

Appeal Period Expires <u>4/12/22</u> Zoning District <u>FI</u>	<b>Town of Essex, Vermont</b> <b>Application for Zoning Permit</b> (Building Permit)	Application Date <u>1/1</u> Permit Number <u>2022-30</u>
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- Contact State Permit Specialist Jeff McMahon (477-2241) to check for state permitting and/or setbacks.
  - Post permit card visible to the road immediately as Permit is appealable within 15 days of issuance.
  - Call the Zoning Administrator at 878-1343 to schedule a Certificate of Occupancy inspection if indicated below as required.
  - Call the Assessor at 878-1345 to schedule a re-assessment upon completion of work.
- Signed:

<b>A</b>	Parcel Account Numb. (Map-Parcel-Lot) <u>2-004-003-007</u> Property Address: <u>287 River Road</u> Owner: <u>Rail Park, LLC</u> <i>(Pidgeon Brothers Ken + Scott)</i> Owner Address: <u>P.O. Box 2187, South Burlington, VT 05407</u> Owner Phone: (work) <u>802-264-2269</u> (home) <u>802-598-6082</u> (cell) <u>802-598-6082</u> (Email) <u>kpidgeon@ecivt.com</u> Tenants name: <u>Engineers Construction</u> Phone: <u>802-264-2269</u> Cell: <u>802-598-6082</u> Estimated Construction Dates: Start: <u>5/1/21</u> Completion: <u>8/1/21</u> Sq. Feet: <u>N/A</u> Estimated Cost (labor & materials): \$ <u>83,000</u>	<b>G</b>																																																																																								
<b>B</b>	<b>Sewage Disposal</b> (Please attach Sewer or Septic Application). Public <input type="checkbox"/> Septic <input type="checkbox"/> Connection Fee \$ <u>N/A</u> Date Paid: <u>1/1</u> Proposed New Bedrooms: <u>0</u> Existing Bedrooms <u>vacant lot</u>	Check box(es) which describe proposed use or construction (circle choice in parenthesis). <b>N = New A = Addition R = Remodel</b>  <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:80%;"><i>Residential:</i></td> <td style="text-align: center;">N</td> <td style="text-align: center;">A</td> <td style="text-align: center;">R</td> </tr> <tr> <td>Single Family</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Two-family (duplex)(other)</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> 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<b>D</b>	<b>Driveway</b> (Please attach copy of approved Curbcut / Utility Application). Date of approval <u>3/25/21</u> (VTRANS Access Permit attached) <u>existing</u>																																																																																									
<b>E</b>	<b>Stormwater</b> (VT Construction Stormwater & Operational Stormwater Permits attached) <input type="checkbox"/> Project disturbs an area greater than or equal to 1 acre – Erosion Control Permit Required. Attach completed permit application. <input checked="" type="checkbox"/> Project creates new or expands existing impervious surface greater than or equal to 1/2 acre – Erosion Control Permit and Stormwater Management Permit required. Attach completed permit application.																																																																																									
<b>F</b>	<b>Diagram</b> – Show a sketch of project on reverse of this application with property lines, building, and setbacks or attach separate sheet.																																																																																									
<b>G</b>	To be constructed pursuant to Planning Commission approved # PC:2022-2 issued on 1/13/22 Signature of Tenant and Signature of Owner																																																																																									

**Office Use Only**

Fees:	Type	Amount	Date Pd
Permit		\$ <u>710.</u>	<u>1/1</u>
Recreation		\$	<u>13/28</u>
Recording		\$ <u>15.</u>	<u>1/1</u>
Certificate of Occ		\$	<u>1/1</u>
Other		\$	<u>1/1</u>

**Building Permit**

Approved  Rejected  Date 3/28/2022

Issued to: Rail Park LLC

Zoning Administrator: Sharon L. Kelley

Notes: \_\_\_\_\_

C.O. Required Yes  No

**THIS PERMIT VALID FOR TWELVE (12) MONTHS FROM DATE OF ISSUE  
RENEW FOR 1 YEAR (FREE) IF NOT EXPIRED**

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AUTHORIZATION TO DISCHARGE UNDER  
GENERAL PERMIT 3-9020

A determination has been made that the applicant(s) (here in after "permittee"):

