



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURPHY
LIEUTENANT GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF TRANSPORTATION
MASSACHUSETTS HIGHWAY DEPARTMENT

EOT

BERNARD COHEN
SECRETARY

LISA PALEWOSKY
COMMISSIONER

June 30, 2008

Paesano Co., LLC
P.O. Box 3242
Bourne, MA 02532

Dear Sir:

SUBJECT: Bourne - Route 28 - Permit # 5-2005-0449

This letter is to inform you that work performed under permit # 5-2005-0449 has been completed in accordance with MassHighway standards and the conditions of the permit. The permit is therefore signed-off as complete as of June 30, 2008.

Sincerely,

Bernard McCourt
District Highway Director

PAF: glb
cc: BEM
Foreman
File

5-2005-0449a.doc

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Permit #: 5-2005-0449

Dist 5, 1000 County St, Taunton, MA 02780

PERMIT - BOURNE

Subject to all terms, conditions, and restrictions printed, attached or written below, and on the reverse side hereof, permission is hereby granted to PAESANO CO., LLC, P.O. Box 3242, Bourne, MA 02532 to enter upon the State Highway in the Town of BOURNE on Auto Route M - Waterhouse Road & Route 28 - MacArthur Boulevard for the purpose of constructing three (3) drives to their property as follows:

WATERHOUSE ROAD - ROUTE M

- 1.) At the easterly line of the State Highway Layout Line between Stations 149+90 and 150+10, flaring to Stations 149+59 and 150+39 at the edge of the hardened surface.
- 2.) At the easterly line of the State Highway Layout Line between Stations 153+02 and 153+32, flaring to Stations 152+58 and 153+77 at the edge of the hardened surface.

MACARTHUR BOULEVARD - ROUTE 28

- 3.) At the westerly line of the State Highway Layout Line an "Entrance Only" drive between Stations 182+45 and 182+64, flaring to Station 182+12 at the edge of the hardened surface.

Access sign-off has been obtained from the current abutter on the northerly line of the proposed drive allowing the radius of the drive to be constructed in front of his/her/their property within the S.H.L.O. A copy has been attached and made an integral part of this Permit.

Light grading may be done within the project limits.

This Permit is being granted to provide access to a proposed 9,430 Sq. Ft. retail/office building with 70 parking spaces to be located on Lot 5. The Grantee(s) will also construct an additional 58 space parking lot on Lot 4.

* ATTENTION: No work shall be performed in the existing or proposed drainage easement or to the surrounding drainage structures until final written approval has been forwarded to this Department stating the existing drainage easement currently owned by MassHighway has been transferred to the Grantee(s) and to allow the abandonment of the existing drainage easement located on Lot 5, and the relocation/construction of the proposed drainage easement on Lot 6. *

Any change in design, use of property, additional building or lot development will require the Grantee(s) to reapply to this office for a new or amended Access Permit. @

All work is to be done as described herein and as shown on the plans entitled "Access Road and Drainage Plan", as drafted by J.E. Landers-Cauley, P.E., P.O. Box 364, West Falmouth, MA 02574 (508) 540-7733 as revised July 28, 2005.

PROJECT LIMITS: MacArthur Boulevard - Station 176+00 to Station 189+00
Waterhouse Road - Station 149+50 to Station 157+00

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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.

Whenever 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 Engineer.

The Grantee shall maintain the surface of the roadway over said structures as long as the Department 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 the Department, and in no event shall they be so attached as to girdle the tree 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 Engineer.

In the construction or reconstruction of pole lines no guy wires shall be erected nearer to the surface of the ground than six feet provided, however, that the owners of such lines may maintain such guy wires at a lower elevation than six feet from the ground until such time as the Department shall notify them to remove said wires or to raise them 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 Engineer.

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 eight feet between such high tension wires and other wires.

The Grantee shall within sixty days from the date of completion of the work, file in the office of the Department 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 the Department may direct.

General and Additional Conditions

Whenever the word "Department" is used herein it shall mean the Massachusetts Highway Department.

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

Whenever the word "Grantee" is used herein 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 under ground 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 travelling public, the same shall be properly lighted at night; and the Grantee shall be responsible for all damages 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 or 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 Engineer, to take proper care of said drainage.

