Town of East Montpelier

ZONING PERMIT NOTICE

[To Be Displayed on the Property in Full View of the Public Right-of-Way]

Date Issued:

June 8, 2018

Effective Date: June 23, 2018

Location: V- Rte. 145 to Plainfield line

Owner: Fairmont Dairy LLC

For: 2 - Lot Subdivision

Lot 34 of 35.0 acres; Lot 3B of 97.6 acres

Application # 18-012

Approved by: C. Bruce Johnson, ZA

Do not start project or commence use prior to the Effective Date. If this permit is based upon a Development Review Board approval, be advised that any appeal of that approval could affect the validity of this permit – do not start project or commence use until that DRB approval is final and clear of any state or local appeal process. This application is available for inspection at the Town Office. This poster must be displayed on the property in full public view for 15 days. APPEALS TO DRB: A notice of appeal, including the \$150 fee, must be filed with the East Montpelier Town Clerk or Zoning Administrator at the Town Office by the listed Effective Date. WARNING: State permits may be required for this project. Contact the state Permit Specialist, at (802) 505-5367, before beginning any construction.

TOWN of EAST MONTPELIER

P.O. Box 157 East Montpelier, VT 05651-0157

C. Bruce Johnson, ZA eastmontadmin@comcast.net (802) 223-3313 ext. 204

June 8, 2018

Fairmont Dairy, LLC Attn: Richard Hall 141 Lylehaven Road East Montpelier, VT 05651

Re: East Montpelier Zoning Application #18-012

Dear Mr. Hall:

Please find enclosed the written decision of the East Montpelier Development Review Board approving the Fairmont Dairy, LLC subdivision application #18-012 subject to the following condition:

New Lot 3A is to be transferred to abutting property owner Tylor Bigras of 152 Jourdan Road and merged with that property for use of the existing access to 152 Jourdan Road.

Fairmont Dairy, LLC has the right to appeal the decision of the Development Review Board. 10 V.S.A. §8504, 24 V.S.A. §4471 and V.R.E.C.P. 5 provide guidance on appeals to the Environmental Division of the Vermont Superior Court, but should you wish to appeal you should seek the advice of an attorney to determine your rights and duties in this particular situation. Generally any appeal must be filed with the Environmental Division within 30 days of the issuance of the decision.

Based on the above-referenced DRB approval I have issued East Montpelier Zoning Permit #18-012 for a 2-lot subdivision of the Fairmont Dairy, LLC property at issue in this matter. You have 180 days to duly file and record a mylar copy of the approved subdivision plat with the East Montpelier Town Clerk as required by the East Montpelier Land Use & Development Regulations Section 6.6 coupled with 24 V.S.A. §4463(b). The mylar must be certified by me, the zoning administrator, as a true copy of the approved subdivision plat prior to recording.

Feel free to contact me if you have any questions concerning this matter.

Sincerely,

C. Bruce Johnson

East Montpelier Zoning Administrator

TOWN OF EAST MONTPELIER DEVELOPMENT REVIEW BOARD

FINDINGS & DECISION

In the matter of:

Fairmont Dairy LLC

For a portion of property located at:

Parcel # 09-080.300 Tax Map # 12-02-54.000

East Montpelier Zoning Application #18-012

INTRODUCTION & PROCEDURAL HISTORY

- 1. On May 9, 2018, Fairmont Dairy LLC filed an application with the Town of East Montpelier to subdivide a portion of its property located between VT Rte. 14 S and the Plainfield town line. The portion of Parcel #09-080.300 known as Lot 3 of the 2014 Rappaport subdivision 14-050 is the subject of this application. The proposal would divide the 132.6-acre parcel into 2 lots: Lot 3A of 35.0 acres and Lot 3B of 97.6 acres.
- 2. The property in question is located in the Rural Residential/Agricultural District Zone D, where the minimum lot size is 3 acres and subdivisions require approval from the Development Review Board.
- 3. A public notice was duly published in the Times Argus on May 19, 2018 for a hearing, which was conducted on June 5, 2018.
- 4. Fairmont Dairy LLC representative Kris Jurentkuff, abutting property owners Scott & Kelly Phillips and Tylor Bigras, and Zoning Administrator Bruce Johnson appeared and participated in the June 5, 2018 hearing. There was no additional public comment.
- 5. The Board members who voted on this issue at the June 5, 2018 hearing were Curtis, Cueto, Lane, Dworkin, Welch, Lange, and Hill.

FINDINGS OF FACT

1. Fairmont Dairy LLC owns a 132.6-acre parcel in East Montpelier that is part of the property known as East Montpelier Parcel #09-080.300. The proposal seeks to subdivide the parcel into two lots: one of 35.0 acres and the other of 97.6 acres.

