

**Town of New Haven  
Application to Development Review Board**

Parcel # 0496 Map # \_\_\_\_\_ Applicant: I own this property: YES NO

Name: KAYHART FARMS INC (DAVID KAYHART PRES)

Email: david.kayhart@yahoo.com Phone: 802 349 7092

Address 2819 MAPLE ST, VERGENNES VT 05491

Landowner: I KAYHART FARMS INC am the legal owner of the property located at 1734 Field days Rd Described in Book 56 Page 3 of the New Haven Land Records. I acquired the property on 11/12/1999

**Type of Application:**      **Application for:**

- Sketch Plan
- Variance     Conditional Use Permit     Site Plan Review     Boundary Line Adjustment
- Minor Subdivision (<3)       Major Subdivision (> 3)

Appeal for interpretation of zoning ordinance or map.

Appeal from decision of the administrative officer.  
A copy of this appeal must be filed with the administrative officer.

Application for a change of nonconforming use    NO CHANGE

Other: subdividing 164.2 ACRES OF Ag LAND FROM ORIGINAL PARCEL

Provision of zoning ordinance in question Subdivision

Previous Use: AGRICULTURE

Current Use: AGRICULTURE AND RESIDENTIAL

Signature of land owner David Kayhart      Date 7/6/2021

Signature of Applicant (in addition to owner) David Kayhart for KAYHART FARMS INC

Fee Paid \_\_\_\_\_ Application# \_\_\_\_\_

Date of Hearing by Board \_\_\_\_\_

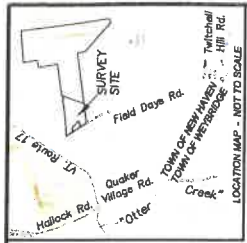
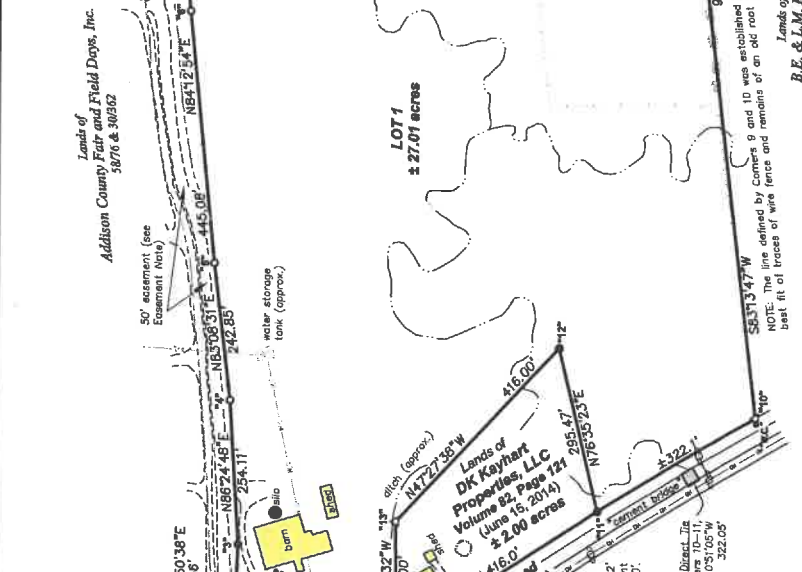
Approved \_\_\_\_\_ Denied \_\_\_\_\_ Decision \_\_\_\_\_

Conditions \_\_\_\_\_

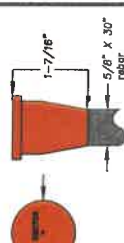
**EASEMENT NOTE**  
 Lands of Kayhart Farms, Inc. are benefited by a 50' wide easement over lands of Addison County Fair and Field Days, Inc. per Volume 76, Page 314 dated January 19, 2014. The easement is for the purpose of passage for normal farm and agricultural machinery and machinery. The easement is centered over an existing gravel drive that runs from Field Days Road, in an easterly direction, over lands of Addison County Fair and Field Days, Inc. The sidelines of this easement are shown as appropriate.

