

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3232**

Applicant(s): Brendan Garvin

Parcel ID: #11-039

Reason for Application: Subdivision

Public Hearing Attendees: DRB members: Jon Shea (Chair), Mike Quenneville, Chuck Martel, Kevin Wry, Leo Cohen; ZA: John Weir; Public: Gunner McCain, Beth Garvin, Brooks Clark, Tom Clark, Claudine Safar, Peggy Potter, David Olenick, Valerie Welter

Introduction and Procedural History:

1. The Development Review Board application was filed on July 12, 2013 requesting approval under Section 7 of the Fayston Land Use Regulations for a minor subdivision of 7-acre parcel into four lots of 1.2 acres, 1.1 acres, 1.4 acres, and 3.3 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 August 22, 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. A site visit was conducted at parcel ID #11-039 on September 11, 2013. The application and plans were considered by the Development Review Board at a public hearing which occurred on September 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.
5. At a public hearing on October 9, 2013, the applicant was advised that the Board had concerns with the previously-approved subdivision permit (#87-9), and that there were anomalies in the minutes of the hearings therefor (PC/ZBA Minutes September 1, 1987 and September 8, 1987). The applicant was asked if he wanted the Board to re-open the hearing to discuss these anomalies. The applicant declined.

The following exhibits were submitted to the Development Review Board:

Exhibit A. Subdivision application #3232

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Warning placed in the Valley Reporter on August 22, 2013. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit D. Subdivision application #87-9

Exhibit E. Planning Commission/Zoning Board of Adjustment Minutes from September 1 and September 8, 1987.

Findings:

1. The Board declared the application one for a minor subdivision after a sketch plan review on August 13, 2013.
2. The Board found the application to be complete at a public hearing held September 11, 2013.
3. The applicant seeks approval for a minor subdivision. The subject property is parcel 11-039, located off 716 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.
4. 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.
5. The applicant's parcel is adjacent to land owned by Marc Angelillo, the Town of Fayston, Nathan Wilson, Philip Godwin, Diana Cleland, and Geoffrey and Lauren Slater.
6. Subdivision application #87-9 was approved in 1987, permitting a two-lot subdivision of parcel #11-039.
7. The previously-approved Right-of-Way (ROW) in application #87-9 was 30 feet.
8. The PC/ZBA Minutes of September 1, 1987 and September 8, 1987 – in which Subdivision application #87-9 was approved – contained some inconsistencies as to whether any conditions concerning future subdivision were placed on the approval. Upon deliberation, the Board found that only the ROW was at issue in approving application #87-9 and there were no other conditions or restrictions.

Decision:

DRB members present voted unanimously to approve application #3232 for a minor subdivision with the following conditions:

Conditions:

1. The ROW must be increased from the previously-approved 30 feet to 50 feet (to comply with current regulations) without encroaching further toward the property line of the Fayston Elementary School. The travel lane within that ROW will be on the northern part of the ROW.
2. A 50-foot vegetative buffer must be kept on the northeasterly boundary of lots 3 and 4 to maintain the existing deer corridor

Dated at Fayston, Vermont, this 25th day of October, 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.