



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan
Commissioner

William Cass, P.E.
Assistant Commissioner

March 23, 2017

Mr. Scott Mitchell
The Three Socios, LLC
321D Lafayette Road
Hampton, NH 03842

Re: Barrington, Rt 125, Tropic Star Convenience
NHDOT Driveway Permit 06-027-510 dated August 2, 2013

Dear Mr. Mitchell:

This letter extends the expiration date of Driveway Permit #06-027-510 from August 2, 2014 to August 2, 2018 in accordance with "*Proposed Site Plan, Tropic Star Convenience, Route 125, Barrington, NH*" prepared by Jones & Beach Engineers, Inc. dated August 2, 2013. A copy of the original permit is attached.

This extension of time is issued to allow additional time to complete the requirements within the said drive permit that was started in August, 2013.

If you have any questions, please contact James Hewitt at 868-1133.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian T. Schutt".

Brian T. Schutt, P.E.
District Engineer

cc: Patrol Shed 603
Town of Barrington



CHRISTOPHER D. CLEMENT,
SR.
COMMISSIONER

STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

District 6 Office, PO Box 740, Durham, NH 03824



JEFF BRILLHART, P.E.
ASSISTANT COMMISSIONER

DRIVEWAY PERMIT

To: Scott Mitchell
The ~~Tree~~ ^{Three} Socios, LLC
321D Lafayette Road
Hampton, NH 03842

City/Town: Barrington
Route/Road: NH 125 (S0000125)
Patrol Section: 603
Tax Map: 238
Lot: 4
Development: Gas station w/ convenience store

Permit #: 06-027-510
District: 06
Permit Date 8/2/2013

Permission is hereby granted to construct (alter) a driveway, entrance, exit or approach adjoining NH 125 (S0000125), pursuant to the location and specifications as described below. Failure to adhere to the standards and engineering drawings previously approved shall render this instrument null and void. Failure to start or complete construction of said facility within one calendar year of the date of this permit shall require application for permit extension or renewal in accordance with the Driveway Access Rules. Facilities constructed in violation of the permit specifications or the rules, shall be corrected immediately upon notification by a Department representative. Any cost by the State to correct deficiencies shall be fully borne by the landowner. The landowner shall defend, indemnify and hold harmless the Department and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of this permit.

06-027-510 Mitchell

Drive 1

Location: Approximately 0.1 miles north of Route 9 on the east side of NH 125 (S0000125).
GPS: 43.21341 N 70.99518 W.

Specifications: This permit authorizes a paved access to be used as a Commercial drive. Any change in use, increase in use or reconstruction of the driveway requires reapplication.

The right-of-way line is located varies.

The driveway shall not exceed 26 feet in width. The entrance of the drive may be flared; typically the flare radius is one half the driveway width.

Station 24+25 Rt as show on attached HA1 drawing

Drive 2

Location: Approximately 0.1 miles north of Route 9 on the east side of NH 125 (S0000125).
GPS: 43.21395 N 70.99493 W.

Specifications: This permit authorizes a paved access to be used as a Commercial drive. Any change in use, increase in use or reconstruction of the driveway requires reapplication.

The right-of-way line is located varies.

The driveway shall not exceed 40 feet in width. The entrance of the drive may be flared; typically the flare radius is one half the driveway width.

Station 26+25 Rt as show on attached HA1 drawing

Other Conditions:

No structures, including buildings, permanent or portable signs, lights, displays, fences, walls, etc. shall be permitted on, over or under the Highway Right of Way.

No parking, catering or servicing shall be conducted within the Highway Right of Way.

The applicant shall comply with all applicable ordinances and regulations of the municipality or other State Agencies.

The Department has relied on the title and subdivision information provided by the landowner. The Department has not performed additional title research and makes no warranty or representation concerning landowner's legal right to access. In the event of a dispute about the landowner's legal right to the access provided herein, the landowner will defend and indemnify the Department.