**Corner 14** was established at the record line of 60' from the culvert at the gravel drive for Lot 1 and 576' from the record line of the cement bridge.  
**Corner 14-1:** N31°33'09"W 308.72'  
**Corner 14-2:** N31°33'09"W 308.72'

**Corner 11** is located at 416.02' northwesterly from the "25' concrete bridge". Record line is 160'.  
**Corner 11-1:** S33°03'11"E 416.00'  
**Corner 11-2:** S33°03'11"E 416.00'



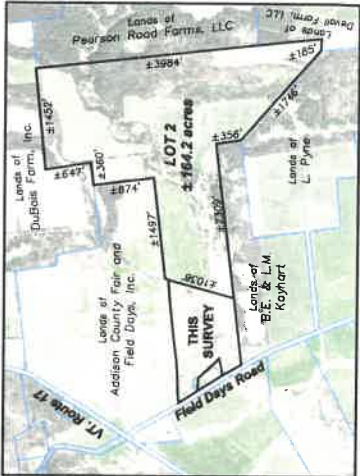
**Typical Stamped Caps and Monumentation**  
 (not to scale)



- CORNER LIST**  
 The following table lists the locations of all corners of the survey. The locations are given in bearings and distances from the monument point in drainage westerly.
- CORNER 1: 58°' rebar set 17' above grade.
  - CORNER 2: 58°' rebar recovered leaning with a 17' reveal.
  - CORNER 3: 58°' rebar set 16 above grade.
  - CORNER 4: 58°' rebar recovered 9' above grade.
  - CORNER 5: 58°' rebar recovered 17' above grade.
  - CORNER 6: 58°' rebar recovered leaning with a 20' reveal.
  - CORNER 7: 58°' rebar recovered leaning with a 20' reveal.
  - CORNER 8: 58°' rebar recovered in tree root with a 2' reveal.
  - CORNER 9: 58°' rebar set 17' above grade.
  - CORNER 10: 58°' rebar set 17' above grade.
  - CORNER 11: 58°' rebar set 2' above grade.
  - CORNER 12: 58°' rebar set 2' above grade.
  - CORNER 13: 58°' monument point in drainage westerly.
  - CORNER 14: 58°' monument point in drainage westerly.
  - CORNER 15: 58°' rebar set 2' above grade.

**GENERAL SURVEY NOTES**  
 1. The purpose of this survey was to retrace and monument lands located in DK Kayhart Properties, LLC in Volume 82, Page 121 of the Town of New Haven Land Records dated June 16, 2014. The survey was conducted on the 15th day of August, 2018. The survey was conducted by the undersigned and a portion of the lands located to Kayhart Farms, Inc. in Volume 82, Page 121 of the Town of New Haven Land Records dated June 16, 2014.  
 2. The following plats recovered within the Town of New Haven Land Records were used in aid of this survey:  
 a. Plat entitled: "Plat of Survey, Access Parcel for John C. Whitney, Field Days Road, New Haven, Vermont", prepared by Timothy R. Cowen, L.S. 887, dated October 18, 1991 and is recorded in Map Sheet 830 of the New Haven Land Records.  
 b. Plat entitled: "Plat of Reconsolidation Survey, 'The Bacon Lot', Prepared for John C. Whitney and Jim Whitney, Field Days Road, Town HWY. 24, New Haven, Vermont", prepared by Timothy R. Cowen, L.S. 887, dated September 16, 1994 and is recorded in Map Sheet 830 of the New Haven Land Records.  
 c. Plat entitled: "Survey Plat, Portion of Lands of Kayhart Farms, Inc. 1.01 Acres ±, Eastern of Field Days Road, New Haven, Addison County, Vermont", prepared by Timothy R. Cowen, L.S. 887, dated August 4, 2000 and is recorded in Map Sheet 845 of the New Haven Land Records.  
 d. Plat entitled: "Survey Plat, Portion of Lands of Albert Choquette and Jeanne M. Choquette, Eastern of Field Days Road, New Haven, Addison County, Vermont", prepared by Timothy L. Short, L.S. 891, dated December 4, 2002 and is recorded in Map Sheet 852 of the New Haven Land Records.  
 3. This survey used the right of way limits of Field Days Road at the station 3 and 4 (49.67') width as shown on the plat. The locations of the sidelines of Field Days Road were established from existing monumentation recovered on site and the approximate center of the current traveled portion of the highway.  
 4. The locations of the sidelines of the approximate center of the current traveled portion of the highway may be adjusted to additional easements or right of ways of record.  
 5. The locations of wastewater disposal system areas are shown as approximate only and were provided by others.  
 6. The locations of dirt lines and other drainage courses are shown as approximate only and were traced from a digital orthophoto overlay.  
 7. The locations of driveway easements are shown as approximate only and were traced from a digital orthophoto overlay.  
 8. The information on this plat reflects conditions that were existing at the time of the survey both at the project location and in the land records of the Town of New Haven as of July and August, 2018. Corner monumentation depicted as "set", were placed in the field June 9, 2021.  
 9. The survey was conducted on the 15th day of August, 2018. The survey was conducted by the undersigned and a portion of the lands located to Kayhart Farms, Inc. in Volume 82, Page 121 of the Town of New Haven Land Records dated June 16, 2014.  
 10. Coordinates shown on the plat are relative to the Vermont State Plane Coordinate System and are given in U.S. Survey Foot values (NAD83 (2011), VT-4400, EPOCH2010.0000). Coordinates were determined by static GPS observations made on the August 13, 2018 and were post processed using National Geographic Survey GPS-U.S. software.  
 11. The location of the survey is entitled to Vermont GMA North (NAD83 (2011), VT-4400, EPOCH2010.0000) as determined from static GPS observations made on the August 13, 2018.

