

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3381**

Applicant(s): Richard & Mary Lou Atkinson

Parcel ID: #11-077.000

Reason for Application: Front Setback Waiver

Public Hearing Attendees: DRB Members: Kevin Wry, Mike Quenneville, and Leo Cohen.
ZA: John Weir. Public: Richard Atkinson

Introduction and Procedural History:

1. The Development Review Board application was filed on June 13, 2016 requesting approval under Article 3, Section 3.6 (D) (1) of the Fayston Land Use Regulations for a front setback waiver. 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 June 23, 2016 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 July 12, 2016. 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. Development Review Board application #3381

Exhibit B. Development Review Board application #3319

Exhibit C. Letter to adjoining landowners with project description

Exhibit D. Proof of notice to abutters via certified mail.

Exhibit E. Warning placed in the Valley Reporter on June 23, 2016. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Findings:

1. Applicant waived his right to be heard by a full board.
2. The Board found the application to be complete at a public hearing held July 12, 2016.
3. The applicant seeks a front setback waiver down to forty-five (45) feet to construct a single family residence and a garage. The subject property is parcel 11-077.000, located at Lot 6, off Village Road, in the Town of Fayston, VT. Conditional use approval is requested pursuant to review under the Town of Fayston, Vermont Land Use Regulations, as amended August 29, 2012, Section 3.6 (D) (1).
3. The property is located in the Recreation 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 2.3 of the Town of Fayston, VT land use regulations.
4. The applicant's parcel is adjacent to land owned by Gary Thurston, Michael and Jeremy Perisho, Adam and Tracy Julius, the Larson Living Trust, Candice and Roger Porter, Trustees, and Douglas and Kathleen Keith.
5. The size of the lot is 0.56 acres. Given the setback requirements and the presence of wetlands on the site, there is only a small area for the proposed building envelope.
6. Applicants sought and were approved for a conditional use permit to build on areas of slopes in excess of % 15 in grade (Application #3319, June 2015). Per discussion at the hearing for application #3319, applicant was not sure if a setback waiver would also be necessary.
7. Per the applicant, a front setback reduction down to forty-five (45) feet is necessary on account of the need for fill and other materials on the slope.
8. Per Article 3, Section 3.6 (D) (1), the Board may reduce a front setback in the Recreation district to not less than forty-five (45) feet, if (a) it accomplishes the preservation of a scenic feature(s) not otherwise protected by the required setback, or (b) is necessitated by building constraints caused by geologic, topographic or hydrologic conditions.
9. The Board found that the request meets the condition of subsection b, specifically the geologic constraints of the parcel with its steep slopes and small acreage. Should the setback reduction be approved, the Atkinson home would move farther away from abutters Julius and sit farther away from the wetlands.
10. Power will run underground.

Decision:

DRB members present voted unanimously to approve application #3381 for a front setback waiver down to forty-five (45) feet to construct a single family residence and a garage with the following conditions:

Conditions:

1. The nearest point of the house/garage can be no closer than forty-five (45) feet to the centerline of Village Road.
2. Obtain and follow all State of Vermont permits.
3. Power must run underground.

Dated at Fayston, Vermont, this 27th day of July, 2016.

_____,
Kevin Wry (Vice-Chair Development Review Board)

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.