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Maura Healey, Governor  
 Kimberly Driscoll, Lieutenant Governor  
 Gina Fiandaca, Secretary of Transportation & CEO  
 Jonathan L. Gulliver, Highway Administrator



5-2023-0012

**PERMIT – WEST TISBURY**

Subject to all terms, conditions, and restrictions printed or written below, permission is hereby granted to **PETER FISHER**, 362 State Road, Vineyard Haven, MA 02568 to enter upon State Highway in the Town of **WEST TISBURY** on State Road, for the purpose of constructing a driveway to his property between approximate Stations 197+07 and 197+23 at the southerly line of the State Highway Layout (SHLO) Line, flaring to approximate Stations 197+03 and 197+35 at the edge of the hardened surface, with light grading within the project limits, as shown on the approved sketch.

This Permit is being granted to provide access to a residential house lot located at #362 State Road.

**THIS PERMIT IS BEING ISSUED FOR WORK WITHIN THE SHLO ONLY. AUTHORIZATION TO PERFORM ASSOCIATED WORK OUTSIDE OF SHLO MUST BE GRANTED BY IMPACTED PROPERTY OWNERS.**

The Grantee(s) must contain/treat all their stormwater runoff within their property. They shall ensure that stormwater from the driveway and/or property does not flow into the State Highway Layout.

Any change in design, use of property, additional building, or lot development will require the Grantee(s) to reapply online (<https://shaps.massdot.state.ma.us/>) for a new or amended Driveway Permit.

Please note that any Utility work within the SHLO requires a separate Permit. In the case of telephone/water/sewer/gas/electric/cable, the respective utility needs to apply online (<https://shaps.massdot.state.ma.us/>) under a separate Permit Application(s) and they must be listed as owner and applicant.

All work is to be done as described herein and as shown on the approved sketch and on approved plan(s) entitled "Two Lane Road One Lane Alternating Traffic Management Plan, West Tisbury, Mass., prepared for Peter Fisher" as drafted by Vineyard Land Surveying & Engineering, 12 Cournoyer Road, P.O Box 421 West Tisbury, MA 02575, tel.: (508) 629-3774, and dated April 14, 2023.

**Prior to any work being done within the SHLO, the Grantee(s) must upload/submit a Work Request in State Highway Access Permit System (SHAPS) to obtain approval for the proposed work schedule. Said form to be completed/uploaded can be found under the Forms and Sample Submission Documents tab and is entitled "Work Request Form D1 - D5". One (1) of these forms must be uploaded by the close of business every Thursday for the entire duration of the project in order to request approval for the following week's work schedule.**

The Grantee(s) must notify the Martha's Vineyard Commission and the Transit Authority via e-mail (Mike Mauro at [mauro@mvcommission.org](mailto:mauro@mvcommission.org) and Angie Gompert at [angie@vineyardtransit.com](mailto:angie@vineyardtransit.com)) prior to any work being completed within the SHLO on Martha's Vineyard to accommodate the bus routes on the island.

District 5, 1000 County Street Taunton, MA 02780

Tel: (857) 368-5000, FAX: (508) 880-6102

[www.mass.gov/orgs/highway-division](http://www.mass.gov/orgs/highway-division)

**The Grantee(s) must adhere to 520 CMR 14.00: Excavation and Trench Safety as promulgated by the Department of Public Safety in conjunction with the Division of Occupational Safety pursuant to authority granted by M.G.L. c. 82a § 1. If not already approved, a Trench Permit Rider must be completed and uploaded to SHAPS before any trench work is performed under this Permit.**

The Grantee or Applicant shall record any Vehicular Access Permit or any Non-Vehicular Access Permit involving drainage at the appropriate **Registry of Deeds**. Any Permit issued by MassDOT, Highway Division, that requires recording shall not be effective until recorded at the appropriate Registry of Deeds and a copy of the recorded document is submitted to the District Highway Director.

The Grantee(s) must strictly adhere to the Order of Conditions (MassDEP# SE 351-1173) issued by the Wrentham Conservation Commission, and the Decision in the Special Permit (SP 2021-04) & Site approval – Warehouse, 500, 510 & 524 Thurston Street, Wrentham, MA, issued by the Town of Wrentham Planning which are considered an integral part of this Permit.