Whenever the hardened surface of the roadway is disturbed and the Engineer may consider it necessary or advisable to do so, said surface will be restored by the employees of the Department, at such time as the Department 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 Engineer. All payments to materialmen and to laborers, inspectors, etc., employed by the Department for or on account of the work herein contemplated shall be made by said Grantee forthwith on the receipt of written orders, pay rolls, or vouchers approved by the Department.

IF THE GRANTEE DOES ANY WORK CONTRARY TO THE ORDERS OF THE ENGINEER, 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, THE DEPARTMENT 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 THE COMMONWEALTH 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 HIGHWAY DEPARTMENT 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 Engineer.

The Department 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 successors or assigns.

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

All of the above conditions shall be applicable to the work herein authorized, unless the same are inconsistent with the conditions of 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.

All work shall be done according to the latest Editions of the "Department Construction Manual" and the Standard Specifications for Highways and Bridges.

All personnel working on the roadway shall wear approved safety vests and hard hats.

Within the Project Limits, the Grantee(s) will perform various roadway work in conjunction with the proposed drive(s). The proposed work will include a roadway widening with full depth construction - deceleration lane, cold planing and resurfacing, construction of drives, reconstruct and/or construction of sidewalks and handicap ramps, installation of granite curb, traffic signs and pavement markings, alterations to drainage and utilities, landscaping, and all incidental items necessary as described herein or as shown on the approved plans.

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The Grantee(s) must install/maintain the catch basin(s) on their property to contain all site drainage and prevent it from entering the State Highway Layout (SHLO). The basin(s) must be cleaned routinely to the satisfaction of the Engineer.

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The Grantee(s) must adjust the existing catch basin flush with the roadway surface on Waterhouse Road at Station 153+35 (12' Lt.).

The Grantee(s) must contact the appropriate utility company to apply to this Department for all proposed utility work.

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PROPOSED ROADWAY WIDENING - ROUTE 28 - SOUTH BOUND

The proposed roadway widening will begin on the westerly side of the road at the existing edge of road at Station 177+45 and will continue southerly to Station 182+12 to create a deceleration lane to the proposed entrance only drive to the site.

In the area(s) to be widened, the roadway shall be sawcut in neat, true lines. The existing material will then be excavated to a depth of 20". The new pavement shall consist of an 8" of gravel borrow, 4" dense graded crushed stone, 4" hot mix asphalt base course, 2" hot mix asphalt binder course, and a 2" modified top course. All abutting edges of the existing pavement shall be coated with RS-1 emulsion immediately prior to the placement of the permanent bituminous concrete. (NOTE: These criteria shall override the full depth design notes as stated on the plans.)

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The infra-red method must be performed in conjunction with the permanent roadway surface to create a smooth driving surface consistent with the existing roadway. The District Office must be notified two days prior to starting this work, so that an inspector may be assigned.

All proposed work must transition to match the existing roadway conditions.

All proposed traffic safety lines and pavement markings must match the existing conditions.

If existing traffic safety lines are so disturbed during construction or altered according to the Traffic Management Plan, the Grantee(s) shall restore said markings in conformance to MassHighway Standards and as per the final Traffic Markings Plan.

For any permit requiring a widening an Engineer from this Department may be assigned to supervise and oversee all construction and materials for this project. A reimbursable account will be set up and the Grantee(s) will be billed for all costs incurred by this Department to oversee this project.

PROPOSED SIDEWALK CONSTRUCTION

The Grantee(s) shall construct a proposed 5' hot mix asphalt sidewalk with granite curbing as shown on the plans.

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To install the granite curbing, the roadway shall be sawcut in neat, true lines. The granite curbing shall be installed according to MassHighway standards. All abutting edges of the existing pavement shall be coated with RS-1 emulsion immediately prior to the placement of the permanent bituminous concrete.

The sidewalk shall be constructed with 4" dense graded crushed stone with a 3" hot mix top course laid in 2 courses at 1 1/2" each. 

The proposed sidewalk must be graded in such a manner that no ponding of water occurs within the Highway Layout. If such ponding results, the Grantee(s) shall be responsible for its correction.

The Grantee(s) will install concrete wheelchair ramps in conformance with the Architectural Access Board Regulations within all sidewalk areas included in this project.

The Grantee(s) shall be responsible for the maintenance and repair of the portion of the proposed sidewalk located within the State Highway Layout and shall routinely inspect the sidewalk for deficiencies such as settling, heaving, cracks etc. This responsibility shall remain in effect until this Department reconstructs the sidewalk.

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 this Department to be review 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 twelve (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 twelve (12) minutes are not to be permitted.

