

**Development Review Board, Town of Fayston, VT  
Notice of Decision for Application No. 3357**

**Applicant(s): Heidi Spear & Seth Henry**

**Parcel ID: #11-085.000**

**Reason for Application: Minor Subdivision**

**Public Hearing Attendees:** DRB Members: Jon Shea (Chair) Chuck Martel, Mike Quenneville, Leo Cohen, and Kevin Wry. ZA: John Weir. Public: Heidi Spear, Ryan Marsh.

**Introduction and Procedural History:**

1. The Development Review Board application was filed on March 9, 2016 requesting approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one 23.9-acre lot into two lots of 20.9 acres and 3 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 March 24, 2016 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 April 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.

**The following exhibits were submitted to the Development Review Board:**

Exhibit A. Subdivision application #3357

Exhibit B. Email correspondence from Margo Wade of Summit Ventures, LLC

Exhibit C. Letter to adjoining landowners with project description and proof of certified mailing

Exhibit D. Warning placed in the Valley Reporter on March 24, 2016. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

**Findings:**

1. The Board found the application to be complete at a public hearing held April 12, 2016.

2. The Board declared the application one for a minor subdivision at a public hearing held April 12, 2016.
3. Pursuant to the applicant's request in writing, the Board moved to waive the preliminary sketch review requirement.
4. Applicants Heidi Spear and Seth Henry seek approval for a minor subdivision of one 23.9-acre lot into two lots of 20.9 acres and 3 acres. The subject property is parcel 11-085.000, located off Fiddlehead 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.
5. The property is located in the Resort Development 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 2.6 of the Town of Fayston, VT land use regulations.
6. The applicant's parcel is adjacent to land owned by Megan Gadd, Fiddlehead Owners Association, Summit Ventures, LLC, and Betsy Pratt.
7. Applicants are seeking to subdivide their parcel, 11-085, lot 3A-1, into two lots. The proposed new lot 3A-4 (3 acres) would be for residential development.
8. When applicants purchased the original 11-085 parcel from Summit Ventures, applicants entered into a covenant limiting future subdivision development to three (3) or less residential properties. Thereafter, applicants subdivided the existing parcel into three lots. Lot 3A-1 serves as applicants' primary residence. Lot 3A-2 was recently sold (subsequent to this Board's approval of a lot-line adjustment), and Lot 3A-3 remains undeveloped.
9. Per statement of applicant Spear and subsequent email confirmation from Margo Wade of Summit Ventures, applicants and Summit Ventures have come to an agreement wherein the latter has agreed to revise the covenant to lift the cap of developable lots from three (3) to four (4). This is done in exchange for applicants making a donation on Summit Ventures behalf to support Mad River Valley affordable housing. The contractual revision of this agreement is pending, as both parties are awaiting this Board's approval of this application.
10. Applicant stated that the proposed Lot 3A-4 sits within the Fiddlehead Road switchback, to the south of the tennis courts and downhill of applicants' residence and Lot 3A-3. The proposed lot is characterized by a flat approach and house site, as well as two roadway boundaries.
11. As to wastewater permitting, soil tests have been performed. A wastewater system design had yet to be completed as applicants are waiting for Board approval of this application first.
12. As to future subdivision of this parcel, applicant did not see any possible way to further subdivide the existing parcel after this application. Due to steep slopes, wetlands, open space designations, and easements, it would not be feasible to further subdivide.

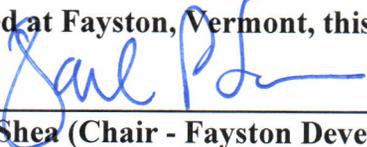
**Decision:**

DRB members voted unanimously to approve application #3357 for a minor subdivision with the following conditions:

**Conditions:**

1. A final mylar/plat, depicting the site plan as approved by the Board at the April 12, 2016 hearing, must be filed with the town clerk within 180 days of the date of this decision (by November 11, 2016).
2. Obtain and follow all state permits.
3. Power must run underground.
4. No further subdivision of the remaining 20.9-acre lot is permitted.

**Dated at Fayston, Vermont, this 11<sup>th</sup> day of May, 2016.**

  
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**Jon Shea (Chair - 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.