

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3488

Applicant(s): Paula Livingston

Parcel ID: #06-060.001 (246 Phen Basin Road)

Reason for Application: Minor Subdivision

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Vice-Chair), Lindsay Browning, Mike Quenneville, and Jared Alvord; ZA: John Weir; Public: Jonathan Abts, Peter Lazorchak

Introduction and Procedural History:

1. The Development Review Board application was filed on July 23, 2018. Applicant Paula Livingston requests approval under Section 7 of the Fayston Land Use Regulations for a minor subdivision of 16.49 acres into two lots of 14.46 acres and 2.03 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 July 26, 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 August 14, 2018 and September 11, 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 #3488

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 July 26, 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 August 14, 2018.
2. The Board declared application #3488 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 Joseph and Ragina Gil and Rudolf and Marie Skelka.
6. Applicant wished to proceed without a full-board.
7. Applicant seeks approval for a minor subdivision of 16.49 acres into two lots of 14.46 acres and 2.03 acres.
8. Applicant Paula Livingston proposes to subdivide out a 2.03-acre parcel from her larger 16.49-acre parcel in order for her niece to acquire title to the existing mobile home.
9. The existing mobile home pre-dates the zoning regulations and does not conform to the front setback requirement in that district, as it sits within the 65-foot buffer.
10. No new development is proposed on either lot.
11. Easements for both a backup leachfield and for access to a spring must be deeded and were included on the revised site plan. A backup leachfield site is being designed by Peter Lazorchak.
12. Per the applicant's request, and because no new development is proposed, topographic requirements of the site plan were waived.

Decision:

DRB members voted unanimously to approve application #3488 for a 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.
2. Obtain and follow all necessary State and Federal permits.

Dated at Fayston, Vermont, this 25th day of September, 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.