Rail Park, LLC  
98 Engineers Drive  
Williston, VT 05495

meets the criteria necessary for inclusion under General Permit 3-9020 for low risk construction activities. Subject to the conditions and eligibility provisions of General Permit 3-9020, the permittee is authorized to discharge stormwater to an unnamed tributary of the Winooski River from the following construction activities: Reshaping and grading existing construction yard to capture and convey stormwater runoff via catch basins and storm pipes to on site infiltration basin with forebay. The project is located at 287 River Road in Essex, Vermont.

1. Effective Date and Expiration Date of this Authorization: This authorization to discharge shall become effective on November 09, 2021 and shall continue until November 08, 2026. The permittee shall reapply for coverage at least 60 days prior to expiration if the project has not achieved final stabilization or if construction activities are expected after the date of expiration.
2. Compliance with General Permit 3-9020 and this Authorization: The permittee shall comply with this authorization and all the terms, conditions, and eligibility provisions of General Permit 3-9020. The completed Notice of Intent (NOI) and Appendix A completed for this project are incorporated by reference into this authorization and are included in the terms of this authorization. These terms include:
  - Implementation and maintenance of erosion prevention and sediment control practices required by the Low Risk Site Handbook for Erosion Prevention and Sediment Control.
  - All areas of disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. The following exception to the above stabilization requirements apply:
    - Temporary stabilization is not required if work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption and the exemption applies only to the excavated area itself.
  - The total authorized disturbance is 5.95 acre(s).
  - No more than 5 acres of land may be disturbed at any one time.
  - No disturbance shall occur within 50 feet (horizontal) upslope of any stream or river, wetland, lake, or pond.
  - All stormwater discharges from the construction site to any receiving water shall first filter through a 50-ft. vegetated buffer.
  - Inspections shall be conducted at least once every (7) calendar days and daily during the winter construction period (October 15 through April 15), for all areas that have been disturbed and are not yet finally stabilized. In addition:
    - If visibly discolored stormwater runs off the construction site or discharges to waters of the State, the permittee shall take immediate corrective action to inspect and maintain existing best management practices (BMPs), and to install supplemental BMPs necessary to minimize and prevent the discharge.

**Notice of Authorization**  
Under Vermont Construction General Permit 3-9020  
For Low Risk Construction Activity



**Permittee Directions for Posting:**

This notice shall be placed near the construction entrance at a location visible to the public. If displaying near the main entrance is infeasible, the notice shall be posted in a local public building such as the municipal office or public library. For linear projects, the notice shall be posted at a publicly accessible location near the active part of the construction project (e.g., where a pipeline project crosses a public road) or, in the event posting in a publicly accessible location near the active part of the project is infeasible, the permittee shall post in a local public building such as the municipal office or public library.

<b>Project Name:</b>	Rail Park Contractor's Yard
<b>Permittee Name(s):</b>	Rail Park, LLC
<b>NOI Number:</b>	9305-9020
<b>Date of Authorization:</b>	November 09, 2021
<b>Date of Expiration:</b>	November 08, 2026

**The project listed above has received authorization under General Permit 3-9020 to discharge stormwater from the following construction activities:**

Reshaping and grading existing construction yard to capture and convey stormwater runoff via catch basins and storm pipes to on site infiltration basin with forebay.