If traffic must be "stopped", the duration shall not be more than five (5) minutes.

A police officer is required for traffic management as determined by this Department.

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.

BEFORE ANY WORK IS TO BE DONE WITHIN THE STATE HIGHWAY LAYOUT THE GRANTEE(S) MUST CALL THE DISTRICT PERMIT ENGINEER AT (508) 884-4211 TO SET UP A PRECONSTRUCTION CONFERENCE TO BE HELD AT LEAST FIVE (5) BUSINESS DAYS PRIOR TO ANY WORK COMMENCING.

The Grantee(s) shall retain the services of a qualified engineering firm to provide for the continuous inspection of the work to be performed under this permit by a full time Resident Engineer. The Grantee(s) shall notify the Department in writing as to what consulting firm will be used. Included in this notification, a list of 24 hour emergency contact names and numbers of all pertinent parties responsible for the project, and the name and brief resume of the Resident Engineer must be submitted at or prior to the pre-construction conference. The Resident Engineer must coordinate any design changes and/or problems with the District Highway Director who will assign the proper personnel to expedite these issues.

All contracted work by the Grantee shall be bonded in the amount of \$50,000.00 in accordance with the standards of this Department and a copy of that bond shall be forwarded to this Department for its records.

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When the work required under this Permit has been completed, the Grantee(s)/Private Resident shall conduct their own inspection prior to contacting the Department to schedule a Final Inspection. Once this pre-inspection is performed, the Grantee(s) will contact the Permits Section at (508) 884-4211 in order for a Final Inspection to be performed by this Department.

During the Final Inspection, a punch list will be made outlining all deficiencies, if any. Once these deficiencies are resolved or if the work performed was found in compliance with the terms and conditions as outlined in the Permit, the Permit will then be signed off as complete and to the satisfaction of the Engineer.

The Grantees must submit to the District Office a copy of the "as-built" plan of the project on a computer disc in the AutoCad Program currently in use by the District. A mylar of the "as-built" plans must also be submitted. This will include a separate traffic control signal layout plan where traffic control signals are installed or altered.

BEFORE ANY WORK IS TO BE DONE WITHIN THE STATE HIGHWAY LAYOUT THE GRANTEE(S) MUST CALL THE DISTRICT PERMIT ENGINEER AT (508) 884-4211.

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

No pavement shall be laid between November 1st and May 1st 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 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 9:00a.m. and 3:00p.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.

All other work 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.

The Grantee(s) must contact the "Dig Safe" Center at 1-888-344-7233 to obtain a "Dig Safe" number prior to starting the proposed excavation for the purpose of identifying the location of underground utilities.

All drive(s), if any, located within the State Highway and within the project limits, must be reconstructed on a minus grade from the S.H.L.O. and graded in such a manner that no ponding of water occurs within this Highway Layout. If such ponding results, the Grantee(s) shall be responsible for its correction. The drive(s) shall have a six-inch foundation of compacted gravel and be paved with three inches of hot mix asphalt, 1 1/2 inches binder and 1 1/2 inches top to be laid in two courses.

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.

The Grantee(s) shall be responsible for the disposal of all surface water from private property. Under no circumstances is any of this surface water to enter the State Highway Layout.

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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 are compromised, the Grantee(s) will reconstruct and/or replace all items according to MassHighway Standards at the cost of the Grantee(s) and to the satisfaction of the Engineer.

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 State Highway Layout.

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

The Grantee(s) must not disturb or remove any MassHighway 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.

Signs and traffic control devices are required in 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 the department 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 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.

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 and materials used must conform to the 1995 Metric Edition of the "Commonwealth of Massachusetts, MassHighway Department, Standard Specifications For Highways and Bridges" as amended. All construction shall conform to the 1996 Metric Edition of the "Commonwealth of Massachusetts, MassHighway Department, Construction and Traffic Standard Details" as amended.

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The Grantee(s) shall indemnify and save harmless the Commonwealth and its Highway Department 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.

THE GRANTEE(S) SHALL CONTACT THE PERMITS SECTION AT (508) 884-4211 WHEN THE WORK REQUIRED UNDER THIS PERMIT HAS BEEN COMPLETED IN ORDER FOR A FINAL INSPECTION TO BE PERFORMED BY THIS DEPARTMENT.

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.

