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August 12, 2014

Bruce Johnson, Zoning Administrator
Town of East Montpelier
P.O. Box 157
East Montpelier, VT 05651

RE: Three proposed subdivisions of lands of Jerome L. Rappaport

Dear Bruce,

Please find attached what we believe to be complete applications for the subdivisions of three parcels owned by Jerome Rappaport. As you know, each proposed subdivision was deemed "minor" under the East Montpelier Land Use & Development Regulations by the Development Review Board (DRB) during Sketch Plan review on August 5.

The subdivisions as presented here are in full conformance with those reviewed at Sketch Plan, with additional information requested by the DRB either added to the subdivision plan itself or included on a separate plan per our discussions subsequent to the Sketch review.

In keeping with the information previously presented, the descriptions of the proposed subdivisions are as follows:

Proposed Subdivision #1 "Steve's Carveout"

860 Drake Road; Tax Map Parcel: p/o 12-02-33

Parcel Deed: Book 29/Page 59 (3/23/1970)

- The existing 357 acre property, developed with an existing residence and agricultural outbuildings will be subdivided into two parcels: Lot 1 of 28.2 acres with the existing house and buildings for resale, and Lot 2 of 329 acres of undeveloped land intended to be conveyed to Fairmont Farms, Inc.
- Lot 2 includes lands lying south of Drake Road.
- The adjacent 25.1 acre parcel of Mr. Rappaport acquired in 2003 (Book 79/Page 19) and held under separate title as of the date of this application is not included

in this subdivision. This property is included in Tax Map Parcel 12-02-33 for tax assessment purposes.

- No new development is proposed as part of this two-lot subdivision.
- Waivers listed below are requested for this subdivision.

Proposed Subdivision # 2 “Wooded Carveout”

Off Route 14 South; Tax Map Parcel: p/o 12-02-54

Parcel Deed: Book 29/Page 291 (12/22/1979)

- The existing 73 acre undeveloped property is to be subdivided into two parcels: Lot 1 of 42.5 acres of wooded lands for resale, and Lot 2 of 30.5 acres intended to be conveyed to Fairmont Farms, Inc.
- The adjacent parcel of Mr. Rappaport acquired in 1985 (Book 35/Page 229 – see subdivision #3), and held under separate title as of the date of this application, is not included in this subdivision. This property is included in Tax Map Parcel 12-02-54 for tax assessment purposes.
- No new development is proposed as part of this subdivision.
- Waivers listed below are requested for this subdivision.

Proposed Subdivision #3 “Route 14 Carveout”

355 Route 14 South; Tax Map Parcel: p/o 12-02-54

Parcel Deed: Book 35/Page 229 (2/12/1985)

- The existing 188 acre property, developed with an existing residence and farm buildings west of VT Route 14, includes undeveloped lands between Route 14 and Clark Road, as well as undeveloped land between Clark Road and the Plainfield town line.
- The property will be subdivided into three lots: Lot 1 of 41.5 acres with the existing house and buildings on the west side of Route 14 for resale; Lot 2 of 13.8 acres of remaining undeveloped land west of Route 14 intended to be conveyed to Fairmont Farms, Inc.; and Lot 3 of 133 acres comprising the balance of the undeveloped property lying between Route 14 and the Plainfield line. Lot 3 is intended to be conveyed to Fairmont Farms, Inc as well.
- This subdivision is believed to comprise three lots as the location of the proposed subdivision line between Lots 1 and 2 makes Lots 2 and 3 non-contiguous across the Route 14 highway easement.
- The adjacent parcel of Mr. Rappaport acquired in 1979 (Book 29/Page 291 – see subdivision #2), and held under separate title as of the date of this application, is not included in this subdivision. This property is included in Tax Map Parcel 12-02-54 for tax assessment purposes.
- No new development is proposed as part of this subdivision.
- Waivers listed below are requested for this subdivision

Major/Minor Designation

Because each of the proposed subdivisions are of parent parcels held under separate title - two of which are non-contiguous – and each being of three or fewer lots with no development proposed, each are ‘minor’ subdivisions under the Land Use &

Development Regulations of the Town of East Montpelier, Section 6.1(C)(1)(a). This designation was confirmed by the DRB during the August 5th review.