The Grantee(s) shall be responsible for all litter and debris generated from their property during the work as described herein and/or from all prospective residents, visitors, or patrons of all existing or proposed facilities mentioned herein. This responsibility shall remain in effect for the entirety of all current or future owners of said property. The Grantee(s) shall perform routine inspections and upkeep within the State Highway Layout. If conditions warrant an individual to enter in or within the proximity of a travelled way, the Grantee(s) shall assume all liability and responsibility for the removal of all litter and debris or the hiring of an appropriate party to perform such duties. Significant work within the travelled way may require a police detail. In consideration to all abutters, the Grantee(s) must take notice to the drifting of debris and the removal thereof. If it is found that this requirement is not being fulfilled in a satisfactory manner, MassDOT, Highway Division may decide to clean the area at the Grantee's expense.

#### **TIME RESTRICTIONS AND NOTIFICATIONS**

**DUE TO HEAVY SUMMER TRAFFIC, NO WORK SHALL BE PERFORMED ON THIS PROJECT BETWEEN MEMORIAL DAY WEEKEND AND LABOR DAY WEEKEND WITHOUT PRIOR APPROVAL FROM THE DISTRICT HIGHWAY DIRECTOR.**

No work shall be performed in the hardened surface of the roadway between November 15th and April 1st of any year without prior written approval from the District Highway Director.

No pavement shall be laid between November 15th and April 1st of any year without prior written approval from the District Highway Director.

No work shall be performed on this project on Saturdays, Sundays, and Holidays, or on the Friday after a Thursday Holiday. Work is also restricted on the day before and the day after a long Holiday weekend without prior written approval by the District Highway Director.

No equipment, trucks, etc., shall occupy any part of the travelled way except between the hours of **9:00 a.m. and 3:00 p.m., Monday - Friday**. In no case will operations exceed the specified hours. This includes the placement of traffic control devices, equipment, or anything that restricts the flow of traffic through the construction zone. Any change in work hours will require prior written approval by the District Highway Director. The 12-minute rule will remain in effect for the duration of the permit.

All other work, off the pavement, on this project is restricted to a normal 8-hour day, Monday - Friday, with the prime Contractor and all subcontractors working on the same shift. Any change in work hours will require prior written approval by the District Highway Director.

### **GENERAL TRAFFIC MANAGEMENT AND SAFETY REQUIREMENTS**

If required by MassDOT, Highway Division District 5, variable message boards (VMBs) shall be utilized as part of the approved traffic management plan under this Permit which must be properly secured with regards to hacking and unauthorized tampering prevention. The Grantee(s) shall adhere to all appropriate security specifications and take all necessary precautions to mitigate the risk of the boards being hacked. All VMBs shall be stored in a secured area and shall have a lockable, weatherproof enclosure for the operator interface, removable local keyboards which shall be removed whenever possible, and a password protected controller with local administrative passwords changed on a regular basis.

If any portion of the roadway will be blocked with equipment to facilitate the proposed work, the Grantee(s) will be required to submit a Traffic Management Plan (TMP) to MassDOT, Highway Division, to be reviewed and approved by the District Traffic Maintenance Engineer prior to working within or impacting the roadway. The plan must include information relating to proper signing, traffic control device placement and police details.

It is imperative to maintain two-way traffic at all times and these operations are managed so that motorists travel "delay" is minimized. At any time during the operation when a traffic delay of over 12 minutes occurs and the situation is worsening, the Resident Engineer, Contractor, or Police Detail will begin to suspend operations. Continuously increasing "delays" of over 12 minutes are not to be permitted.

If traffic must be "stopped", the duration shall not be more than five minutes.

Uniformed State/Local Police Officer(s) and their official vehicle(s) may be necessary to provide protection for those installing and removing all temporary traffic warning signs and devices and to perform all traffic management as required.

The Grantee(s) will monitor the flow of traffic during peak traffic volumes and if necessary, shall suspend all operations. Work will resume at the discretion of the Police detail officer and/or to the satisfaction of the supervising MassDOT, Highway Division, and Engineer.