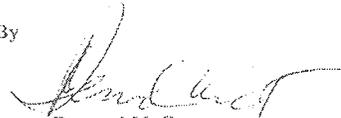
No work shall be done under this permit until the Grantee has communicated with and received instructions from the District Highway Director of the Massachusetts Highway Department at 1000 County Street, Taunton, MA 02780.

The permit shall be void unless the work herein contemplated shall have been completed before AUGUST 10, 2006.

Dated at Taunton this 10TH day of AUGUST, 2005.

Massachusetts Highway Department,

By


Bernard McCourt
District Highway Director

JSA/jsa
cc: Foreman

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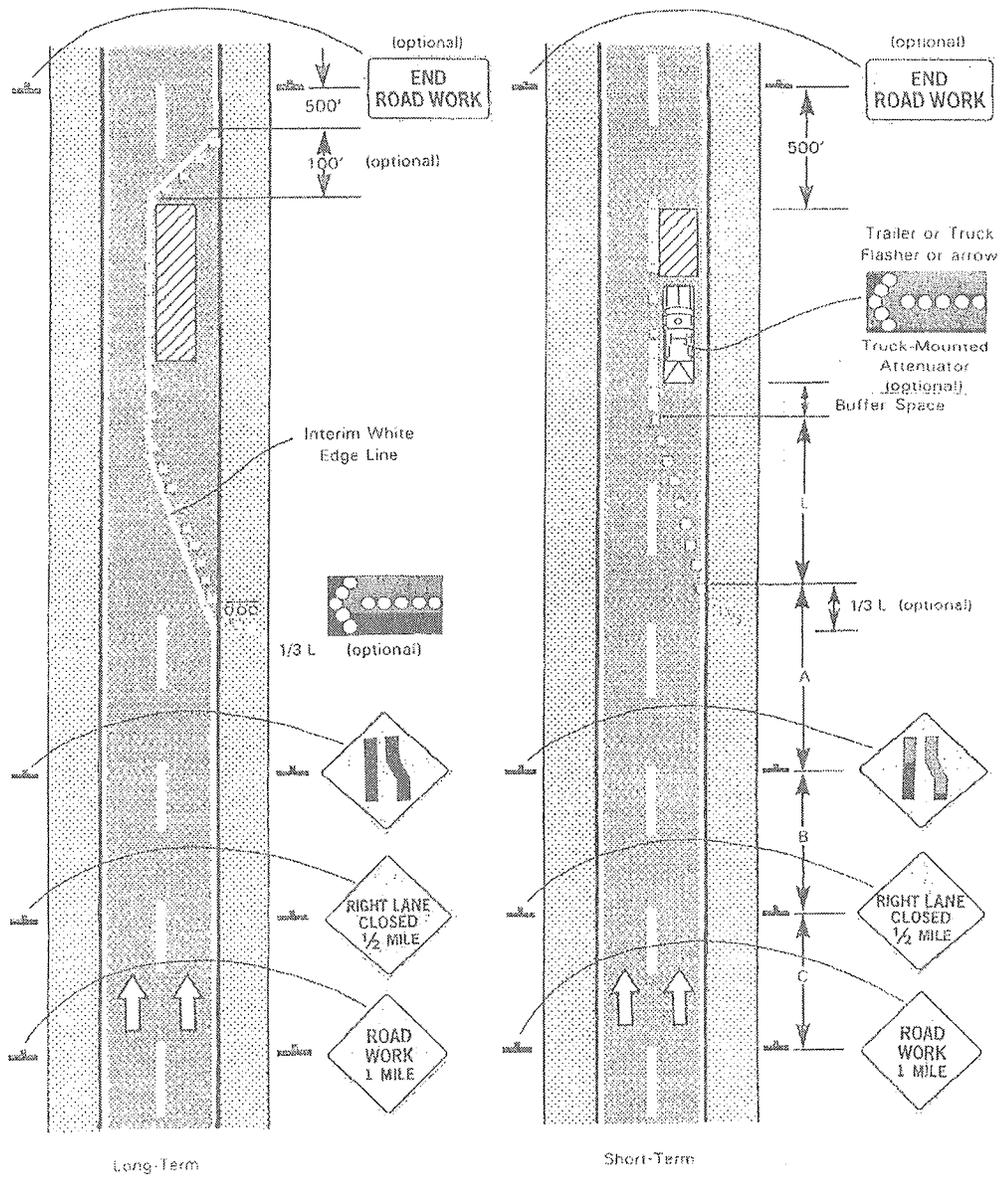


Figure TA-33. Lane closure on divided highway.