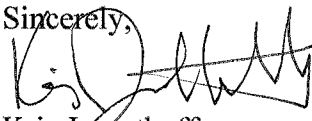
Waivers

As these subdivisions are minor in nature, propose no new development, and have very little, if any, impact upon the goals and objectives laid out in the ordinance and Town plan, waivers as provided for under Section 6.2 are sought for certain plan and material requirements. In keeping with the discussions with the Board on August 5th, the requested waivers are as follows:

- Boundary survey - Only those portions of the subdivided parcels not to be conveyed to Fairmont Farms, Inc. (Lot 1 of each respective subdivision) have been surveyed, with the exception of Subdivision #3, wherein Lots 1 and 2 lying west of Route 14 have been surveyed. Please note that the parent tracts of both Subdivisions #2 and #3 have prior surveys on record in the Town Clerk's office.
- Natural and physical features – As directed by the Board, those physical features as they appear on the VT Agency of Natural Resources Natural Resources Atlas have been included on separate plans extracted directly from the Atlas. We ask that the Board waive any additional mapping requirements for these features.
- 10' interval contours – 20' interval contours and a slope zone analysis have been included on the plans extracted from the ANR Atlas. As no development is proposed, we ask that the Board waive the 10' interval requirement.
- Proposed features – No development is proposed.

In closing, I'd like to stress the minimal impact of these subdivisions on the landscape of the Town. No development is proposed, and should any be proposed in the future, that work will be reviewed by the Board in accordance with the applicable regulations. The agricultural lands will continue substantially intact, with the parcels with the existing residence's and buildings large enough to support other independent agricultural opportunities. And when contrasted against the development activities on the properties surrounding these parcels – Phillips Road, Captain Kidd, Country Club Road in Plainfield – these subdivision represent what is probably the best-case that could be anticipated. We hope that you and the Board agree. Thank you.

Sincerely,



Kris Jurentkuff
Senior Technician

Town of East Montpelier

The East Montpelier Development Review Board will hold a Public Hearing Tuesday, September 2, 2014 at 7:00 p.m. at the East Montpelier Emergency Services Facility to conduct a series of three final plan reviews for subdivisions of property owned by Jerry Rappaport, owner of Lylehaven Farm. The intent of these applications is to divide off the majority of the undeveloped land from the three parcels for transfer to Fairmont Farm, Inc. (the Lot 2 of each subdivision along with Lot 3 of 14-050). Each of the three subdivisions will create one lot for separate sale. The following notice will appear in the Times Argus Monday, August 18, 2014:

The East Montpelier Development Review Board will hold a Public Hearing on Tuesday, September 2, 2014 at 7:00 p.m. at the East Montpelier Emergency Services Facility (the new fire station; 54 Village Acres) to consider the following:

Final plan review of Application 14-048, submitted by Jerome L. Rappaport, to subdivide his property located at 860 Drake Road. This proposal will divide the 357-acre parcel into 2 lots: Lot 1 of 28.2 acres with existing structures; and, Lot 2 of 329 acres. The property is located in Zone D – Rural Residential/Agricultural, where the minimum lot size is 3 acres.

Final plan review of Application 14-049, submitted by Jerome L. Rappaport, to subdivide his property bordered by East Hill Road, Clark Road, and VT Rte. 14 S. This proposal will divide the 73-acre parcel into 2 lots: Lot 1 of 42.5 acres and Lot 2 of 30.5 acres. The property is located in Zone D – Rural Residential/Agricultural, where the minimum lot size is 3 acres.

Final plan review of Application 14-050, submitted by Jerome L. Rappaport, to subdivide his property located at 355 VT Rte. 14 S. This proposal will divide the 188-acre parcel into 3 lots: Lot 1 of 41.5 acres with existing structures; Lot 2 of 13.8 acres; and, Lot 3 of 133 acres. The property is located in Zone D – Rural Residential/Agricultural, where the minimum lot size is 3 acres.

The applicant must hand deliver or send by certified mail a copy of this notice to all abutting landowners at least 15 days before the Development Review Board's hearing date. Neighbors do not need to attend the hearing unless they would like to make comments to the Development Review Board. **However, participation (in person or in writing) in the local proceeding is a prerequisite to the right to appeal any resulting decision or action of the Development Review Board, pursuant to 24 VSA §4464(a)(1)(c).**

Questions may be directed to the zoning administrator at the East Montpelier Municipal Office Building (802-223-3313x204) or by e-mail at eastmontadmin@comcast.net.

