

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3211

Applicant(s): Gary Brosnahan

Parcel ID: 11-089

Reason for Application: Amendment to Conditional Use permit

Public Hearing Attendees: DRB members: Jon Shea (Chair), Mike Quenneville, Chuck Martel, Kevin Wry, Leo Cohen; ZA: John Weir; Public: Peter Lazorchak, Gunner McCain, Tim Harris, Karen Smith, Ron Jacobs, Bill Westvang

Introduction and Procedural History:

1. The Development Review Board application was filed on April 29, 2013 requesting an amendment to conditional use permit #2865 under Section 3.13 (A) and (B) of the Fayston Land Use Regulations to build within a stream buffer. 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 May 23 and May 30, 2013 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 interested parties with regard to this application were: Karen Smith, Ron Jacobs and Bill Westvang (on behalf of Snowside Condominiums.)
5. The application and plans were considered by the Development Review Board at a public hearing which occurred on June 11, 2013. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended August 29, 2012.
6. On June 11, 2013 a site visit was conducted at parcel #11-089 by the Development Review Board. The hearing was conducted immediately afterward upon return to the Fayston municipal offices.

The following exhibits were submitted to the Development Review Board:

Exhibit A. Conditional Use Application 3211

Exhibit B. Conditional Use Permit #2865 (and Application therefor)

Exhibit C. Letter to adjoining landowners with project description

Exhibit D. Proof of mailing: receipt of priority mailing to adjoining landowners

Exhibit E. Warning placed in the Valley Reporter on May 23, 2013 and May 30, 2013. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit F. Info sheet of proposed home, size 24' x 32'.

Exhibit G. Notice of Decision for Conditional Use Application #2865, dated 8/2/2007

Exhibit H. Minutes from 5/15/2007 for Conditional Use Application #2865

Exhibit I. Minutes from 6/19/2007 for Conditional Use Application #2865

Exhibit J. Minutes from 7/17/2007 for Conditional Use Application #2865

Findings:

1. The Board found the application to be complete at a public hearing held June 11, 2013.
2. The applicant seeks to amend Conditional Use Permit #2865 to build within a stream setback. The subject property is parcel 11-089, located on Fayston Hollow Road, in the Town of Fayston, VT. Conditional use is requested pursuant to review under the Town of Fayston, Vermont Land Use Regulations, as amended August 29, 2012, Section 3.13 (A) and (B).
3. 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.
4. The applicant's parcel is adjacent to land owned by Karen Smith, Charron Clinton, and owners of Snowside Condominiums.
5. Pursuant to Section 3.13 (B) of the Town of Fayston Land Use Regulations, the DRB may allow for a reduction from the 50-foot stream setback as set forth in Section 3.13 (A).
6. The slope of the land at the house site is greater than 15% but less than 25%.
7. It would be prudent for the applicant to enlarge the existing culvert size from its current size of 30 feet. The Board suggested a size of 40 – 48 feet.
8. The applicant intends to utilize a stone-lined ditch to prevent sediment from entering the stream.

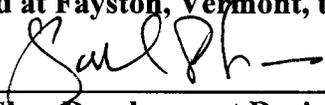
Decision:

DRB members present voted unanimously to approve conditional use application #3211 for a reduction from the 50-foot stream setback waiver requirement. Applicant is permitted an additional five (5) foot encroachment into the stream buffer zone on the uphill side, and an additional fifteen (15) foot encroachment into the stream buffer zone on the downhill side.

Conditions:

1. The applicant must provide screening between his parcel and that of abutter Karen Smith. This screening could be a vegetative buffer of conifer trees or something similar.
2. Any outside lighting pertaining to the parking/garage area must be downcast so as to not interfere with the enjoyment of the abutting parcel belonging to Karen Smith.

Dated at Fayston, Vermont, this 22nd day of July, 2013.


7/25/2013,

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.