

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3268**

Applicant(s): James Boll and Lauren Smith

Parcel ID: #11-055.000

Reason for Application: Setback waiver

Public Hearing Attendees: DRB Members: Jon Shea (chair), Chuck Martel, Kevin Wry, Mike Quenneville, and Leo Cohen. ZA: John Weir. Public: Bill Elliot, Bill Westvang, Dick King, David Frank

Introduction and Procedural History:

1. The Development Review Board application was filed on January 13, 2014 requesting a conditional use approval under Section 3.6(D) of the Fayston Land Use Regulations for a front setback waiver of twenty (20) feet. 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 January 23, 2014 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 February 11, 2014. 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 #3268

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Warning placed in the Valley Reporter on January 23, 2014. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Findings:

1. The Board found the application to be complete at a public hearing held February 11, 2014.

2. The applicant seeks conditional use approval for a front setback waiver of twenty (20) feet. The subject property is parcel 11-055.000, located off Low 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, Article 3, Section 3.6.
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 Henry and Stacey Kerwien, Glenn Corso, Andrew and Jennifer Cotrupi, Frank Covino and Barbara Ellis, and Snowside Condominium Association.
5. Pursuant to Section 3.5(A) of the Fayston Land Use Regulations, parcel 11-055.000, consisting of 0.5 acres, constitutes an existing small lot.
6. Pursuant to Article 2, Table 2.3(D) of the Town of Fayston, VT land use regulations, the minimum allowable front setback is 65 feet.
7. Under Section 3.6(D) of the Fayston Land Use Regulations, the DRB may allow for a reduction of a front setback of up to twenty (20) feet.
8. On account of the parcel's limited size, the technical constraints imposed by the septic and well requirements necessitate encroachment upon the front setback.
9. Applicants have obtained a wastewater permit from the State of Vermont – WW-5-6478.
10. There are no steep slopes on the lot.
11. Pursuant to Section 3.1(A) (1), no lot can be served by more than one access (curb cut).

Decision:

DRB members present voted unanimously to approve application #3268 for a front setback waiver of twenty (20) feet with the following conditions:

Conditions:

1. Applicant is allowed only one access (curb cut). A circular driveway is not permitted.
2. Follow all driveway standards as set forth in Section 3.1(B) of the Fayston Land Use Regulations.
3. Obtain and follow all State of Vermont permits.

Dated at Fayston, Vermont, this 5th day of March, 2014.



_____,
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.