

**Development Review Board, Town of Fayston, VT
Notice of Decision for Applications No. 3269, 3270**

Applicant(s): Northern Haven, Inc.

Parcel ID: #11-001.000

Reason for Application: Bridge reconstruction

Public Hearing Attendees for February 11, 2014: DRB Members: Jon Shea (chair), Chuck Martel, Kevin Wry, Mike Quenneville, and Leo Cohen. ZA: John Weir. Public: Bill Elliot, Bill Westvang, Dick King, David Frank

Public Hearing Attendees for April 8, 2014: DRB Members: Jon Shea (chair), Chuck Martel, Kevin Wry, Mike Quenneville. ZA: John Weir. Public: Dick King

Introduction and Procedural History:

1. The Development Review Board application was filed on January 13, 2014 requesting a conditional use approval under Section 3.1(D) of the Fayston Land Use Regulations to reconstruct a structurally deficient bridge. 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 January 23, 2014 and again on March 6, 2014, the legal warning for a public hearing for review of this application was published in the Valley Reporter. These warnings were also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.
3. Abutters to the property were *not* properly notified of the hearing held on February 11, 2014. Abutters to the property were properly notified of the hearing held on April 8, 2014.
4. The application and plans were considered by the Development Review Board at a public hearing which occurred on February 11, 2014, and was re-opened on April 8, 2014. The Board reopened the hearing on April 8, 2014 due to applicant's failure to notify abutters of the February 11, 2014 hearing. 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. Development Review Board applications #3269, 3270

Exhibit B. Warnings placed in the Valley Reporter on January 23, 2014 and March 6, 2014. These warnings were also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit C. Vermont Stream Alteration General Permit – Authorization to Conduct Next Flood Measures: Project No. SA-CN-171-2013

Exhibit D. Structural engineering plan completed by DeWolfe Engineering Associates, Inc.

Findings:

1. The Board found the application to be complete at a public hearing held April 8, 2014.
2. The applicant seeks conditional use approval to reconstruct a structurally deficient bridge. The subject property is parcel 11-001.000, located at 95 German Flats 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 August 29, 2012, Article 3, Section 3.1(D).
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 Matthew and Julie Kane, Diane Phillips, Lawrence and Joan Chesler, John Williams, Kerry Hale, Snuggery, Inc., Jean-Pierre Daigneault, Branson Broadway, and the Town of Fayston.
5. Pursuant to Section 3.1(D) of the Fayston Land Use Regulations, stream crossing structures may be permitted subject to approval of the DRB in accordance with Section 5.3 conditional use review. In granting such approval, the DRB shall require certification of the bridge design by a licensed professional engineer.
6. A bridge (such as here) which provides access across a stream is not a culvert qualifying for waiver of permitting under Section 9.2(A).
7. The applicant has secured a VT ANR Stream Alteration General Permit from the State of Vermont. That general permit authorizes as "Next Flood Measures", the replacement of what was a "structurally deficient" bridge.
8. The engineering plan submitted by the applicant does not show or identify the presence of guardrails on either side.
9. Guardrails are now in place, allegedly installed on the bridge on February 12, 2014.

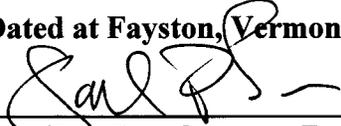
Decision:

DRB members present voted unanimously to approve applications #3269 and #3270 to reconstruct a structurally deficient bridge with the following conditions:

Conditions:

1. A licensed professional engineer must certify that the bridge as built:
 - a) Accords to the design approved by the State of Vermont Agency of Natural Resources;
 - b) Will maintain safe passage for all passenger vehicles and emergency services; and
 - c) Has appropriate safety rails/guardrails.
2. Obtain and follow all State of Vermont permits.

Dated at Fayston, Vermont, this 14th day of April, 2014.



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.