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5-2005-0449

PERMIT NO.

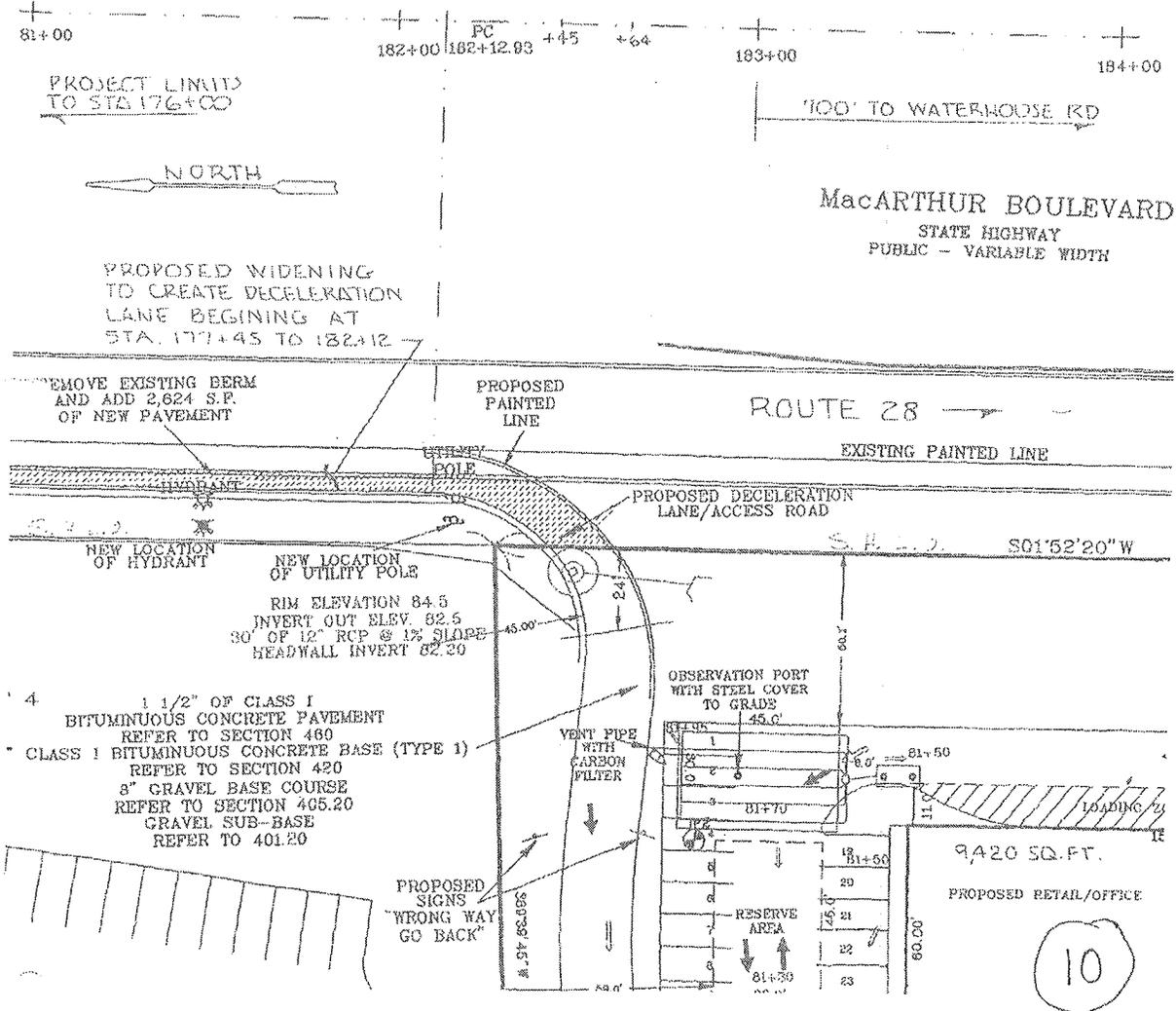
Commonwealth of Massachusetts
HIGHWAY DEPARTMENT TRAFFIC DIVISION
SKETCH COVERING PERMIT REQUESTED BY

PAESANO CO. LLC

DATE 8-1-2005

FOR DRIVEWAY APPROACH IN BOURNE

ON ROUTE 28



SCALE 1" = 40'

JOSEPH S. AUGER
PERMITS

APPROVED BY Robert J. [Signature]
TRAFFIC ENGINEER

5-2005 - 449

PERMIT NO.

