In areas to be grass covered, the Permit Holder shall restore turf by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch, all to the satisfaction of the District

Gravel Construction Inc
Hardwick, VT15, L.S. 0028+51 LT
November 2, 2020
Page 2 of 4

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.

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.

This permit does not become effective until the Permit Holder records, in the office of the appropriate municipal clerk, the attached "Notice of Permit Action". The Permit Holder, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the access(es) in accordance with the Special Conditions.

The Permit Holder shall file a municipal clerk certified copy of the recorded "Notice of Permit Action" within one (1) month of the permit issuance date in the Office of the Development Review and Permitting Services Section.

The conditions of this permit and the land uses permitted herein in using the State highway access shall run with the land and are binding upon and enforceable against the Applicant and their successors and assigns.

No change shall be made to the design, operation or use of the approved access(es) without a permit amendment issued by the Agency of Transportation or a jurisdictional opinion from the Development Review and Permitting Services Section that a permit amendment is not required.

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 Permit Holder's expense.

This access will serve as the only access to this property and to any future subdivisions of this property unless approved otherwise by the Agency. The Permit Holder is required to allow a connection and to grant an associated right to pass between the access and adjoining properties (in the future) that will result in a combination of accesses to serve more than one property or lot. By issuance of this permit, the Agency revokes all previous permits for access to this property.

In the event traffic from this project increases to the point where traffic signals, additional lanes for turning or any other modifications are necessary, the Permit Holder shall bear the expense of such improvements or facilities. The Agency may require the Permit Holder 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, 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 snow banks to provide corner sight distance.

In conformance with Vermont Statutes Annotated, Title 19, Section 1111(f), the Agency may eliminate this access 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 Permit Holder shall bear the expense of the frontage road or other access improvements. The Agency shall determine the need of a frontage road or other improvements based upon and justified by standard Agency procedures.

The Permit Holder shall pave the access (drive) from the edge of paved shoulder to the State Highway right-of-way, or to the end of the access radii, whichever is furthest.

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, 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 Agency's opinion, safety of highways users is or may be affected.

The Permit Holder shall verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency standards and any additional traffic control deemed necessary by the District Transportation Administrator. The Permit Holder's failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

The Permit Holder will perform construction in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, the Permit Holder shall provide a sign package that conforms to the MUTCD (Manual on Uniform Traffic Control Devices) or Agency standards, as well as trained Flaggers. The District Transportation Administrator may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the District Transportation Administrator may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of UTOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

When traffic control becomes so complex that the traffic control cannot be accomplished using Agency standards, the Permit Holder must submit a traffic control plan to the Agency's Permitting Services office for Agency approval prior to beginning work.

The Permit Holder shall ensure that all workers exposed to the risks of moving highway traffic and/or construction equipment wear high-visibility safety apparel meeting the requirements of ISEA (International Safety Equipment Association) "American National Standards for High-Visibility Safety Apparel," and labeled as ANSI (American National Standards Institute) 107-2004, or latest revisions, for Performance Class 2 or 3 requirements. A competent person - one designated by the Permit Holder's Contractor to be responsible for worker safety within the activity area of the State highway right-of-way - shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

Independence; Liability: The Permit Holder will act in an independent capacity and not as officers or employees of the State.

The Permit Holder shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Permit Holder or of any agent of the Permit

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Hardwick, VT15, L.S. 0028+51 LT
November 2, 2020
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Holder. The State shall notify the Permit Holder in the event of any such claim or suit, and the Permit Holder shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement, the Permit Holder may request recoupment of specific defense costs and may file suit in the Washington Superior Court requesting recoupment. The Permit Holder shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Permit Holder.

The Permit Holder shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Permit Holder.

Insurance: Before beginning any work under this Permit the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State for the duration of work under the Permit. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations. These are solely minimums that have been established to protect the interests of the State.

Workers' Compensation: With respect to all operations performed under the Permit, the Permit Holder shall carry workers' compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the Permit, the Permit Holder shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations
Products and Completed Operations
Personal Injury Liability
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

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

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Automotive Liability: The Permit Holder shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Permit. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.



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EAST



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NORTH



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