**This authorization includes the following requirements:**

- Implementation and maintenance of erosion prevention and sediment control practices required by the Low Risk Site Handbook for Erosion Prevention and Sediment Control.
- All areas of disturbance must have temporary or final stabilization within 14 days of the initial disturbance. After this time, disturbed areas must be temporarily or permanently stabilized in advance of any runoff producing event. A runoff producing event is an event that produces runoff from the construction site. The following exception to the above stabilization requirements apply:
  - Temporary stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of two feet or greater (e.g. house foundation excavation, utility trenches). Areas of a construction site that drain to sediment basins are not considered eligible for this exemption and the exemption applies only to the excavated area itself.
- The total authorized disturbance is 5.95 acre(s).
- No more than 5 acres of land may be disturbed at any one time.
- No disturbance shall occur within 50 feet (horizontal) upslope of any stream, river, wetland, lake, or pond.
- All stormwater discharges from the construction site to any receiving water shall first filter through a 50-ft. vegetated buffer.
- Inspections shall be conducted at least once every (7) calendar days and daily during the winter construction period (October 15 through April 15), for all areas that have been disturbed and are not yet finally stabilized. In addition:
  - If visibly discolored stormwater runs off the construction site or discharges to waters of the State, the permittee shall take immediate corrective action to inspect and maintain existing best management practices (BMPs), and to install supplemental BMPs necessary to minimize and prevent the discharge.
- If, after completing corrective action, there continues to be a discharge of sediment from the construction site to waters of the State, the permittee shall notify DEC by submitting a Discharge Report within 24 hours of discovering the discharge.
- The permittee shall comply with all inspection, maintenance, corrective action, record keeping, and reporting requirements, and all other terms, conditions, and eligibility provisions, including those conditions related to project changes, as set forth in General Permit 3-9020 and this authorization.
- Following receipt of authorization under General Permit 3-9020, additional Owner(s) and Operator(s) not identified on the Notice of Intent at the time of application shall be added as a co-permittee by filing a Notice of Addition of Co-Permittee with the Secretary. The co-permittee shall be subject to all terms and conditions of the permittee's authorization and General Permit 3-9020.

To request information on this authorization, or to report compliance concerns, please contact:

**Vermont Department of Environmental Conservation**  
**Watershed Management Division**  
1 National Life Drive, Davis 3  
Montpelier, VT 05620

Permit Number: 9305-9050

PIN:

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AUTHORIZATION TO DISCHARGE UNDER  
GENERAL PERMIT 3-9050

A determination has been made that the applicant(s):

Rail Park, LLC  
98 Engineers Drive  
Williston, VT 05495

Impervious Area: 4.06 acres

meets the criteria necessary for inclusion under General Permit 3-9050. Hereinafter, the named applicant shall be referred to as the permittee. Subject to the conditions of General Permit No. 3-9050, the permittee is authorized to discharge stormwater as described herein:

*Project Name:* Rail Park Contractor's Yard  
*Project Location:* 287 River Road in Essex, Vermont  
*Receiving Waters:* Winooski River  
*Manner of Discharge:* S/N 001: Runoff from a new 3.75-acre paved area with existing 0.31-acre existing paved access road to be collected and conveyed via catch basins and storm pipes to a pre-treatment forebay and infiltration basin with controlled outlet structure, discharging to ground water in the Winooski River watershed with overflow to an unnamed tributary of the Winooski River.  
*Design:* This project shall be constructed and operated in accordance with the site plans and details designed by Krebs & Lansing Consulting Engineers:  
  
Sheet EX-1, "Existing Conditions Plan", dated 9/07/2021;  
Sheet C-1, "Overall Plan", dated 9/07/2021;  
Sheet C-2, "Site Plan", dated 11/02/2021;  
Sheet D-1, "Details", dated 9/07/2021;  
Sheet SW-1, "Stormwater & Site Restoration Plan", dated 9/07/2021;  
Sheet SW-2, "Stormwater Maintenance Plan", dated 9/07/2021; and all supporting information.

By reference, the above noted plans are made part of this authorization.

Compliance with General Permit 3-9050 and this Authorization

The permittee shall comply with this authorization and all the terms and conditions of General Permit 3-9050, including the payment of annual operating fees to the Department. A billing statement for such fees will be sent to the permittee each year. An invoice for the first year's operating fee will be sent separately. Any permit non-compliance, including a failure to pay the annual operating fee, constitutes a violation of 10 V.S.A. Chapter 47 and may be grounds for an enforcement action or revocation of this authorization to discharge.

Construction of the Stormwater Management System:

The stormwater management system as described in the approved Design above shall be installed prior to the discharge of stormwater from any new or redeveloped impervious surface covered by this authorization. Where stormwater from existing impervious surface is being treated pursuant to "Site Balancing", per the Approved Design, the stormwater system treating such areas shall be installed prior to the discharge of stormwater from new or redeveloped impervious surface.

provide notice of the filing of an appeal in accordance with 10 V.S.A. § 8504(c)(2) and shall also serve a copy of the notice of appeal on the Vermont Public Service Department. For further information, see the Rules and General Orders of the Public Utility Commission.