1. Permission is hereby granted to the Applicant to construct certain driveways, entrances, exits, approaches and highway modifications to Route 125. Said driveways, etc. shall be constructed to the specifications of project plans on record with NHDOT and labeled "Tropic Star Convenience" with final design last noted by NHDOT District 6 date of August 2, 2013 prepared by Jones & Beach Engineers, Inc.
2. It is understood and agreed by the Applicant that it shall receive no additional access to or from the State highway system in the future, either to or from its own property directly or through the property of another.
3. In consideration of the granting of the rights herein, Applicant shall at its expense construct the various improvements within the right of way as indicated on the above-mentioned plans of Jones & Beach Engineers, Inc. In order to insure the proper prosecution of the work involved the Applicant hereby agrees as follows:
 - A. Applicant must designate a full time superintendent employed by its contractor who is proficient in highway construction work to provide on site supervision of work on a day-to-day basis.
 - B. Applicant shall also secure the services of a project engineer who shall be an employee of Jones & Beach Engineers, Inc. or other firm acceptable to the Department. Said engineer must be proficient in highway construction work and must be on site on a full-time daily basis to oversee the work and serve as a liaison between the State and the Applicant.
 - C. The Applicant shall furnish all engineering layout, testing and documentation to insure conformance with the State's present Standard Specifications for Road and Bridge Construction.
 - D. The Department's Commissioner or his duly appointed agent may inspect, test and monitor any and all of the highway activities to insure their compliance with the above-referenced plans and the Standard Specifications. If deemed necessary this Department may assign an Inspector to this project on a full or part time basis. The Applicant agrees to pay these inspection costs.
 - E. The Commissioner and/or his agent shall have the right to suspend any or all construction activities, which in their opinion are unsafe to the traveling public or in conflict with the above-referenced plans or the State's Standard Specifications and current Construction Signing Standards.
 - F. The Commissioner may employ the use of State forces or any third party to correct any unacceptable work upon the failure of the Applicant to comply with the plans or Specifications and upon Applicant's failure to make such corrections within a reasonable time after request (It being understood that certain work may require immediate attention). Said corrections shall be made at the expense of the Applicant.
4. The Applicant shall provide continuous access to any abutters during construction unless otherwise approved by the Commissioner or his agent. Applicant shall be solely responsible for providing adequate driveway access to property owners abutting the highway right of way whose access has been disturbed.
5. Applicant must prove to the satisfaction of the Commissioner or his agent that it has the right to construct all the roadway improvements as shown on said plans and has secured all necessary rights of way and easements therefore.
6. Applicant agrees to indemnify, save and hold harmless the Department from liability for all damages to persons or property, which arise out of the exercise of the rights granted by this permit. This clause shall include, but not be limited to, liability resulting from any increase or change in the flowage of water as a result of the proposed construction. Applicant further agrees to defend any claim or suit brought against the Department arising out of the rights granted by this permit.
7. Applicant must comply with all applicable local zoning ordinances and regulations and shall not violate any local, state or federal law or regulation.
8. The completion of all work described by the plans and Specifications, including all grading, paving, striping, signing, and traffic signal installation, is required prior to the opening of any portion of the Applicant's premises to the public for business. No paving shall be done after October 1 for surface and November 1 for binder of any year unless approved by the Commissioner or his agents.
9. All utility relocation will be carried out in conformance with the standard utility practice and policy of the Department. All plans for utility relocation must be submitted by the Applicant to the Department for final approval. Furthermore, the Applicant is responsible for ascertaining the existence and location of all utility appurtenances and the State has no responsibility for any delays, inconvenience or damage due to

any interference from such utility appurtenances or the operation of moving them. Applicant agrees to coordinate with all utilities in complying with the project schedule and the traffic control plan approved by the Department.

