

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3351

Applicant(s): Lisle Gilbert

Parcel ID: #08-014

Reason for Application: Minor Subdivision

Public Hearing Attendees: Attending: DRB Members: Chair: Jon Shea, Leo Cohen, Mike Quenneville, Kevin Wry. ZA: John Weir. Public: Bill Elliot, Lisle Gilbert, Richard Petit, Carol Chamberlin

Introduction and Procedural History:

1. The Development Review Board application was filed on December 3, 2015 requesting approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one 4.4 acre lot into two lots of 1.1 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 December 17, 2015 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 January 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. Subdivision application #3351

Exhibit B. Letter to adjoining landowners with project description; proof of certified mailing.

Exhibit C. Warning placed in the Valley Reporter on December 17, 2015. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit D. "Narrative Explanation of Gilbert Request for Subdivision Permit" – Sheila Getzinger

Findings:

1. The applicant seeks approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one 4.4 acre lot into two lots of 1.1 acres and 3.3 acres. The subject property is parcel 08-014.000, located at 2354 Mill Brook 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.
2. 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.
3. The applicant's parcel is adjacent to land owned by Raymond Munn, Robin Stone, Peter Buchanan, Thomas & Leigh Clark, Jeremy Carter, and Thomas Knox and Megan Duni.
4. Applicant Lisle Gilbert seeks approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of 4.4-acre parcel into two lots of 3.3 acres and 1.1 acres. The parcel as it exists now consists of the Garrison (10-bedroom lodge with apartments) as well as a house. The application proposes to siphon off a 1.1 acre parcel which would include the house, with a separate 3.3 acre parcel that would encompass the lodge.
5. Applicant requested in writing to waive the preliminary site plan review and the need for an additional second hearing.
6. The proposed lot-line boundary would be the stream that cuts down between the house and the lodge.
7. The house on one side of the stream (proposed 1.1 acre parcel) sits too close to the brook and does not meet the 50-foot riparian setback requirement. This existing structure is non-conforming.
8. Since it would be possible to set a structure on the 1.1-acre parcel that would meet all setbacks, then the lot could not be determined to be non-conforming.
9. Upon proper surveying of the parcels, both parcels must amount to one acre or more. Any movement of the boundary line must satisfy the one acre minimum requirement.
10. There is a shared wastewater system for the two parcels. It failed and was replaced in 2003.

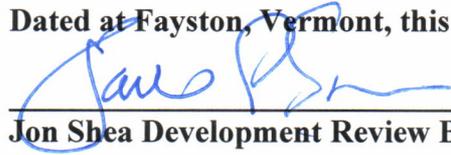
Decision:

DRB members voted unanimously to approve application #3351 for a minor subdivision with the following conditions:

1. Upon final survey, each parcel must meet the one-acre minimum requirement.
2. Obtain and follow all required State permits.

3. A final mylar/plat, depicting the site plan as approved by the Board at the January 12, 2016 hearing, must be filed with the town clerk within 180 days of the date of this decision.

Dated at Fayston, Vermont, this 15th day of January, 2016.



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.