

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3271

Applicant(s): David and Gretchen Frank

Parcel ID: #03-103

Reason for Application: Subdivision

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 approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of a 10.2 acre parcel into two parcels of 9 acres and 1.2 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 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. Subdivision application #3271

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.

Exhibit D. Subdivision application #2786

Exhibit E. Notice of Decision for application #2786, dated 1/10/2007.

Findings:

1. The Board found the application to be complete at a public hearing held February 11, 2014.
2. The Board declared the application one for a minor subdivision at a public hearing held December 10, 2013.
3. The applicant seeks approval for a minor subdivision of a 10.2 acre parcel into two parcels of 9 acres and 1.2 acres. The subject property is parcel 03-103.000, located at 1575 Center Fayston 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 Taylor and Kara Hubbard, Maurice Hayssen, Eric and Laura Mongeon, Charles and Aloise Bates, David and Mary Hoyne, and Yorgi and Irene Borboroglu.
6. Applicant sought and received approval for the very same subdivision in 2006 (Permit #2786). Pursuant to Section 7.5(A) of the Fayston land use regulations, an applicant must file one mylar plat (and two paper copies) with the Town for recording within 180 days of final plat approval from the Board. The applicant here failed to do so and reapplied.
7. The applicant had obtained a wastewater permit from the State of Vermont Agency of Natural Resources – WW-5-4984 – shortly after approval of the same subdivision in 2007.
8. The Notice of Decision regarding subdivision application #2786, dated 1/10/2007, included several conditions.

Decision:

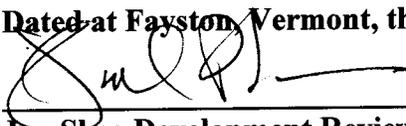
DRB members voted unanimously to approve application #3238 for a minor subdivision with the following conditions:

Conditions:

1. Implement the landscaping plans identified and approved in application #2786.
2. All power shall be underground.
3. Obtain and follow all other required local, state and federal permits.
4. Follow the directives within WW-5-4984.

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 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.