10. Applicant must provide suitable drainage structures and facilities of adequate size to prevent ponding of any surface drainage within the highway right of way limits. Furthermore, Applicant must save and hold the State harmless from any liability for any and all damages to any persons or property as the result of any flowage passing from or through the Applicant's property or as the result of any flowage caused by the performance of any work in connection with this permit. This permit relates solely to the use of the State right of way and is not determinative of any rights of flowage between private landowners and the Applicant.
11. Traffic must be maintained during the performance of the work. It shall be protected by suitable barricades, standard warning and advance warning signs, flags during the day, and proper lighting at night. Uniformed special traffic officers shall be provided whenever two-way traffic cannot be maintained, and at the request of the District Engineer during any time he deems them necessary for the protection of the public. All signs shall be kept in good repair at all times.
12. Signs shall be installed in accordance with the current Department Construction Standards Item 619 and standard sheet TC-1 through 8 and Manual of Uniform Traffic Control Devices. Shop drawings from your sign manufacturer shall be submitted to the Bureau of Traffic for approval prior to sign installation.
13. Work operations shall not be performed on the roadway in such a manner that traffic is obstructed or endangered simultaneously from both sides of the highway.
14. All paved areas of the highway shall be kept as clear as possible at all times. No materials shall be stored on any paved area of the highway or adjacent to the traveled way (unless protected by barriers and specifically approved by the District Engineer). Materials shall be delivered to the installation areas, as they are needed, to provide a continuous installation.
15. All equipment shall be removed from the traveled way and shoulders during non-work hours.
16. The Applicant shall schedule the work to minimize traffic disruption during peak flow periods, i.e. from 6:00 AM to 9:00 AM and from 3:00 PM to 6:00 PM, Monday through Friday. At the end of work each day and before the end of daylight, two-way traffic shall be reinstated.
17. Excavation adjacent to the traveled way or shoulders shall not remain open through non-work hours unless adequately protected by barriers and specifically authorized by the District Engineer.
18. Existing guide, regulatory and warning signs shall be maintained or relocated as necessary. Signs which are not applicable to construction conditions shall be covered completely with plywood by the Applicant to the satisfaction of the District Engineer and shall conform in size and shape to the sign panels being covered. The Applicant shall notify the Bureau of Traffic (Tel: 271-2291) when any existing signs are moved.
19. Blasting and other high noise machinery such as jackhammers and excavating equipment shall not begin prior to 7:00 AM nor continue after 7:00 PM unless specifically permitted by the District Engineer. Under this permit, no nighttime work will be allowed.
20. No right of way bounds or property pins shown on the plans or found within the construction area shall be removed without prior approval by the District Engineer. All mailboxes shall be satisfactorily protected and maintained in accessible locations. Prior to completion of the project, the Applicant as ordered shall reset mailboxes that have been disturbed by construction.
21. Work within the right of way is not authorized on Saturdays, Sundays and Holidays.
22. Pavement marking shall be marked out by the applicant and approved by the New Hampshire Department of Transportation Traffic Bureau (271-2291) prior to the final painting. Pavement marking will only be accomplished between April 1 and December 1. Two striping applications will be required. Projects striped between April 1 and August 16 will be re-striped between September 1 and September 30 of the same year. Projects striped between August 15 and December 1 will be re-striped between May 1 and May 15 of the following year. Projects where the striping fades excessively between applications shall be re-striped by the contractor within 2 weeks of notification by the Department.
23. The Applicant must secure a Performance Bond or Irrevocable Letter of Credit payable to the State of

New Hampshire in the amount of \$100,000. The amount of the Bond or Letter of Credit may be reduced to \$10,000 following a final acceptance of the work by the State. The bond must remain in full force and effect for two full years following said final acceptance in order to cover defects in materials or workmanship, which may arise.

24. Applicant hereby agrees to be bound by the provisions of this driveway permit and to be bound by the general law governing the issuance of permits for driveways and other accesses to public ways, including RSA 236:13 and 14.

25. Following the completion of the construction activities, the Department will inspect the completed work and grant the State's final acceptance of the project. Final acceptance may be reasonably withheld should the work not comply with the above referenced plans and Specifications. In addition, two sets of as-Built-Plans (one full size set at 36 " x 24" and one set at half scale) will be submitted to NHDOT prior to final acceptance.

