



Surveyors & Septic Designers, Inc

July 6, 2018

Richard Curtis, Chair  
East Montpelier Development Review Board  
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RE: Request to reopen proceedings, Fairmont Dairy,  
LLC, Subdivision Application #18-012

Dear Mr. Curtis,

This letter is to request that the Development Review Board reopen its review of the above noted subdivision application, as granted final approval May 8, to remove the condition that the subdivided 34 acre parcel be merged with the adjoining land of Tylor Bigras.

As I'm sure you recall, the condition requiring merger was included because no other record access to the parcel was provided, and merger would preclude the creation of a lot without record access. Unfortunately, when agreeing to the merger, Mr. Bigras didn't fully understand the mechanics of a merger: that the properties must be held in identical, common ownership to be merged. And since it was and still is Mr. Bigras' intention to purchase the parcel with his father Steve Bigras, the parcels, by law, cannot be merged. This request seeks to correct this situation by providing a record access to the 34 acres, making it a standalone parcel.

We are pursuing two paths to provide an access. First, because the parcel fronts on Route 14, we have approached VTrans about garnering a Section 1111 Access Permit for the existing field drive that was perpetuated by the Highway Department when Route 14 was reconstructed in the early '80's. This access is located where the VAST snowmobile trail now crosses Route 14, and is shown on the attached aerial photo. If VTrans will accept this existing access and issue a permit for it, we don't believe any changes to the existing mylar of the project would be required, only the removal of the merger condition from the final approval.

If on the other hand, if VTrans will not issue a permit for the existing access, our fallback is to provide a right-of-way over the land of Tylor Bigras. This right-of-way would extend along the existing driveway from the cul-de-sac at the end of Jourdan Road, through Tylor's property to the 34 acres. This right-of way has also been sketched on the aerial photo. This solution will require additional surveying and mapping on our part to add the right-of-way to the mylar. And because we'd be changing the mylar, it would seem another properly warned and noticed hearing would be required. It would be our goal to have this hearing at the regularly schedule August 14 DRB meeting...if VTrans makes this necessary.

It is our hope that the Board will accept this request and reopen the proceedings to allow us time to provide an access before the original approval becomes irrevocable upon the expiration of the appeal period. Thank you.

Digitally signed by Kris Jurentkuff  
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Kris Jurentkuff  
Project Manager

  
Richard Hall for Fairmont Dairy, LLC, landowner

  
date