In the event of inclement weather or dense fog, which lessens the visibility of advance warning signs, vehicles and workers, the Grantee(s) will suspend all operations so as not to interfere with the safety of the motoring public and the operations of work. In the event of snow or icing conditions, all vehicles and equipment must be removed from the roadway and/or shoulder area so as not to interfere with Snow and Ice Operations.

The Grantee(s) shall provide safe and ready means of access and egress to all public and private roads and drives 24 hours per day. Every effort must be made as not to interfere with or inconvenience all abutters throughout the duration of this project.

Signs and traffic control devices are required for advance notice of the work and within the work area.

The Grantee(s) or Applicant will supply all required signs and traffic warning devices and shall be in accordance with the Massachusetts Manual on Uniform Traffic Control Devices. The number and location of all signs and devices shall be as deemed necessary by the Engineer for the safe and efficient performance of the work and the safety of the travelling public.

All warning devices shall be subject to removal, replacement, and/or repositioning by the applicant as often as deemed necessary by the Engineer.

Cones or non-reflectorized warning devices shall not be left in operating position on the highway when the daytime operations have ceased. If it becomes necessary for MassDOT, Highway Division, to remove the construction warning devices or their appurtenances from the project due to negligence by the applicant, all costs for this work will be charged to the Grantee(s).

All vehicles, except passenger's cars, which are assigned to the permitted project, and which operate on the site at speeds of 25 MPH or less, shall have an official SLOW-MOVING VEHICLE emblem displayed. All vehicles and equipment on this project must be equipped with back-up alarms.

All personnel who are working on the travelled way or breakdown lanes shall wear approved safety vests and hard hats.

### **GENERAL CONDITIONS AND APPROVED PROCEDURES**

The Grantee(s) must contact the "Dig Safe" Center at 811 to obtain a "Dig Safe" number prior to starting the proposed excavation for the purpose of identifying the location of underground utilities.

In reference to poles located near wheelchair ramps or near the edge of the roadway, be advised that a minimum of 1-1/2' (feet) is required between the edge of the roadway and the face/front of the pole. Additionally, a minimum clear distance around poles shall be 3' (feet) excluding the width of curb.

The Grantee(s) must remove any granite curb/edging or berm located within the area of the proposed drive to facilitate the construction of the driveway. All material will then be removed from within the State Highway Layout and properly stored or discarded at the expense of the Grantee(s) or Contractor. If the quality of the removed granite curb is in good condition, the Grantee(s) may reuse said pieces to close any existing drive mentioned herein. DO NOT return curbing to MassDOT, Highway Division.

The drive(s) must be constructed on a minus grade (unless special conditions are granted herein) from the edge of the hardened surface to the State Highway Layout Line and graded in such a manner that no ponding of water occurs within the Highway Layout. The Grantee(s) shall be responsible for the disposal of all surface water from their property and the proposed drive(s). If such run-off or ponding occurs, the Grantee(s) shall be responsible for its correction at their expense.

The drive(s) shall have an 8" (inch) gravel base that has been machine compacted then paved with 4" (inches) of hot mix asphalt laid in two (2) courses consisting of a 2-1/2" (inch) intermediate course and a 1-1/2" (inch) surface course. Any hot mix asphalt berm or granite edging that exists in the driveway area must be sawcut and removed. The new pavement must butt into and not overlap the edge of the hardened surface of the roadway.

All abutting edges of the existing pavement shall be coated with a hot poured joint sealer immediately prior to the placement of the permanent bituminous concrete.

The Grantee(s) shall be responsible for the portion of the proposed drive(s) located within the State Highway Layout and shall routinely inspect them for deficiencies such as settling, heaving, cracks etc. Such deficiencies shall be corrected at the cost of the Grantee(s) and to the satisfaction of the Engineer.

If existing or proposed sidewalk is included in this project, the Grantee(s) will install concrete wheelchair ramps in conformance with the Architectural Access Board Regulations.

If the integrity of any existing sidewalks, catch basins, manholes or any other underground structures or equipment is compromised, the Grantee(s) will reconstruct and/or replace all items according to MassDOT, Highway Division, Standards at the cost of the Grantee(s) and to the satisfaction of the Engineer.