Commonwealth of Massachusetts
HIGHWAY DEPARTMENT TRAFFIC DIVISION
SKETCH COVERING PERMIT REQUESTED BY

PAESANO CO. LLC

DATE 8-2-2005

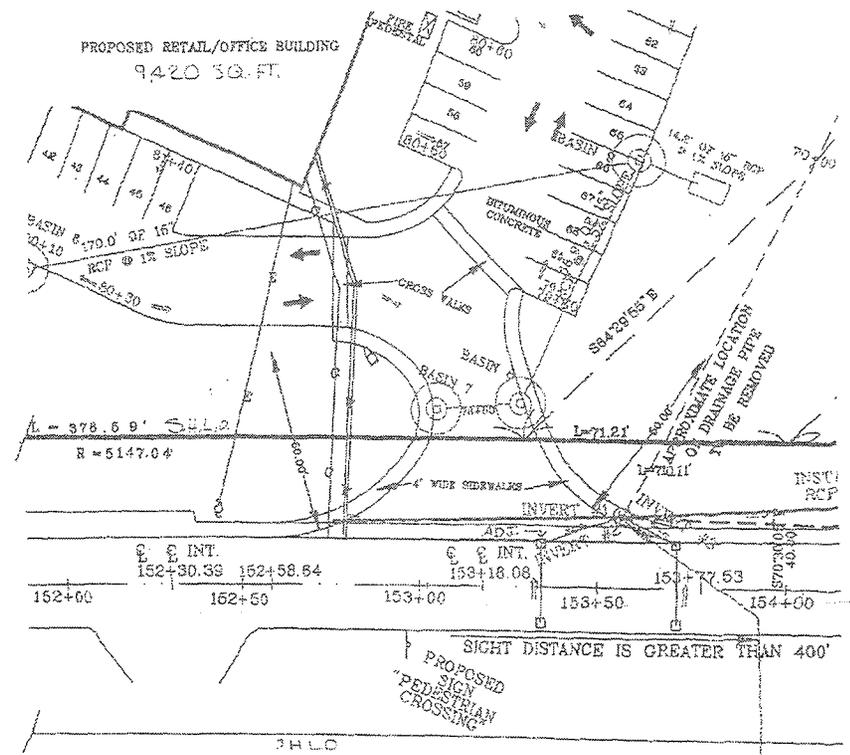
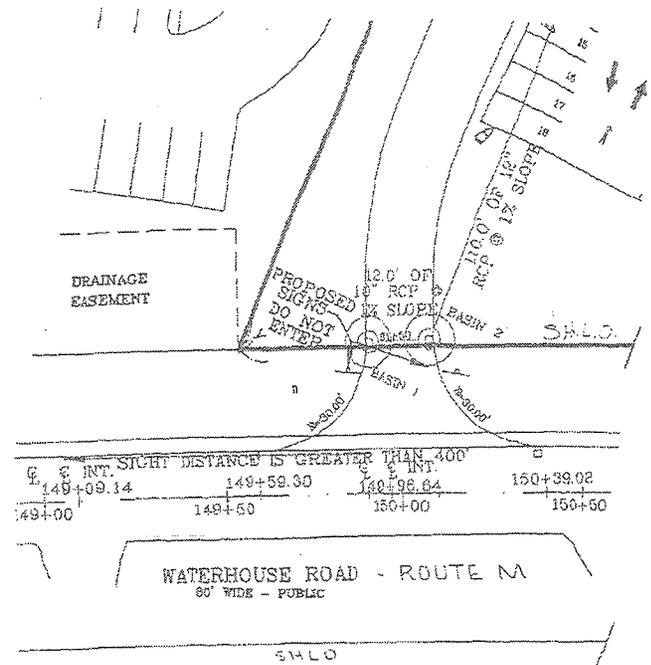
FOR DRIVEWAY APPROACH IN BOURNE ON ROUTE M



MACARTHUR BLVD
ROUTE 28 LAYOUT

LOT 5
113,980.30 S.F.

PROPOSED RETAIL/OFFICE BUILDING
9,420 SQ. FT.



SCALE 1" = 40'



JOSEPH S. AUGER
PERMITS

APPROVED BY *Robert L. [Signature]*
TRAFFIC ENG. OR