- 2. This subdivision is of the parcel created as Lot 3 of the 2014 Rappaport subdivision 14-050 of the 355 VT Rte. 14 S element of Lylehaven Farm. Lot 3, an undeveloped agricultural lot, was one of a number of parcels transferred by Mr. Rappaport to Fairmont Dairy LLC. Fairmont Dairy LLC now proposes to further subdivide Lot 3.
- 3. This parcel has been consolidated for tax purposes with another Fairmont Dairy LLC, formerly Rappaport, parcel both share the same parcel and tax map numbers. For zoning purposes, however, this is a separate lot and can be subdivided without reference to the other parcel.
- 4. The subject property is located in Zone D the Rural Residential & Agricultural District, where a conforming lot requires 3 acres and 250 feet of road frontage. The proposed Lot 3A contains 35.0 acres and 664 feet of frontage along VT Rte. 14 S. Proposed Lot 3B has 97.6 acres and 4,212 feet of frontage along Clark Road.
- 5. There are no structures on the parcel. Lot 3A is mostly wooded and is to be transferred to abutting property owner Tylor Bigras; Lot 2 is mostly farmland to be retained by Fairmont Dairy LLC. No development of either lot is currently contemplated.
- 6. The VT Agency of Transportation does not recognize any existing access on VT Rte. 14 S. Fairmont Dairy LLC has chosen not to apply to VTrans for a curb cut permit on VT Rte. 14 S to provide access to Lot 3A. Lot 3A will be transferred to Tylor Bigras, owner of an abutting 11.16-acre parcel located at 152 Jourdan Road (parcel #09-085.800; tax map #12-02-35.800). For the purposes of this subdivision Lot 3A is to be merged with the 152 Jourdan Road parcel and access to the joined 46.16-acre parcel will be by the existing curb cut at 152 Jourdan Road.

CONCLUSIONS

The standards for the issuance of a subdivision permit are set forth in Sections 6.7 through 6.10 of the East Montpelier Land Use & Development Regulations. It is found that the standards in Sections 6.7, 6.8, & 6.9 have been reviewed, and the proposed subdivision meets all applicable requirements. It is further found that Section 6.10 does not apply to this project.

DECISION

By unanimous vote, the DRB approves Zoning Permit #18-012 to allow the subdivision of a the portion of Fairmont Dairy LLC Parcel #09-080.300, known as Lot 3 of the Rappaport 2014 subdivision 14-050, subject to the following condition:

New Lot 3A is to be transferred to abutting property owner Tylor Bigras of 152 Jourdan Road and merged with that property for use of the existing access to 152 Jourdan Road.

This subdivision approval is subject to the East Montpelier Land Use & Development Regulations Section 6.6 plat recording requirements which, among other directives, mandate the filing of a mylar copy of the approved subdivision plat in the East Montpelier land records within 180 days of the date of subdivision approval.

Warning: State permits may be required for this project. The applicant or permittee retains the obligation to identify, apply for, and obtain relevant state permits for this project. Call (802) 476-0195 to speak to the state Permit Specialist before beginning any construction.

Dated this 8th day of June, 2018.

Richard Curtis, Jr. -- Chair

East Montpelier Development Review Board

Notice: The applicant, appellant or other interested person who has participated in a regulatory proceeding of the DRB may appeal the decision rendered by the DRB within 30 days of the issuance of such decision, to the Environmental Division of the Vermont Superior Court, in accordance with 24 V.S.A. §4471.

- 1. "Participation" in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
- 2. The notice of appeal shall be filed by certified mailing, with fees, to the Environmental Division of the Vermont Superior Court and by mailing a copy to the East Montpelier Zoning Administrator, who shall supply a list of interested persons (including the applicant if not the appellant), to the appellant within five (5) working days. Upon receipt of the list of interested persons, the appellant shall, by certified mail, provide a copy of the notice of appeal to every interested person. If any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.

Zoning District TOWN OF	ERMIT APPLICATION EAST MONTPELIER East Montpelier, VT 05651	Date Received: 5/9/18 Parcel # 09 - 080, 300 Tax Map # 10 - 02-54,000		
A. 1. Name of Landowner Fairmont Dairy, LLC Phone No. 802-272-8553 2. Address of Landowner 95 Lyle Young Road, East Montpelier, VT 05651 3. Applicant (other than owner) Phone No. 4. Address of Applicant 5. Location of Property. Clark Road & VT RTE 14S				
B: Application is made (check appropriate boxes): To: For: For: For: Subdivision of land Boundary adjustment Boundary adjustment Extraction of earth resources Ground water withdrawal Landfilling Change use Industrial Other Describe work to be performed To further subdivide Lot 3 of the previous Rappaport Subdivision with 132.6 acres on both sides of Clark road into 2 lots: Lot 3A with 35.0 Acres and Lot 3B with 97.6 acres. Currently, there are no buildings on the lot.				
C. Lot description: 1. acreage 132.6 Acres +/- 2. road frontage 664' (RTE14S) . Ft.	depth side yards (building to lot li	s Ft Ft. nes)		
 road frontage	5. depth rear yard (building to lot li			
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.				
	nt or subdivision of land may beg vals have been issued. The ur will be voided and penalties ir if development is not substantial basis of the representations con ed acknowledges the Section D	gin in the Town of East Montpelier until all indersigned requests a zoning permit as imposed, if the land development is not ally commenced within one year from date intained herein, and to the best of his/her inotices on page 2 of this application.		
Applicant				
7 oning Permit Fee: \$ 2.50.00 Cash Check 10.77 Date 5 19 1/8 Rec'd by D. S				