C. Bruce Johnson
East Montpelier Town & Zoning Administrator
P.O. Box 157
East Montpelier, VT 05651

Permit # 14-048 ZONING PERMIT APPLICATION Date Received: 8/13/14
Zoning District D TOWN OF EAST MONTPELIER Parcel # 09-106.000
Overlays WR PO Box 157, East Montpelier, VT 05651 Tax Map # 12-02-33.000

- A. 1. Name of Landowner Jerome L. Rappaport Phone No.
2. Address of Landowner c/o Janet Aserkoff, Esq, 75 State St., 12th Floor, Boston, MA 02109-1827
3. Applicant (other than owner) Phone No.
4. Address of Applicant
5. Location of Property 860 Drake Road

B: Application is made (check appropriate boxes):

"Steve's Carveout"

- | To: | For: | For: |
|-------------------------------------|---|---|
| <input type="checkbox"/> Construct | <input type="checkbox"/> One <input type="checkbox"/> Two-family dwelling | <input checked="" type="checkbox"/> Subdivision of land |
| <input type="checkbox"/> Repair | <input type="checkbox"/> Multi-family dwelling | <input type="checkbox"/> Boundary adjustment |
| <input type="checkbox"/> Alter | <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Extraction of earth resources |
| <input type="checkbox"/> Extend | <input type="checkbox"/> Commercial / Business | <input type="checkbox"/> Ground water withdrawal |
| <input type="checkbox"/> Remove | <input type="checkbox"/> Light Industrial | <input type="checkbox"/> Landfilling |
| <input type="checkbox"/> Change use | <input type="checkbox"/> Industrial | <input type="checkbox"/> Other |

Describe work to be performed To subdivide the existing 357 acre property developed with a residence and agricultural outbuildings into two lots: Lot 1 of 28.2 acres with the existing buildings and an undeveloped Lot 2 of 329 acres. No new development is proposed as part of this subdivision. See attached plans for all dimensional information.

C. Lot description:

- | | |
|--|---|
| 1. acreage <u>357 acres</u> | 4. depth side yards Ft. Ft.
(building to lot lines) |
| 2. road frontage Ft. | |
| 3. depth front yard Ft.
(Road centerline to building) | 5. depth rear yard Ft.
(building to lot line) |

Important - Submit site location map which describes the property on which the proposed land development is to occur. The map should indicate the length in feet of each boundary, the location and dimensions in feet of the development within the property, the distance from that development to all adjacent property lines and the distance to the public road centerline. Each parcel created by land development should be clearly described.

