

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3479**

Applicant(s): Kevin and Deb Powers

Parcel ID: #07-044.001

Reason for Application: Front Setback Waiver

Public Hearing Attendees: Attending DRB Members: Jon Shea (Chair), Shane Mullen, Lindsay Browning, Mike Quenneville, and Jared Alvord; ZA: John Weir; Public: Gunner McCain, Kevin Powers, Jeff Halpin, Raymond Schenk, and Heidi Schenk

Introduction and Procedural History:

1. The Development Review Board application was filed on June 18, 2018 requesting approval under Article 3, Section 3.6 (D) (1) of the Fayston Land Use Regulations for a front 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 June 21, 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 July 10, 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 #3479

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 June 21, 2018. 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 board.
2. The Board found the application to be complete at a public hearing held July 10, 2018.
3. Applicant seeks a front setback waiver down to forty-five (45) feet to construct additions to a single family residence and a garage. The subject property is parcel ID #07-044.001, located at 1664 Tucker Hill 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 Shawn and Karen Kalkstein, Marc Lanser, Leo Cohen and Dinsmore Fulton, Marble Hill Farm, LLC, Brian and Katherine Klinger, Mathew and Jill McManus, and the State of Vermont.
5. The applicant is requesting a front setback waiver to accommodate proposed improvements to the existing residence.
6. Per Article 3, Section 3.6 (D) (1), the Board may reduce a front setback in the Rural Residential District from 65 to not less than 45 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.
7. The buildable area on the project site is limited due to septic and hydrologic/topographic conditions, which has constrained the development ability of the site to the southeast portion of the property.
8. A 20-foot front setback reduction from the centerline of Tucker Hill Road is necessary to accommodate the proposed additions.
9. There is also a 50-foot right-of-way at the southern edge of the property.
10. Per Fayston's Land Use Regulations, a shared right-of-way is a road and, in this instance, could be considered such with regard to the front setback.
11. Applicant is also requesting a 20-foot reduction from the ROW should the ROW be determined as the measure for the front setback.
12. The proposed building envelope for the site has been sited to avoid natural features.
13. Pursuant to Section 5.2 (A), conditional use application requirements were met and the application was deemed complete.

14. The application was reviewed pursuant to Section 5.4 (A). The Board found the residential addition via proposed setback waiver would have no effect on the capacity of existing or planned community facilities or services (Section 5.4 (A) (1)).

15. The Board found the proposed addition would have no effect on the existing rural character of the area (Section 5.4 (A) (2)).

16. The Board found the proposed addition would have no effect on traffic on the roads in the vicinity (Section 5.4 (A) (3)).

17. The Board found that the proposed addition is otherwise in conformance with all other existing bylaws in effect, including Section 3.6 (D) (1), (Section 5.4 (A) (4)).

18. The Board found that the proposed addition would not interfere with the sustainable use of renewable energy resources (Section 5.4 (A) (5)).

19. The Board found that the proposed project will have no adverse impacts on any of the criteria set forth in Section 5.4 (A) (1-5).

Decision:

DRB members present voted unanimously to approve application #3479 for a front setback waiver down to forty-five (45) feet to construct additions to a single family residence and a garage with the following conditions:

Conditions:

1. Obtain and follow all State of Vermont permits.

Dated at Fayston, Vermont, this 13th day of August, 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.