

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3493**

Applicant(s): Laura & Richard Kingsbury

Parcel ID: #03-012.000

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

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, and Paul Weber

Introduction and Procedural History:

1. The Development Review Board application was filed on July 11, 2018. Applicants Laura and Richard Kingsbury request approval under Section 7 of the Fayston Land Use Regulations for a minor subdivision amendment/lot-line adjustment (minor subdivision) of a previously approved five-lot subdivision (53.28 acres total). Applicant proposes to merge lot 3 into lots 2 and 4. 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 20, 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 not properly notified of the initial scheduled hearing on October 9, 2018. Accordingly, the hearing was postponed to the November date so that abutters could be properly notified of the application and hearing.
4. Abutters to the property were properly notified of the November 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. Subdivision application #3493

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Certified mailings to abutting landowners

Exhibit D. Warning placed in the Valley Reporter on September 20, 2018. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Findings:

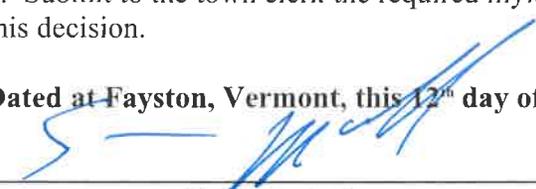
1. The Board found the application to be complete at a public hearing held November 13, 2018.
2. The Board declared application #3493 one for a minor subdivision.
3. Pursuant to the applicant's request, the Board moved to waive the preliminary sketch review requirement.
4. The property is located in 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.
5. The applicant's parcel is adjacent to land owned by the Fayston Association, Don Alter, John Kenney and Sandra Lebranche, Gladys B. Tiede, and Chad Borofsky.
6. Applicant seeks approval for lot-line adjustment/subdivision amendment of a previously approved five-lot subdivision (53.28 acres total). Applicant proposes to merge lot 3 into lots 2 and 4.
7. Applicants sought and received subdivision approval for these parcels per Subdivision Application #3367.
8. Current application #3493 seeks to amend that subdivision (#3367) via a lot-line adjustment between lot 4 and lot 2. Lot 3 would be divided, 4.64 acres to be added to lot 4 and 8.02 acres added to lot 2.
9. No construction is proposed at this time.

Decision:

DRB members voted unanimously to approve application #3493 for a lot-line adjustment (minor subdivision) with the following conditions:

1. Submit to the town clerk the required mylar plat for recording within 180 days of the date of this decision.

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



Shane Mullen, Development Review Board Vice-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.