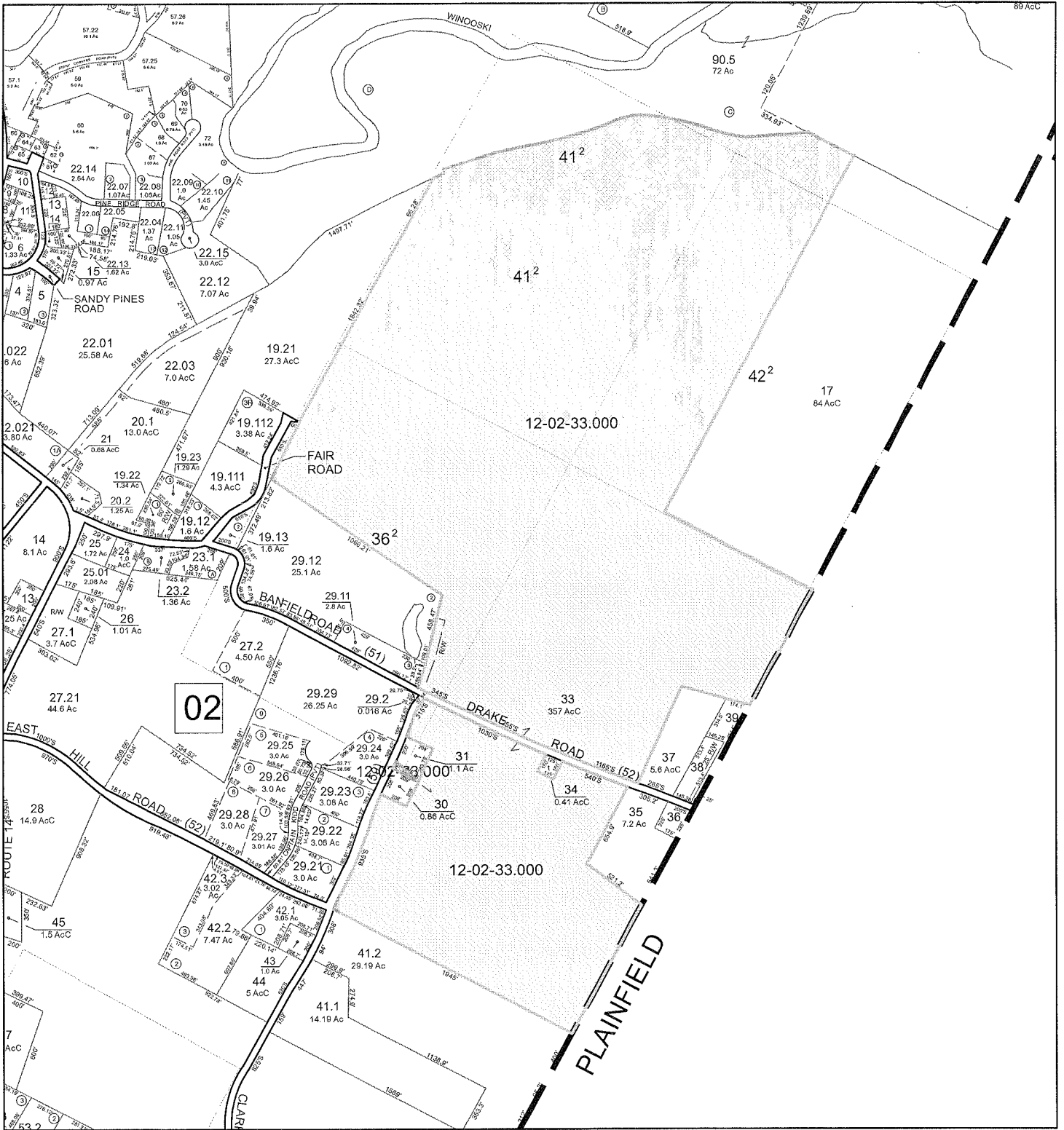
READ BELOW CAREFULLY AND SEE SECTION D ON PAGE 2 OF APPLICATION:

In accordance with 24 V.S.A. §4446, no development or subdivision of land may begin in the Town of East Montpelier until all applicable municipal land use permits and approvals have been issued. The undersigned requests a zoning permit as described above, understanding that the permit will be voided and penalties imposed, if the land development is not completed as described. The permit will be voided if development is not substantially commenced within one year from date of issue. The undersigned hereby applies on the basis of the representations contained herein, and to the best of his/her knowledge believes them to be true. The undersigned acknowledges the Section D notices on page 2 of this application.

Landowner [Signature] Date 8.11.14
Applicant [Signature] Date

Zoning Permit Fee: \$ 250.00 Cash ☐ Check #2387 Date 8/13/14 Rec'd by DB
DRB Hearing Fee: \$ Cash ☐ Check ☐ Date Rec'd by

Make checks payable to the "Town of East Montpelier"

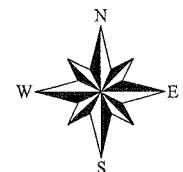


Subdivision II

Rappaport -- 860 Drake Road **Town of East Montpelier**



8/5/2014



Permit # 14-049
Zoning District D
Overlays WRE

ZONING PERMIT APPLICATION
TOWN OF EAST MONTPELIER
PO Box 157, East Montpelier, VT 05651

Date Received: 8/13/14
Parcel # 09-080.000
Tax Map # 12-02-54.000

- A. 1. Name of Landowner Jerome L. Rappaport Phone No.
2. Address of Landowner c/o Janet Aserkoff, Esq, 75 State St., 12th Floor, Boston, MA 02109-1827
3. Applicant (other than owner)..... Phone No.
4. Address of Applicant.....
5. Location of Property Route 14S & East Hill Roads

B: Application is made (check appropriate boxes):

"Wooded Carveout"

- | | | |
|-------------------------------------|---|---|
| To: | For: | For: |
| <input type="checkbox"/> Construct | <input type="checkbox"/> One <input type="checkbox"/> Two-family dwelling | <input checked="" type="checkbox"/> Subdivision of land |
| <input type="checkbox"/> Repair | <input type="checkbox"/> Multi-family dwelling | <input type="checkbox"/> Boundary adjustment |
| <input type="checkbox"/> Alter | <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Extraction of earth resources |
| <input type="checkbox"/> Extend | <input type="checkbox"/> Commercial / Business | <input type="checkbox"/> Ground water withdrawal |
| <input type="checkbox"/> Remove | <input type="checkbox"/> Light Industrial | <input type="checkbox"/> Landfilling |
| <input type="checkbox"/> Change use | <input type="checkbox"/> Industrial | <input type="checkbox"/> Other |

Describe work to be performed To subdivide the existing 73 acre undeveloped property developed into two lots: Lot 1 of 42.5 acres , and Lot 2 of 30.5 acres. No development is proposed as part of of this subdivision. See attached plans for all dimensional information.