The Grantee(s) is responsible to ensure that the installation of the poles is in conformance with the rules and regulations of the Architectural Access Board (AAB), the Americans with Disabilities Act (ADA) and the MassDOT - Highway Division - Utility Accommodation Policy on State Highway Right of Way (May 2013). In reference to poles located near wheelchair ramps or near the edge of the roadway, be advised that a minimum of 1-1/2' (feet) is required between the edge of the roadway and the face/front of the pole. Additionally, a minimum clear distance around poles shall be 3' (feet), excluding the width of curb.

All traffic control signs installed on the Grantee(s) property, or any signs associated with said property, shall be maintained or replaced at the owner's expense. Furthermore, advertising signs and their structures whether portable or permanent, are not allowed within the SHO.

All present and future signs or structures located on the property of the Grantee(s) shall be at least 12' (feet) from all lines of the State Highway.

The Grantee(s) must not disturb or remove any MassDOT, Highway Division, bound(s) (MHB) associated with this project. If so disturbed or missing, the bound(s) must be reset/replaced by a Registered Land Surveyor. All procedures and materials must be in compliance with Massachusetts Design and Construction Standards. A copy of the paid bill must be submitted to this office upon completion of said work.

All disturbed areas within the State Highway Layout must be graded, loamed, and seeded to the Engineer's satisfaction.

The Grantee(s) shall be responsible for all litter and debris generated during the proposed construction as described herein.

### **DRAINAGE IMPACTS**

Note that existing drainage lines are not located/marked out by Dig-Safe, therefore, care should be taken during excavation operations to ensure that drainage components located within the limit(s) of work are not impacted during work to be performed under this Permit. The Grantee may request drainage plans in anticipation of the work with the Highway Maintenance Section at (857) 368-5240. Be advised that if additional information is needed, the Grantee will require to perform survey work of the drainage structures to identify the location of the drainage components.

If the work under this Permit includes the installation or relocation of drainage structures or work alters the existing State drainage system, the Grantee shall be responsible to clean the drainage system, including any other structure/drainage line/outfall within the project limits to ensure the drainage system works adequately.

The Grantee(s) shall be responsible for any damage that occurs to said drainage components as a result of the work. Should any damage(s) occur, the Grantee(s) must immediately contact the Highway Maintenance Section at (857) 368-5240.

## DRAINAGE AND UTILITY CASTINGS

"The use of risers to adjust drainage and utility structures will not be allowed. All adjustment work done to existing or new drainage structures shall conform to Section 220 of MassHighway Standard Specifications and according to Plates 201.3.0 and 202.9.0 of MassHighway Standards."

## ENVIRONMENTAL LIABILITY AND COMPLIANCE

The Grantee(s) assumes all risk associated with any environmental condition within the subject property and shall be solely responsible for all costs associated with evaluating, assessing, and remediating, in accordance with all applicable laws, any environmental contamination (1) discovered during Grantee's work or activities under this Permit to the extent such evaluation, assessment or remediation is required for Grantee's work, or (2) resulting from the Grantee's work or activities under this Permit. The Grantee(s) shall notify MassDOT, Highway Division, of any such assessment and remediation activities.

The Grantee(s) is hereby held solely responsible for obtaining and maintaining any and all environmental compliance permits required by local, state, and federal laws and regulations when regular or emergency work is proposed in proximity to any wetland area. These environmental compliance requirements include, but are not limited to, a Negative Determination of Applicability or Order of Conditions from the local Conservation Commission, a Water Quality Certificate from the Department of Environmental Protection, and a Programmatic General Permit from the U.S. Army Corps of Engineers. The Grantee(s) shall forward to MassDOT, Highway Division, a copy of each such environmental compliance permit.

