

MEMORANDUM OF UNDERSTANDING Of Milton Land Records

Attest: Kristin Beers, Town Clerk

Between: Mark Brault & The Brault Family Revocable Living Trust ("Brault") and
The Town of Milton ("Town")

Re: Dedication of Road and Lot/ 150 Density Bonus for Remaining Lots

Date: September 23, 2021

The above-named parties, having engaged in good faith discussions, initially agree to the following:

General

- The parties have had informal meetings and discussions and intend for this Memorandum to clearly and explicitly memorialize their understanding and binding agreements pertaining to lands and premises currently owned by Brault.

Background

- Brault currently owns and undeveloped 42+/- acre parcel lands known as 0 Bombardier Road Milton, Vermont.
- Brault currently has an application before the Town Zoning Administrator for a Final Conventional Minor 3 lot Subdivision. Said Application is dated September 1, 2021, and reference is made to said application.
- A draft of an Overall Site Plan, Sheet SP-1, dated August 31, 2021, has been submitted with said application ("Plat").
- The subject premises are located within the Checkerberry Residential (M4-R) Zoning District.
- Section 2007.B of The Town of Milton Zoning Regulations (Density Standards) allows the Development Review Board ("DRB") to grant density bonuses under certain circumstances.
- Section 2007.B(d) states that the provision of public access or dedication, such as a road, qualifies for a density bonus of up to 150% of the base density.
- Brault intends to dedicate to the Town not only a 60-foot wide right-of-way for a public road to be constructed by Brault's heirs and assigns, labeled "ROW A" on the Plat, but also a +/-290,755 square-foot parcel of land shown as "Lot 2" on the Plat with the appropriate right of way for access to said lot, which is shown on the Plat as a 60-foot wide right-of-way running southerly from "ROW A" within which is a "Proposed 24' Wide Driveway". In exchange for said ROW and Lot, Brault will receive a transferable 150% density bonus on each of the remaining lots, Lots 1 and 3.
- The Town plans on presenting a proposal to the voters in Milton for a new Public Works Facility to be located on Lot 2 in March of 2022

Agreement

- The parties shall work together cooperatively and in good faith as co-applicants to subdivide the subject premises into three lots and ROW A.
- Town shall pay all costs associated with the subdivision, on both the State and local level to include but not be limited to legal expenses, engineering and permit costs.
- Town has already contacted the engineering firm of Krebs and Lansing to assist with the subdivision process, site plans and permitting.
- Upon the receipt of all necessary Town Permits, State Permits and the DRB approval of a transferable 150% density bonus for each of Lots 1 and 3 by the DRB:

- Town will provide Brault with a nonexclusive access easement and right of way to be used as a future public road and access to Lot 2 over Town land to the Brault property via Park Place as depicted on said Plat at no cost, subject to the provisions of 24 V.S.A. § 1061.
- Brault will transfer to the Town, via a recordable Irrevocable Offer of Dedication and Warranty Deed, free and clear of all encumbrances: 1) proposed Lot 2, 2) a 60' ROW for future Town Road and 3) a 60' ROW to access Lot 2 over Lot 1, all at no cost.
- Town will execute any and all necessary paperwork required by Brault to acknowledge said donation for the Public Good of Lot 2 and the Road ROW for Brault's tax purposes.
- Said Deeds shall be exchanged with 45 days of final subdivision approval by the last State or local agency or entity having jurisdiction over the subdivision, unless otherwise extended by mutual agreement of the parties.
- The transfer by Brault to Town of the ROW and Lot 2 shall be contingent upon the 150% Density Bonus being transferable to Brault's heirs and assigns.
- This MOU shall be made a part of the Town DRB approval file. References of this MOU shall be made part of any and all DRB or Town actions with regards to the subject Lots.

So Agreed:

Mark Brault
 Mark Brault

9/22/21
 Date

Philip Brault
 The Brault Family Revocable Trust,
 by Philip Brault, Trustee

9/22/21
 Date

Donald A. Turner Jr Town Manager
 Town of Milton, by *Donald A. Turner Jr*
 Duly Authorized Agent

10/4/21
 Date