C. Lot description:

- | | |
|--|---|
| 1. acreage <u>73 acres</u> | 4. depth side yards Ft. Ft.
(building to lot lines) |
| 2. road frontage Ft. | |
| 3. depth front yard Ft.
(Road centerline to building) | 5. depth rear yard Ft.
(building to lot line) |

Important - Submit site location map which describes the property on which the proposed land development is to occur. The map should indicate the length in feet of each boundary, the location and dimensions in feet of the development within the property, the distance from that development to all adjacent property lines and the distance to the public road centerline. Each parcel created by land development should be clearly described.

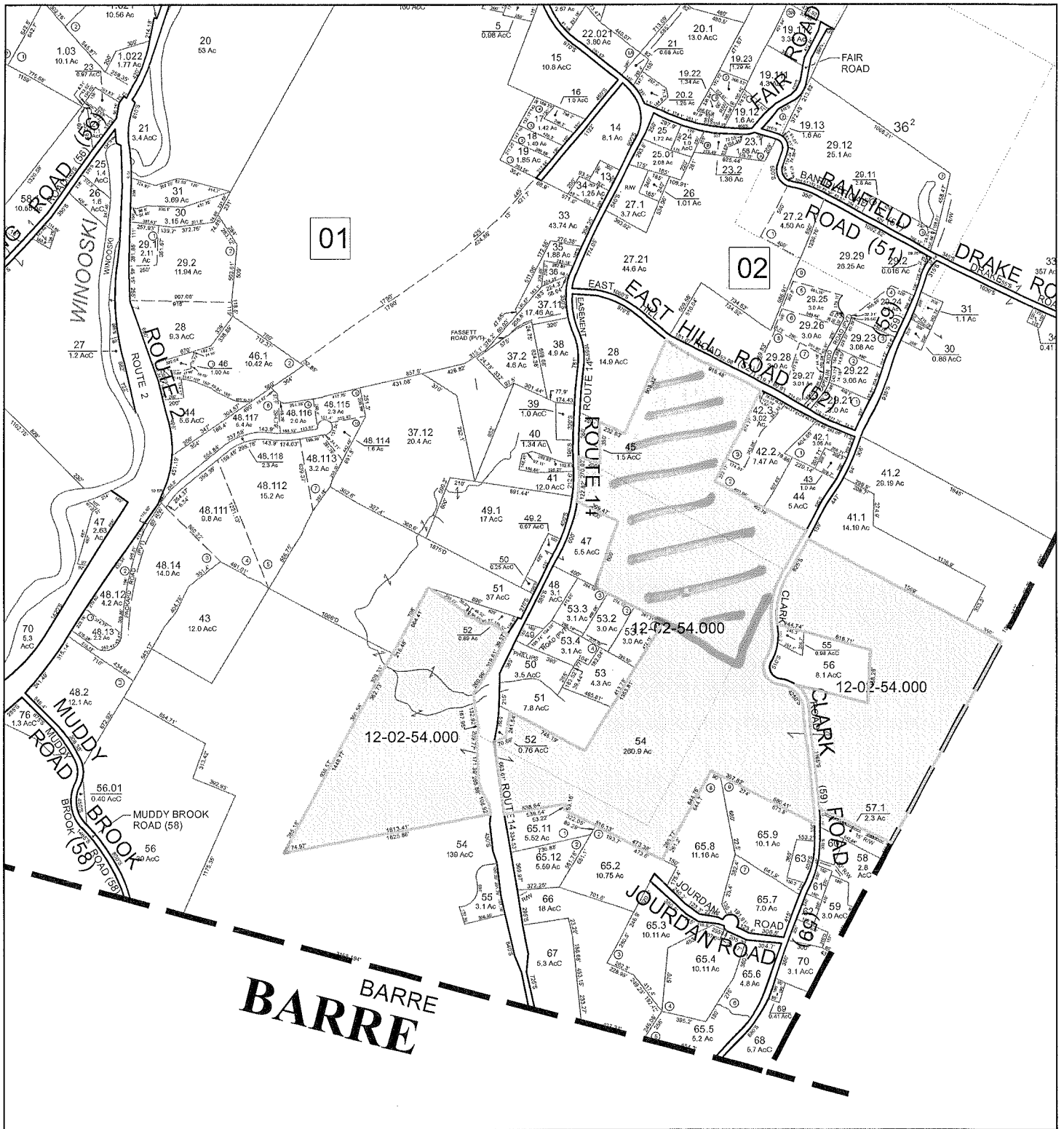
READ BELOW CAREFULLY AND SEE SECTION D ON PAGE 2 OF APPLICATION:

