

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3500**

Applicant(s): Ana Dan & Paul Weber

Parcel ID: #10-001.000

Reason for Application: Side Setback Waiver

Public Hearing Attendees: Attending DRB Members: Jon Shea (Chair), Shane Mullen (Vice-Chair), Lindsay Browning, and Jared Alvord; ZA: John Weir; Public: Laura Kingsbury, Don Alter, Ana Dan, Paul Weber

Introduction and Procedural History:

1. The Development Review Board application was filed on October 29, 2018 requesting approval under Article 3, Section 3.6 (D) (1) of the Fayston Land Use Regulations for a side setback waiver. 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 October 25, 2018 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 November 13, 2018. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended June, 2018.

The following exhibits were submitted to the Development Review Board:

Exhibit A. Development Review Board application #3500

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Proof of notice to abutters via certified mail.

Exhibit D. Warning placed in the Valley Reporter on October 25, 2018. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Findings:

1. Applicants waived their right to be heard by a full board.
2. The Board found the application to be complete at a public hearing held November 13, 2018.
3. Applicants Ana Dan and Paul Weber request approval under Section 3.6 (D) (1) of the Fayston Land Use Regulations for a side setback waiver of ten (10) feet. The subject property is parcel ID #10-001.000, located off 26 High Falls Road in the Town of Fayston, VT. Conditional use approval is requested pursuant to review under the Town of Fayston, Vermont Land Use Regulations, as amended June, 2018, Section 3.6 (D) (1).
3. 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.
4. The applicant's parcel is adjacent to land owned by Elizabeth Pratt, Lori & David Silverstein, Battleground Condominium Association, and the State of Vermont.
5. Applicants seek to construct a two-car garage and workshop in the vicinity of an existing carport at the edge of their developed parcel.
6. Given the existing infrastructure, including the driveway, house and proximity of septic system, placement of the proposed garage is limited. Applicants' proposal places the garage in between a large topographical mound to the east with mature trees and vegetation, and a natural drainage swale to the west. The swale captures and diverts runoff from applicants' adjacent uphill lot. Applicants' proposed location would also limit clearing of trees and regrading of lands.
7. Applicants own the adjoining lot upon which they seek a setback encroachment
8. Per Article 3, Section 3.6 (D) (1), the Board may reduce a side setback in the Rural Residential District from 25 to not less than 10 feet, if (a) it accomplishes the preservation of a scenic feature(s) not otherwise protected by the required setback, or (b) is necessitated by building constraints caused by geologic, topographic or hydrologic conditions.
9. Members found that the applicants made a satisfactory showing of building constraints caused by geologic, topographic and hydrologic (Section 3.6 (D) (1) (b).
10. The application was reviewed pursuant to Section 5.4 (A). The Board found that the applicants' proposed setback reduction for a garage/workshop would *not* result in an undue adverse effect on 1) the capacity of existing or planned community facilities and services, 2) character of the area affected, 3) traffic on roads and highways, 4) bylaws in effect, or 5) the utilization of renewable energy resources.
11. Pursuant to conditional use review under Section 5.2, members found that certain plat requirements were missing from the plan as submitted. Specifically, contours of the land,

dimensions of the proposed structure, the requested 10-foot setback delineation, and proposed new replacement leachfield location were absent from the site plan.

Decision:

DRB members present voted unanimously to approve application #3500 for a side setback waiver down to ten (10) feet to construct a garage and workshop with the following conditions:

Conditions:

1. Submit a revised site plan that depicts elevation contours, dimensions of the proposed garage/workshop with the 10-foot setback delineated, and the replacement leachfield location.
2. Obtain and follow all necessary State and Federal permits.

Dated at Fayston, Vermont, this 12th day of December, 2018.


_____,
Jon Shea (Chair 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.