**OVERALL PLAN OF LANDS OF KAYHART FARMS, INC. (not to scale)**  
 The boundary lines and underlying tracts in this overall plan are shown as approximate only and were obtained from the Vermont Center for Geographic Information's Interactive Map Viewer. Distances around Lot 2 are also shown as approximate and are based on record information.  
 B.E. & L.M. Kayhart  
 556659



**NOT FOR RECORDING**  
 THE INFORMATION ON THIS PLAT IS FOR THE PURPOSES OF THE PRELIMINARY RECORDING OF THE INFORMATION, FIELD MEASUREMENTS, PHOTO EVIDENCE, AND DOCUMENTS. THIS PLAT IS IN ACCORDANCE WITH 27 V.S.A. 1403 AND DOES NOT CONSTITUTE A STANDARD SET FOR THE VERMONT BOARD OF LAND SURVEYORS. THIS PLAT IS ONLY FOR ORIGINAL SETTING AND SIGNATURE.

**APPROVED BY THE RESOLUTION OF THE TOWN CLERK'S OFFICE OF THE TOWN OF NEW HAVEN, VT**  
 TOWN CLERK'S OFFICE  
 TOWN OF NEW HAVEN, VT  
 DATED: \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
 SIGNED: \_\_\_\_\_ BY: \_\_\_\_\_  
 (PRINT NAME)  
 TOWN CLERK  
 TOWNSHIP OF NEW HAVEN, VERMONT  
 MAP SCALE: 1" = 160'  
 GRAPHIC SCALE: 1" = 160'  
 160 320 480 640 800 960 1120 1280

- LEGEND**
- Found Corner Monument (See Corner List)
  - Set Corner Monument (See Corner List)
  - Set Witness Corner (See Corner List)
  - Unmonumented Point (See Corner List)
  - Corner Number (See Corner List)
  - Utility Pole
  - Water Tank
  - Subject Boundary Line
  - Easement Boundary Line
  - Subsurface Waterline (Approximate Location)
  - Watermeter/Disposal System Area (Approximate Location)
  - Wire Fence
  - Root Fence
  - Overhead Utility Lines
  - Edge of Gravel Road
  - Ditch Line/Drainage Swale

**BOUNDARY & SUBDIVISION PLAT**  
 DK KAYHART PROPERTIES, LLC  
 and Lands of KAYHART FARMS, INC.  
 Eastern Side of Field Days Road  
 Town of New Haven, County of Addison, State of Vermont  
 DATE: 15 JUN 2021 PROJECT: 2018-100 SCALE: 1" = 160' SHEET 1 of 1  
 Estimated Land Surveying P.L.L.C. - 28 Thomas Circle, Vergennes, VT 05491  
 Phone: 802-870-7028 - email: info@strategiclandsurveying.com

Steph W. Kitzmeyer, L.S. 060709

**NEUSE, DUPREY & PUTNAM, P.C.**

ATTORNEYS AT LAW

ONE CROSS STREET

MIDDLEBURY, VERMONT 05753-1448

KARL W. NEUSE  
ANTHONY R. DUPREY  
BENJAMIN W. PUTNAM

AMY R. MENARD\*

\*ALSO ADMITTED IN ALASKA

AREA CODE 802  
388-7988  
388-8713 FAX  
EMAIL  
mail@ndp-law.com

January 30, 2012

David Kayhart  
Kayhart Farms, Inc.  
2819 Maple Street  
Vergennes, VT 05491

**RE: Addison County Fair and Field Days, Inc. to Kayhart Farms, Inc.**

WE ENCLOSE THE FOLLOWING:

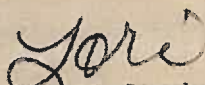
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Original of:

Easement Deed of Addison County Fair and Field Days, Inc., to Kayhart Farms, Inc., dated January 9, 2012, and recorded in Book 78 at Page 314 of the New Haven Land Records.

If you have any questions, please feel free to contact me.