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

D. Warning: State permits may be required for this project. The applicant or permittee retains the obligation to identify, apply for, and obtain relevant state permits for this project. Call (802) 476-0195 to speak to the state Permit Specialist before beginning any construction.

Notice: Your project may be subject to the state's residential or commercial energy code. For more information contact the Energy Code Assistance Center at 855-887-0673 or see the following web pages: Residential Building Energy Standards: http://publicservice.vermont.gov/topics/energy_efficiency/rbes Commercial Building Energy Standards: http://publicservice.vermont.gov/topics/energy_efficiency/cbes

Ε.	Action by Zoning Administrator:			
	I. Appealed to Development Review Board By			
	Notice: Appeal from a decision or act of the Zoning Administrator must be made in writing to the Development Review Board &/or Town Clerk within 15 days of the decision or act. The appeal fee is \$150.00.			
	3. Final Action: Permit # 18-012 Date Issued 06/08/18 Effective Date 06/03/18			
	DO NOT start this project prior to the effective date, as the statutes require a 15-day appeal period. If this permit is based upon a Development Review Board approval, be advised that any appeal of that approval could affect the validity of this permit – do not start project or commence use until that DRB approval is final and clear of any appeal process.			
	Zoning Administrator			
F.	Action by Development Review Board:	_		
	. Public Notice Date 5.11.18			
	Date(s) of Hearing 6-1.18			
	. 🗵 Granted 🗌 Without conditions 🔀 With conditions (See written decision for conditions)			
	Denied (See written decision for reasoning) Chairman, Development Review Board			
The	DRB's written decision was issued on:			

The applicant, appellant or other interested person who has participated in a regulatory proceeding of the DRB may appeal the decision rendered by the DRB within 30 days of the issuance of such decision, to the Environmental Division of the Vermont Superior Court, in accordance with 24 V.S.A. §4471.

- 1. "Participation" in a DRB proceeding shall consist of offering, through oral or written testimony, evidence of a statement of concern related to the subject of the proceeding.
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May 9, 2018

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

Surveyors & Septic Designers, Inc

301 North Main Street, Suite 1 Barre, Vt. 05641 Phone 802-479-9636 Fax 802-479-4017 email: cdchasesurveyors.com

bilichase@chasesurveyors.com kjurentkuff@chasesurveyors.com

RE: Proposed subdivision of lands of Fairmont Dairy, LLC

Dear Bruce.

Please find attached what we believe to be a complete application for the subdivision of a parcel owned by Fairmont Dairy, LLC. The description of the proposed subdivision is as follows:

Proposed Subdivision

VT RTE 14S & CLARK ROAD; Tax Map Number: p/o 12-02-54.000; Parcel I.D.: p/o 09-080.300

Current Deed: Book 129/Page 192 (11/20/2014) Parcel Deed: Book 29/Page 59 (3/23/1970)

- The existing Lot 3 (shown on Reference #5 entitled, "Subdivision Survey 'Route 14 Carveout' Jerome L. Rappaport"), an undeveloped lot of 132.6 acres will be subdivided further into Lot 3A with 35.0 acres and Lot 3B with 97.6 acres on both sides of Clark Road.
- Lot 3A has 664' ± of road frontage on VT RTE 14S
- The adjacent parcel of Mr. Rappaport acquired in 1979 (Book 29/Page 291 see reference #4 entitled, "Subdivision Survey 'Wooded Carveout' Jerome L. Rappaport") 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

Waivers

As this subdivision is minor in nature, proposes no new development, and has 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. The requested waivers are as follows:

- Boundary survey Only those portions of Lot 3 deemed necessary for the definition of the subdivision line between Lots 3A & 3B have been re-surveyed for this subdivision plan. Metes and bounds and acreages of the balance of the property have been provided per Reference #1 entitled, "LYLEHAVEN FARMS Jerome L. Rappaport, Lawrence & Barbara LaPerle Purchase, East Montpelier, Vermont" dated Sept. 1985 by Dwight Baker and recorded in the town of East Montpelier land records in hanger 30, map 134.
- Natural and physical features 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 this subdivision 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. When contrasted against the development activities on the properties surrounding these parcels – Phillips Road, Captain Kidd, and Country Club Road in Plainfield – this subdivision represents what is probably the best-case that could be anticipated. We hope that you and the Board agree. Thank you.

Sincerely,

Timothy Morris Crew Chief