## CLOSING CONDITIONS

**ALL OF SAID WORK SHALL COMPLY WITH THE TERMS AND CONDITIONS HEREIN, AND MUST BE DONE AS DIRECTED BY AND TO THE SATISFACTION OF THE ENGINEER.**

All work done under this contract shall be in conformance with the Massachusetts Highway Department "Standard Specifications for Highways and Bridges" 2023 Edition and any subsequent "Supplemental Specifications". All construction shall conform to the June 2017 edition of the Massachusetts Department of Transportation, Highway Division "Construction Standard Details (English Edition)"; the latest Manual on Uniform Traffic Control Devices with Massachusetts Amendments; the latest edition to the following: the 1996 Construction and Traffic Standard Details (as related to Traffic Standard details only); the 1990 Standard Drawings for Traffic Signs and Supports; the 1968 Standard Drawings for Traffic Signals and Highway Lighting; the latest edition of American Standard for Nursery Stock; the Plans and these Special Provisions. These publications can be accessed from the SHAPS dashboard or from the following link: <https://www.mass.gov/lists/miscellaneous-publications>.

The Grantee(s) shall indemnify and save harmless the Commonwealth and MassDOT, Highway Division, against all suits, claims or liability of every name and nature arising at the time out of or in consequence of the acts of the Grantee(s) in the performance of the work covered by this Permit and/or failure to comply with the terms and conditions of this Permit whether by themselves or their employees or subcontractors.

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It is noted that the Grantee(s) will be responsible for future corrective actions resulting from defective work under the subject permit. Any damage to roadway and/or shoulder as a result of the permitted work is the Grantee's responsibility and shall be repaired at his/her expense.

**THE GRANTEE(S) SHALL SUBMIT A COMPLETION OF WORK FORM, BY REQUESTING A SIGN-OFF USING THE ACTION LINK IN THE SHAPS DASHBOARD, WHEN THE WORK REQUIRED UNDER THIS PERMIT HAS BEEN COMPLETED IN ORDER FOR A FINAL INSPECTION TO BE PERFORMED BY MASSDOT, HIGHWAY DIVISION. THE LIABILITY ASSUMED UNDER THIS PERMIT WILL CONTINUE UNTIL THE WORK HAS BEEN SIGNED OFF AS COMPLETE.**

**A COPY OF THIS PERMIT MUST BE ON THE JOB SITE AT ALL TIMES FOR INSPECTION. FAILURE TO HAVE THIS PERMIT AVAILABLE AT THE SITE WILL RESULT IN SUSPENSION OF THE RIGHTS GRANTED BY THE PERMIT.**

**"FOLLOWING CONDITIONS APPLY TO PERMITS"**

**Conditions Relating Particularly to Permits for the Laying of Pipes, Conduits, etc.**

After any pipes, conduits, drains or other underground structures are laid, or any excavation is made in the roadway, the trenches or openings shall be properly backfilled with suitable material, the backfilling shall be thoroughly tamped, and the surface of the road over said structures shall be left even with the adjoining ground. If the work is done in cold weather no frozen material shall be used for backfilling.

Wherever the hardened surface of the roadway, gutters, or any part of the surface of the highway is disturbed it shall be replaced in as good condition as before it was disturbed, and if new materials are required, they shall correspond with those already in place on the road.

Where service pipes are to cross the highway, the connections shall be made without disturbing the hardened surface of the roadway, by driving the pipes under the roadway, or the service pipes shall be carried under and across the road in a larger pipe, unless otherwise ordered by the Director.

The Grantee shall maintain the surface of the roadway over said structures as long as MassDOT may deem necessary, until all signs of the trenches shall have been eliminated.

**Conditions Relating Particularly to Permits for the Erection of Poles, Wires, and Overhead Structures, and the Cutting and Trimming of Trees**

In the erection of pole lines, unless otherwise herein provided, no trees located within the limits of the State Highway shall be cut or trimmed. No guy wires shall be attached to trees without a special permit from MassDOT, and, in no event shall they be so attached as to girdle the trees or in any way interfere with their growth. The wires shall be so protected at all times and places that they shall not interfere with or injure the trees either inside or outside the location of the highway.

Where the cutting or trimming of trees is authorized by this permit, only such cutting and trimming shall be done as may be designated by the Director.

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In the construction or reconstruction of pole lines no guy wires shall be erected nearer to the surface of the ground than 6' (feet); provided, however, that the owners of such lines may maintain such guy wires at a lower elevation than 6' (feet) from the ground until such time as MassDOT shall notify them to remove said wires or to the elevation first stated.