By:

  
Lori L. Lumbra  
Legal Assistant  
lori@ndp-law.com

New Haven Town Clerk's Office  
dated January 17 2012  
10 O'clock 30 Minutes AM  
and Recorded in Land Records  
Book 78 Pages 314  
Witness: Jill L. DeLore  
Asst. Town Clerk

Vermont Property Transfer Tax  
22 V.S.A. Chap. 231  
**ACKNOWLEDGMENT-**  
RETURNS RECEIVED

Return No. 11-55  
Signed Jill L. DeLore Asst. Clerk  
Date January 17, 2012

EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS That, ADDISON COUNTY FAIR AND FIELD DAYS, INC., a Vermont non-profit corporation, with a principal place of business in New Haven, County of Addison and State of Vermont, Grantor, in the consideration of TEN (\$10.00) OR MORE DOLLARS paid to its full satisfaction by KAYHART FARMS, INC., a Vermont Corporation, with a principal place of business in Waltham, County of Addison and State of Vermont, Grantees, by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantee, KAYHART FARMS, INC., its successors and assigns forever, an easement and right-of-way over and across a certain parcel of land in the Town of New Haven in the County of Addison and State of Vermont, described as follows, viz:

A non-exclusive, perpetual easement and right-of-way fifty (50) feet in width for normal farm and agricultural passage of equipment and machinery. Said easement and right of way shall not be used for commercial or any other uses. Said easement and right of way shall be located and centered upon the gravel drive running from Field Days Road (Town Highway #24), along the southerly portion of the lands of the Grantor to and serving lands of Grantee to the east. Said gravel drive is depicted on a Survey Plat entitled "Portion of Lands of Kayhart Farms, Inc. 1.01 Acres ±, Easterly of Field Days Road, New Haven, Addison County, Vermont," dated August 4, 2000, and recorded at Map Book 3, Page 58 (Slide 45) of the New Haven Land Records.

The herein conveyed perpetual easement shall run with and benefit Grantee's lands as described in a Sheriff's Deed dated November 12, 1999, and recorded in Book 56 at Page 3 of the New Haven Land Records.

The Grantor's lands subject to this easement and right of way are described in the following two deeds:

1. Deed to Addison County Farm and Field Days, Inc. dated December 29, 1967, and recorded in Book 30 at Page 362 of the New Haven Land Records; and,
2. Warranty Deed of Kayhart Farms, Inc. to Addison County Fair and Field Days, Inc. dated May 24, 2001 and recorded in Book 58 at Page 76 of the New Haven Land Records.

Said easement and right of way shall be maintained by Grantor at regular intervals so as to provide safe and convenient access to lands of Grantor and Grantee. Notwithstanding the foregoing, if Grantee damages the roadway beyond normal wear and tear, for example damage resulting from agricultural or silvicultural uses, Grantee shall promptly repair the

damage, at said Grantees sole expense.

TO HAVE AND TO HOLD the easement and right-of-way so granted, with all the privileges and appurtenances thereof, to the said Grantee, KAYHART FARMS, INC., its successors and assigns, to its own use and behoof forever;

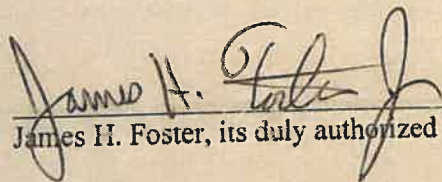
And, the said Grantor, ADDISON COUNTY FAIR AND FIELD DAYS, INC., for itself, successors and assigns, do covenant with the said Grantee, KAYHART FARMS, INC., its successors and assigns, that until the ensealing of these presents it is the sole owner of the premises, and has good right and title to convey the easement and right-of-way over and across the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE; except as aforesaid.

And it hereby engages to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, ADDISON COUNTY FAIR AND FIELD DAYS has hereunto sets its hand and seal by James H. Foster, its duly authorized agent this 9<sup>th</sup> day of January, A.D. 2012.

ADDISON COUNTY FAIR AND FIELD  
DAYS, INC.

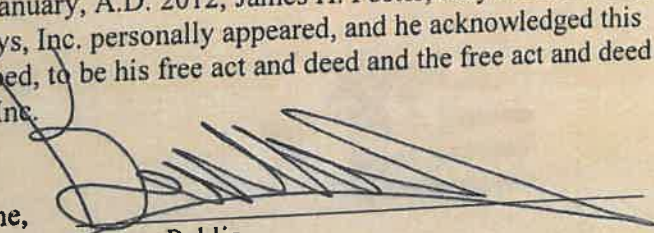
By:

 L.S.  
James H. Foster, its duly authorized agent

STATE OF VERMONT  
COUNTY OF ADDISON, SS.

At Middlebury this 9<sup>th</sup> day of January, A.D. 2012, James H. Foster, duly authorized agent for Addison County Fair and Field Days, Inc. personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of Addison County Fair and Field Days, Inc.

Before me,

  
Notary Public

My Commission Expires: February 10, 2015

2 BENJAMIN W. DEPPMAN