APPLICANT Printed Name James Mitchell (Three Socios, LLC)

Title Representative

Date: 8-2-2013

Signature: [Signature]

Approved [Signature]

District Engineer
For Director of Administration

Copies: District, Town, Patrolman

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

District 1, 641 Main St, Lancaster, NH 03584
 District 2, 8 Eastman Hill Road, Enfield, NH 03748
 District 3, 2 Sawmill Rd, Gilford, NH 03249

District 4, 19 Base Hill Road, Swanzey, NH 03446
 District 5, PO Box 16476, Hooksett, NH 03106
 District 6, PO Box 740, Durham, NH 03824

APPLICATION FOR DRIVEWAY PERMIT

Pursuant to the provisions of **Revised Statutes Annotated, Chapter 236, Section 13** (printed on reverse of application) and amendments thereto, and **Declaratory Ruling 2000-01**, permission is requested to: (circle one): **Construct / Alter**
 (Indicate quantity of) 1 driveway entrance(s) to my property on the (circle one): **North / South / East / West** side of
NH Route 125 or **Street/Road:** Calef Highway In the **Town of** Barrington
 at a location which will meet the requirements for safety specified in said statutes.

The driveway entrance(s) requested is (are) for access to: Business
Residence, Industry, Business, Subdivision, Other

Describe nature and size of industry, business or subdivision: Gas station with convenience store
75 Feet (circle one): **North / South / East / West** of Utility Pole Number: 613/67A
351 Feet or Miles (circle one): **North / South / East / West** of Road or Junction: Route 9

Town Tax Map # 238 and Lot # 4

As the landowner (or designated applicant) I agree to the following:

1. To construct driveway entrance(s) only for the bonafide purpose of securing access to private property such that the highway right-of-way is used for no purpose other than travel.
2. To construct driveway entrance(s) at permitted location(s).
3. To construct driveway entrance(s) in accordance with statutes, rules, standard drawings, and permit specifications as issued by the New Hampshire Department of Transportation.
4. To defend, indemnify and hold harmless the New Hampshire Department of Transportation and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of this permit.
5. To furnish and install drainage structures that are necessary to maintain existing highway drainage and adequately handle increased runoff resulting from the land development and obtain all easements thereto.
6. I am the owner or a duly authorized agent of the owner of the parcel upon which the driveway will be constructed. I have provided accurate and complete title and subdivision information concerning the parcel to the Department. I understand that the Department is relying on this information in considering this application and that the Department does not perform independent title research or make judgments about title or access disputes.

- For new driveway(s), include copy of current deed and, if not the same, previous deed dated prior to July 1, 1971 of the parcel. If this parcel is part of a larger tract subdivided after July 1, 1971, then provide complete subdivision plans and deed history dating back to at least July 1, 1971.

- Attach sketch or plan showing existing and proposed driveway(s) and the adjacent highway indicating distance to town road, town line, or other readily identifiable feature or landmark and also to the nearest utility pole (including pole numbers)

Signature of Landowner (Applicant)

The Three Socios, LLC
 Printed Name of Landowner

Date: 10/13/11

Contact /Agent, if not Landowner: Wayne Morrill, Jones & Beach Engineers, Inc.

321D Lafayette Road

Mailing Address

Hampton, NH 03842

Town/City, State, Zip Code

Telephone Number(s) (603) 926-0777

FOR OFFICE USE ONLY:

GPS N = _____ GPS W = _____

Section: _____ Width: _____ Speed: _____

Right of Way: _____ Drainage: _____ SLD: _____

Conditions: _____

Permit Number Assigned: Database # 3439

Drive # 2 - 43.2134/70.99516

Drive # 2 - 43.21395/70.99496

P 5/30

RECEIVED

OCT 20 2011

DISTRICT SIX

§ 236:13 Driveways and Other Accesses to the Public Way. – I. It shall be unlawful to construct, or alter in any way that substantially affects the size or grade of, any driveway, entrance, exit, or approach within the limits of the right-of-way of any class I or class III highway or the state-maintained portion of a class II highway that does not conform to the terms and specifications of a written permit issued by the Commissioner of transportation.