In accordance with 24 V.S.A. §4446, no development or subdivision of land may begin in the Town of East Montpelier until all applicable municipal land use permits and approvals have been issued. The undersigned requests a zoning permit as described above, understanding that the permit will be voided and penalties imposed, if the land development is not completed as described. The permit will be voided if development is not substantially commenced within one year from date of issue. The undersigned hereby applies on the basis of the representations contained herein, and to the best of his/her knowledge believes them to be true. The undersigned acknowledges the Section D notices on page 2 of this application.

Landowner [Signature] Date 8.13.14
Applicant [Signature] Date

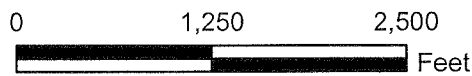
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DRB Hearing Fee: \$ Cash Check Date Rec'd by

Make checks payable to the "Town of East Montpelier"

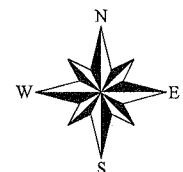


Subdivision #2

Rappaport -- 355 VT Rte 14 S
Town of East Montpelier



8/5/2014



Permit # 14-050
Zoning District D
Overlays WTR

ZONING PERMIT APPLICATION
TOWN OF EAST MONTPELIER
PO Box 157, East Montpelier, VT 05651

Date Received: 8/13/14
Parcel # 09-080.000
Tax Map # 12-02-54.000

- A. 1. Name of Landowner Jerome L. Rappaport Phone No.
2. Address of Landowner c/o Janet Aserkoff, Esq, 75 State St., 12th Floor, Boston, MA 02109-1827
3. Applicant (other than owner) Phone No.
4. Address of Applicant
5. Location of Property Route 14S & East Hill Roads

B: Application is made (check appropriate boxes):

"Route 14 Carveout"

- | | | |
|-------------------------------------|---|---|
| To: | For: | For: |
| <input type="checkbox"/> Construct | <input type="checkbox"/> One <input type="checkbox"/> Two-family dwelling | <input checked="" type="checkbox"/> Subdivision of land |
| <input type="checkbox"/> Repair | <input type="checkbox"/> Multi-family dwelling | <input type="checkbox"/> Boundary adjustment |
| <input type="checkbox"/> Alter | <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Extraction of earth resources |
| <input type="checkbox"/> Extend | <input type="checkbox"/> Commercial / Business | <input type="checkbox"/> Ground water withdrawal |
| <input type="checkbox"/> Remove | <input type="checkbox"/> Light Industrial | <input type="checkbox"/> Landfilling |
| <input type="checkbox"/> Change use | <input type="checkbox"/> Industrial | <input type="checkbox"/> Other |

Describe work to be performed To subdivide the existing 188 acre property with an existing residence and outbuildings into three lots: Lot 1 of 41.5 acres west of Route 14 with the existing buildings; Lot 2 of 13.8 acres of undeveloped land lying west of Route 14; and Lot 3 of 133 acres comprising the balance of the property lying east of Route 14 and west of the Plainfield Town line. See attached plans for all dimensional information.

C. Lot description:

- | | |
|--|---|
| 1. acreage <u>188</u> | 4. depth side yards Ft. Ft.
(building to lot lines) |
| 2. road frontage Ft. | |
| 3. depth front yard Ft.
(Road centerline to building) | 5. depth rear yard Ft.
(building to lot line) |

Important - Submit site location map which describes the property on which the proposed land development is to occur. The map should indicate the length in feet of each boundary, the location and dimensions in feet of the development within the property, the distance from that development to all adjacent property lines and the distance to the public road centerline. Each parcel created by land development should be clearly described.