Effective Date and Expiration Date of this Authorization

This authorization to discharge shall become effective on November 29, 2021 and shall expire on November 28, 2026. The permittee shall reapply for coverage prior to the expiration of this authorization.

Dated November 29, 2021.

Peter Walke, Commissioner  
Department of Environmental Conservation



By:

Christy Witters, Environmental Analyst  
Stormwater Management Program



**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  
**vtrans.vermont.gov**

*Agency of Transportation*

March 25, 2022

Rail Park, LLC  
ATTN: Ken Pidgeon  
98 Engineers Drive  
Williston, VT 05495  
**(Via Email)**

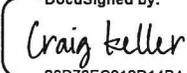
Subject: Essex, VT 117, L.S. 0196+94 LT

Dear Mr. Pidgeon,

Your application for a permit to work within the State highway right-of-way to improve an existing commercial access to serve a limited contractor's yard for ECI Construction, Inc., at the location indicated, has been processed by this office and is enclosed.

Please contact the District Transportation Office #5 prior to starting work in the State highway right-of-way. The telephone number in Colchester is (802) 655-1580.

Sincerely,

DocuSigned by:  
  
26D70EC912D14B4...

Craig S. Keller, PE  
Chief of Permitting Services

Enclosures

cc: District Transportation Office #5, Michael Poulin  
Krebs & Lansing Consulting Engineers, Inc., Jesse Carswell, P.E.  
Town of Essex, Sharon Kelley

PERMIT ID# 44469

FOR AGENCY USE ONLY  
Town: Essex  
Route: VT 117  
Mile Marker: 3.73 LI  
Log Station: 0196+94 LT

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

Owner's/Applicant's Name, Address, E-mail & Phone No. Owner & Applicant: Rail Park, LLC  
98 Engineers Drive, Williston, VT 05495, kpidgeon@ecivt.com, 802-863-6389  
Co-Applicant's Name, Address, E-mail & Phone No. (if different from above) \_\_\_\_\_

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)  
287 River Road, Essex - ex. access on n'ly side of Rt.117, approx. 365' w'ly of N.Williston Rd & Rt.117

Description of work to be performed in the highway right-of-way (attach plan)  
Improve existing paved access drive to meet B-71 standards for commercial drives (see attached plan)

Property Deed Reference Book: 966 Page: 704 (only required for Permit Application for access)  
Fee \$ 250 (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 May 20 21  
Owner/Applicant: Ken Pidgeon Position Title: \_\_\_\_\_  
(Print name above)

Sign in Shaded area:  Date: 4-13-2021

Co-Applicant: \_\_\_\_\_ Position Title: \_\_\_\_\_  
(Print name above)

Sign in Shaded area: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant to Complete

**INSTRUCTIONS:** -Contact the Development Review and Permitting Services Section (802.636.0037) 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.**

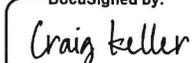
**FEE:** -See Fee Schedule for applicable administrative processing and application review fee.

**PERMIT APPROVAL**

Permission is hereby granted to work within the State highway right-of-way to improve an existing commercial access for serving a limited contractor's yard for ECI Construction, Inc.

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 12/01/2022 Date work accepted: \_\_\_\_\_

DocuSigned by:  
  
By: \_\_\_\_\_ Issued Date 03/25/2022 By: \_\_\_\_\_ DTA or Designee  
26D79E6912B14B4  
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: (802) 655-1580**

Rail Park, LLC  
Essex, VT 117, L.S. 0196+94 LT  
March 25, 2022  
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### **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 Krebs & Lansing Rail Park, LLC Access Plan (dated 04/16/2021) and detail D and the profile and notes of standard drawing B-71B, copy attached.**

**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 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.

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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 re-pave the access (drive) from the edge of VT 117 travel lane for a minimum of 50-feet.**

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 highway 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.

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.

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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.