II. Pursuant to this section, a written construction permit application must be obtained from and filed with the department of transportation by any abutter affected by the provisions of paragraph I. Before any construction or alteration work is commenced, said permit application shall have been reviewed, and a construction permit issued by said department. Said permit shall:

- (a) Describe the location of the driveway, entrance, exit, or approach. The location shall be selected to most adequately protect the safety of the traveling public.
- (b) Describe any drainage structures, traffic control devices, and channelization islands to be installed by the abutter.
- (c) Establish grades that adequately protect and promote highway drainage and permit a safe and controlled approach to the highway in all seasons of the year.
- (d) Include any other terms and specifications necessary for the safety of the traveling public.

III. For access to a proposed commercial or industrial enterprise, or to a subdivision, all of which for the purposes of this section shall be considered a single parcel of land, even though acquired by more than one conveyance or held nominally by more than one owner:

- (a) Said permit application shall be accompanied by engineering drawings showing information as set forth in paragraph II.
- (b) Unless all season safe sight distance of 400 feet in both directions along the highway can be obtained, the commissioner shall not permit more than one access to a single parcel of land, and this access shall be at that location which the commissioner determines to be safest. The commissioner shall not give final approval for use of any additional access until it has been proven to him that the 400-foot all season safe sight distance has been provided.
- (c) For the purposes of this section, all season safe sight distance is defined as a line which encounters no visual obstruction between 2 points, each at a height of 3 feet 9 inches above the pavement, and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction.

IV. No construction permit shall allow:

- (a) A driveway, entrance, exit, or approach to be constructed more than 50 feet in width, except that a driveway, entrance, exit, or approach may be flared beyond a width of 50 feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit or approach.
- (b) More than 2 driveways, entrances, exits or approaches from any one highway to any one parcel of land unless the frontage along that highway exceeds 500 feet.

V. The same powers concerning highways under their jurisdiction as are conferred upon the commissioner of transportation by paragraphs I, II, III and IV shall be conferred upon the planning board in cities and towns in which the planning board has been granted the power to regulate the subdivision of land as provided in RSA 674:35, and they shall adopt such regulations as are necessary to carry out the provisions of this section. Such regulations may delegate administrative duties, including actual issuance of permits, to a highway agent, board of selectmen, or other qualified official or body. Such regulations, or any permit issued under them, may contain provisions governing the breach, removal, and reconstruction of stone walls or fences within, or at the boundary of, the public right of way, and any landowner or landowner's agent altering a boundary in accordance with such provisions shall be deemed to be acting under a mutual agreement with the city or town pursuant to RSA 472:6, II (a).

VI. The commissioner of transportation or planning board shall retain continuing jurisdiction over the adequacy and safety of every existing driveway, entrance, exit, and approach to a highway, whether or not such access was constructed or installed pursuant to a permit under this section, and, unless the access is a public highway, the owners of property to which the access is appurtenant shall have continuing responsibility for the adequacy of the access and any grades, culverts, or other structures pertaining to such access, whether or not located within the public right of way. If any such access is or becomes a potential threat to the integrity of the highway or its surface, ditches, embankments, bridges, or other structures, or a hazard to the safety of the traveling public, by reason of siltation, flooding, erosion, frost action, vegetative growth, improper grade, or the failure of any culvert, traffic control device, drainage structure, or any other feature, the commissioner of transportation or planning board or their designee may issue an order to the landowner or other party responsible for such access to repair or remove such hazardous condition and to obtain any and all permits required therefor. The order shall describe the hazard, prescribe what corrective action or alteration in the location or configuration of such access shall be required, and set a reasonable time within which the action shall be completed. Such an order shall be sent by certified mail, and shall be enforceable to the same extent as a permit issued under this section. If the order is not complied with within the time prescribed, the commissioner or planning board or their designee may cause to be taken whatever action is necessary to protect the highway and the traveling public, and the owner or other responsible party shall be civilly liable to the state or municipality for its costs in taking such action.

§ 236:14 Penalty. – Any person who violates any provision of this subdivision or the rules and regulations made under authority thereof shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and, in addition, shall be liable for the cost of restoration of the highway to a condition satisfactory to the person empowered to give such written permission.