

**Development Review Board, Town of Fayston, VT  
Notice of Decision for Application No. 3443**

**Applicant(s): Colin Lindberg and Misa Dikengil**

**Parcel IDs: #03-093.001 b, c**

**Reason for Application: Lot-Line Adjustment (Minor Subdivision)**

**Public Hearing Attendees:** Attending: DRB Members: Kevin Wry (Vice-Chair), Shane Mullen, Mike Quenneville, Jim Halavonich. ZA: John Weir. Public: Peter Lazorchak, Eric Reisner

**Introduction and Procedural History:**

1. The Development Review Board application was filed on September 20, 2017 requesting approval under Article 7 of the Fayston Land Use Regulations for a lot-line adjustment (minor subdivision) of approximately 6 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 September 21, 2017 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 October 10, 2017. 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 #3443

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Warning placed in the Valley Reporter on September 21, 2017. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

**Findings:**

1. Applicant waived his right to be heard by a full five-member Board.
2. The Board found the application to be complete at a public hearing held October 10, 2017.

3. The Board declared the application one for a minor subdivision.
4. The applicant seeks approval under Article 7 of the Fayston Land Use Regulations for a lot-line adjustment (minor subdivision) of approximately 6 acres. The subject properties are parcel IDs #03-093.001 b and c, located 2410 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.
6. 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.
7. The applicant's parcel is adjacent to land owned by John Meaney, Paul and Joan Sipple, John and Debora Morris, Andrew and Jane O'Donnell Baer, Steve Cusson, Robert Gertner, Mark Fleckenstein, William and Susan Jeffreys, Craig Goss, K S Phelan Trust, Michael and Linda Duran, Robert and Diane Schellack, Robert Grandfield, Dale and Patricia King, and Phyllis Bilus Pukatch.
8. The subject property consists of 206 acres, divided into two lots – parcels 03-093.001b,c. The project proposes a conveyance of approximately 6 acres from 03-093.001c to 03-093.001 b.
9. The two parcels are adjoining. The project proposal seeks to rectify an issue in which a garage sits across the property line separating the two parcels. The previous owners of both parcels constructed the house without respect to the existing boundary line between the two parcels. The boundary adjustment will create a buffer between the empty lot and the lot with the house and garage.
10. Building permit #1377 (issued 6/30/1995) was issued for the wrong parcel between these two abutting properties.
11. This property is within the jurisdiction of Act 250. Applicants are seeking an administrative amendment to the Act 250 permit.

**Decision:**

DRB members voted unanimously to approve application #3443 for lot-line adjustment (minor subdivision) with the following conditions:

**Conditions:**

1. The final mylar/plat must denote topography lines, wells and acreages of parcels.
2. Applicant must submit a legal memorandum that addresses both the Right-of-Way referenced on the site plan as well as building permit #1377 which approved the construction of the house on the wrong lot.

3. Proof of certified mailing to abutters must be given to the zoning administrator as soon as possible.
4. Obtain and follow all other required local, state and federal permits.
5. A final mylar/plat, depicting the site plan as approved by the Board at the October 10, 2017 hearing, must be filed with the town clerk within 180 days of the date of this decision.

**Dated at Fayston, Vermont, this 6<sup>th</sup> day of November, 2017.**

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**Kevin Wry (Vice-Chair of Fayston Development Review Board)**

**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.