In order to protect the trees through which any wires may pass, said wires shall be insulated and such other tree guards used as may be directed by the Director.

Where high tension-wires are erected under this permit, they shall be so located that, under conditions of maximum severity as regards a coating of ice or snow, there shall be a space of at least 8' (feet) between such high-tension wires and other wires.

The Grantee shall, within sixty (60) days from the date of completion of the work, file in the office of MassDOT a plan showing the location of each pole erected in accordance with the permit, said plan to be of such size and in such form as MassDOT may direct.

### **General and Additional Conditions**

Whenever the word "MassDOT" is used herein it shall mean the Massachusetts Department of Transportation of the Commonwealth of Massachusetts.

Whenever the word "Director" is used herein it shall mean the District Highway Director or other authorized representative of MassDOT.

Whenever the word "Grantee" is used herein it shall mean the person or persons, corporation, or municipality to whom this permit is granted, or their legal representatives.

During the progress of the work all structures underground and above ground shall be properly protected from damage or injury; such barriers shall be erected and maintained as may be necessary for the protection of the traveling public; the same shall be properly lighted at night; and the Grantee shall be responsible for the damages to persons or property due to or resulting from any work done under this permit.

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

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



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Wherever the hardened surface of the roadway is disturbed, and the Director may consider it necessary or advisable to do so, said surface will be restored by the employees of MassDOT, at such time as MassDOT may direct, and the expense thereof shall be borne by the Grantee, who shall purchase and deliver on the road the materials necessary for said work if and when directed by the Director. All payments to the supplier and to laborers, inspectors, etc., employed by MassDOT for or on account of the work herein contemplated shall be made by said Grantee forthwith on receipt of written orders, pay rolls, or vouchers approved by MassDOT.

IF THE GRANTEE DOES ANY WORK CONTRARY TO THE ORDERS OF THE DIRECTOR, AND, AFTER DUE NOTICE, FAILS TO CORRECT SUCH WORK OR TO REMOVE STRUCTURES OR MATERIALS ORDERED TO BE REMOVED, OR FAILS TO COMPLETE WITHIN THE SPECIFIED TIME THE WORK AUTHORIZED BY THIS PERMIT, MASSDOT MAY, WITH OR WITHOUT NOTICE, CORRECT OR COMPLETE SUCH WORK IN WHOLE OR IN PART, OR REMOVE SUCH STRUCTURES OR MATERIALS, AND THE GRANTEE SHALL REIMBURSE MASSDOT FOR ANY EXPENSE INCURRED IN CORRECTING AND/OR COMPLETING THE WORK OR REMOVING THE STRUCTURES OR MATERIALS.

ALL OF THE WORK HEREIN CONTEMPLATED SHALL BE DONE UNDER THE SUPERVISION AND TO THE SATISFACTION OF THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, AND THE ENTIRE EXPENSE THEREOF SHALL BE BORNE BY THE GRANTEE.

On the completion of the work herein contemplated all rubbish and debris shall be removed and the roadway and roadsides shall be left neat and presentable and satisfactory to the Director.

MassDOT hereby reserves the right to order the change of location or the removal of any structure or structures authorized by this permit at any time, said change or removal to be made by and at the expense of the Grantee or its / their successors or assigns.

This permit may be modified or revoked at any time by MassDOT without rendering said MassDOT or the Commonwealth of Massachusetts liable in any way.

The Grantee shall pay the salary, subsistence and travel expenses of any inspector appointed by MassDOT to supervise the work herein contemplated.

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

The acceptance of this permit or the doing of any work thereunder shall constitute an agreement by the Grantee to comply with all of the conditions and restrictions printed or written herein.



Maura Healey, Governor  
Kimberley Driscoll, Lieutenant Governor  
Gina Fiandaca, Secretary & CEO  
Jonathan L. Gulliver, Highway Administrator



5-2023-0012

**Approved Signature**

A handwritten signature in black ink, appearing to read "Mary-Joe Perry", written over a horizontal line.

Mary-Joe Perry by B.T.  
District Highway Director

Date of Issue: August 10, 2023

Permit Expiration: Sunday, August 11, 2024

ATTEST: Paulo C. DeOliveira, Register  
Dukes County Registry of Deeds

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