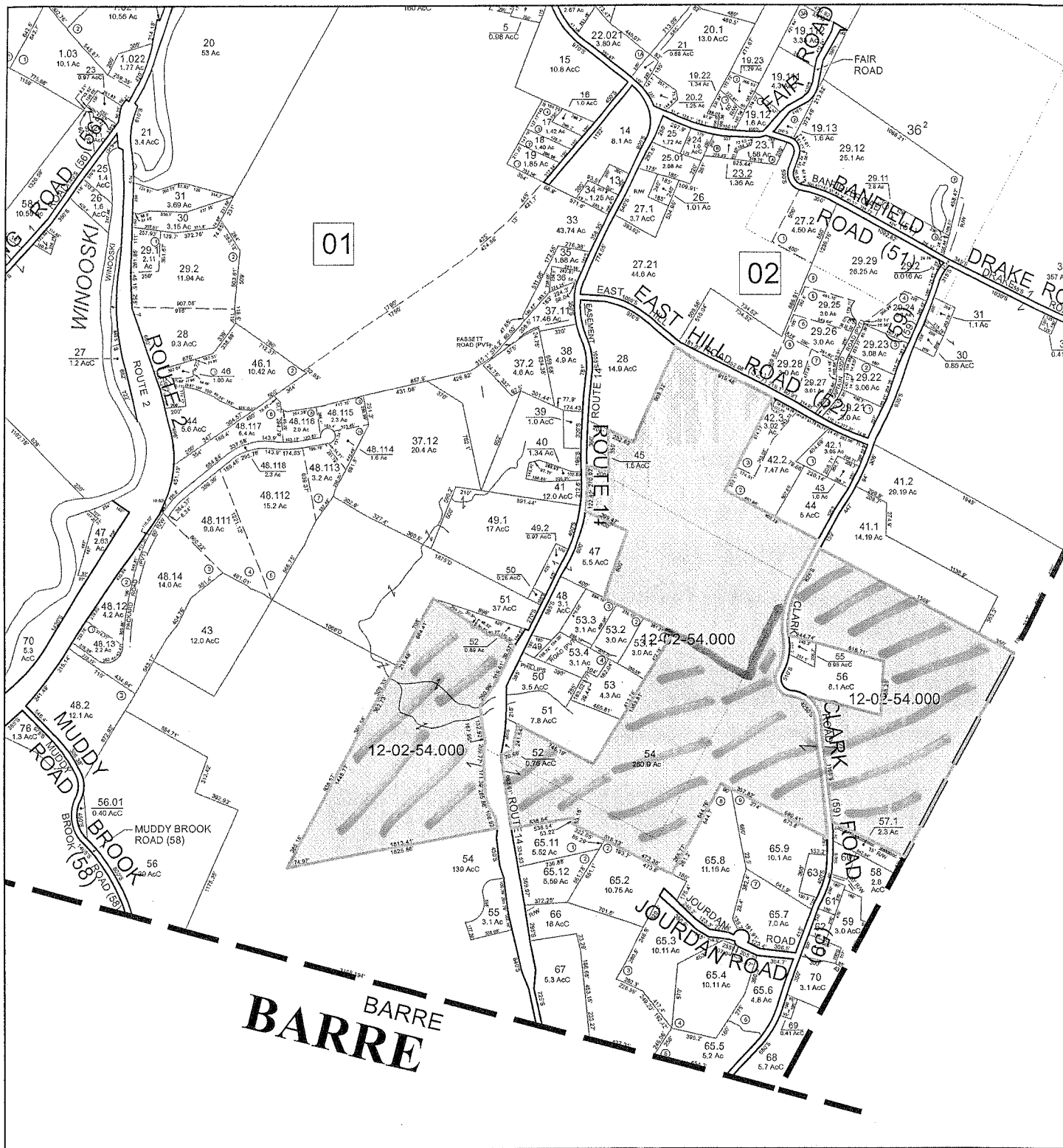
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Landowner [Signature] Date 8.11.14
Applicant [Signature] Date

Zoning Permit Fee: \$ 300.00 Cash _____ Check #2387 Date 8/13/14 Rec'd by D.B.
DRB Hearing Fee: \$ _____ Cash _____ Check _____ Date _____ Rec'd by _____

Make checks payable to the "Town of East Montpelier"



Subdivision #3

Rappaport -- 355 VT Rte 14 S
Town of East Montpelier

0 1,250 2,500
Feet

8/5/2014

