

**Development Review Board, Town of Fayston, VT  
Notice of Decision for Application No. 3316**

**Applicant(s): Ella Day Home, LLC**

**Parcel ID: #14-041**

**Reason for Application: Minor Subdivision**

**Public Hearing Attendees:** Attending: DRB Members: Chair: Jon Shea, Chuck Martel, Mike Quenneville, Kevin Wry, and Leo Cohen. ZA: John Weir. Public: George McCain, Jeff Ewing

**Introduction and Procedural History:**

1. The Development Review Board application was filed on February 20, 2015 requesting approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one 28-acre lot into three lots of 21.5 acres, 1.9 acres and 4.6 acres. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.
2. Notice of the hearing was properly published. On April 23, 2015 the legal warning for a public hearing for review of this application was published in the Valley Reporter. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.
3. Abutters to the property were properly notified of the hearing.
4. The application and plans were considered by the Development Review Board at a public hearing which occurred on May 12, 2015. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended August 29, 2012.

**The following exhibits were submitted to the Development Review Board:**

Exhibit A. Subdivision application #3316

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Warning placed in the Valley Reporter on April 23, 2015. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit D. Construction General Permit (CGP) and associated Appendix A.

**Findings:**

1. The Board found the application to be complete at a public hearing held May 12, 2015.
2. The Board declared the application one for a minor subdivision at a public hearing held May 12, 2015.
3. The Board found and declared abutter Jeff Ewing to be an interested party to the proceedings.
4. Pursuant to the applicant's request in writing, the Board moved to waive the preliminary sketch review requirement.
5. The applicant seeks approval for a minor subdivision of a 28 acre parcel into three parcels of 21.5 acres, 4.6 acres and 1.9 acres. The subject property is parcel 14-041.000, located off German Flats Road, in the Town of Fayston, VT. Subdivision approval is requested pursuant to review under the Town of Fayston, Vermont Land Use Regulations, as amended August 29, 2012, Articles 6 and 7.
6. The property is located in the Rural Residential District as described on the Town of Fayston Zoning Map on record at the Town of Fayston municipal office, also described under Article 2, Table 2.4 of the Town of Fayston, VT land use regulations.
7. The applicant's parcel is adjacent to land owned by Jeffrey Ewing, Vermont Land Trust, Robert Bailey, Summit Ventures NE, LLC, Slidebrook, LLC, D. Nelson & Laurie Lamothe, Robert & Cynthia Clancy, Thomas & Mary Ellen Corrigan, Dean P. & Janet Gestal, Allan Spector Retirement Trust, John G. Wilson, Henry & Lisa Lovejoy, and G. Flats, LLC.
8. The proposed project includes the subdivision of the existing 28+/- parcel into three lots. Lot 1 (21.5 acres) has an existing house, and the application proposes a second building site on this lot. Lot 2 consists of 1.9 acres on the east side of German Flats Road, and Lot 3 encompasses the entire 4.6 acres on the west side of German Flats Road.
9. A Construction General Permit has been obtained from the State on account of the fact that the project proposes disturbance on more than one acre of land.
10. The lots will have frontage on German Flats Road as well as abut a private drive on the side. There is a 50-foot Right-of-Way (ROW) on lot 1 in order to access lot 2.
11. Lot 1 has an existing homestead. Applicant proposes a second building site on Lot 1. Per the application, the existing house would serve as an accessory dwelling. The proposed second build site would encompass the principal residence.
12. Pursuant to Section 4.1 (A) (1), to constitute an "accessory dwelling" the existing house would have to constitute no more than 30% of the livable floor area of the principal dwelling proposed at the second build site. The new structure would have to be large enough such that the livable floor area of the existing house did not exceed 30% of that of the new structure. This must be addressed if and when a build permit is sought.

**Decision:**

DRB members voted unanimously to approve application #3316 for a minor subdivision with the following conditions:

**Conditions:**

1. All power shall run underground.
2. Obtain and follow all other required local, state and federal permits.
3. Applicant must give up current curb cut to get the requested new curb cut.
4. There must remain a 50-foot right-of-way on lot 1 in order to access lot 2.
5. Submit to the town clerk the required mylar plat for recording within 180 days of the date of this decision.

**Dated at Fayston, Vermont, this 22<sup>nd</sup> day of June, 2015.**

  
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**Jon Shea Development Review Board Chair**

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [Development Review Board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.