

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3350**

Applicant(s): Dale King Jr. & Patricia King

Parcel ID: #03-024

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 November 2, 2015 requesting approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one 53-acre lot into two lots of 14.2 acres and 38.8 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 November 19, 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.
5. This application was first heard on December 8, 2015. At the December 8, 2015 hearing, members found deficient the preliminary site plan as submitted by the applicant. As both contours and wetland delineations are required to be mapped on the site plan, the hearing was continued.

The following exhibits were submitted to the Development Review Board:

Exhibit A. Subdivision application #3350

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

Exhibit C. Warning placed in the Valley Reporter on November 19, 2015. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit D. Written request of waiver of sketch plan review.

Exhibit E. Vermont Agency of Natural Resources Wetland Inventory Map of parcel 03-024.

Findings:

1. The applicant seeks approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one 53-acre lot into two lots of 14.2 acres and 38.8 acres. The subject property is parcel 03-024.000, located off Rankin 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 John and Kate Rowels, Richard and Marjorie Petit, Robert and Beverly McMullin, Dale King III and Tracy King, Phylliss Bilus Pukatch, Robert Grandfield, and Colin and Misa Lindberg..
4. The applicant proposes to divide his existing 53-acre parcel into two lots. Lot 1 will be 38.8 acres and will be retained by the applicant. Lot 2 will be 14.2 acres and will be sold to adjoiner Richard Petit. There are no plans for development on Lot 2, as Mr. Petit intends to buy it in order to protect his viewshed. This second lot is mostly wooded, with steep slopes and it only flat at the bottommost portion.
5. Applicant requested in writing to waive the preliminary site plan review and the need for an additional second hearing.
6. Applicant submitted a revised site plan which depicted the required contours.
7. Per the Vermont Agency of Natural Resources (VANR) Wetland Inventory Map of the subject parcel, there are no mapped Class I or Class II wetlands on the property. The closest Class III wetland advisory site is located off the property to the north.
8. A water/wastewater permit application is currently being prepared to be submitted to the State. The permit application will designate the lot 2 parcel "development rights deferred."
9. A condition of approval would require a deed restriction, in the sale of Lot 2 to adjoiner Richard Petit, prohibiting any development on said parcel without first seeking permitting approval from this Board. Such an application would need to include a site plan that meets all of the requirements of Section 7, Table 7.2.

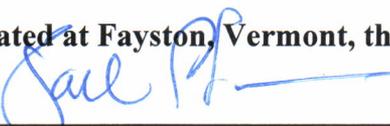
10. If applicant (or subsequent purchaser) wishes to develop lot 1 (to be retained by applicant upon this subdivision), prior permitting approval from this Board is required. Such an application would need to include a site plan that meets all of the requirements of Section 7, Table 7.2.

Decision:

DRB members voted unanimously to approve application #3350 for a minor subdivision with the following conditions:

1. There must be a restriction in the deed of sale of Lot 2 that prohibits any development on said parcel without application and submission to the Development Review Board of a site plan that meets all the requirements set forth in Section 7, Table 7.2 of the Fayston Land Use Regulations.
2. No development is allowed on either lot 1 (to be retained by applicant) without application and submission to the Development Review Board of a site plan that meets all the requirements set forth in Section 7, Table 7.2 of the Fayston Land Use Regulations.
3. Obtain and follow all required State permits.
4. 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 20th 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.