

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3342**

Applicant(s): Kate and Steven Hunt

Parcel ID: #06-112.000

Reason for Application: Minor Subdivision

Public Hearing Attendees: Attending: DRB Members: Chuck Martel, Mike Quenneville, Kevin Wry, and Leo Cohen. ZA: John Weir. Public: George McCain, Gunner McCain, Kate Hunt, Steven Hunt, Alice Olenick, David Olenick, Jerry Griffiths and Diana Griffiths.

Introduction and Procedural History:

1. The Development Review Board application was filed on August 26, 2015 requesting approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one 29.3-acre lot into four lots of 6.4 acres, 9.2 acres, 8.3 acres and 5.5 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 September 10, 2015 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 October 13, 2015. 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 #3342

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Warning placed in the Valley Reporter on September 10, 2015. 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 October 13, 2015.

2. The Board declared the application one for a minor subdivision at a public hearing held October 13, 2015.

3. Present at the hearing as Interested Parties are abutting landowners Alice and David Olenick, and Jerry and Diana Griffiths.

4. Pursuant to the applicant's request in writing, the Board moved to waive the preliminary sketch review requirement.

5. The applicant seeks approval for a minor subdivision of one 29.3-acre lot into four lots of 6.4 acres, 9.2 acres, 8.3 acres and 5.5 acres. The subject property is parcel 06-112.000, located off 1438 Phen Basin 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.

6. 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.

7. The applicant's parcel is adjacent to land owned by Jean Koch, Daniel and Sofia Guttman, Jerry and Diana Griffiths, David and Alice Olenick, Greg Gryllakis and Sarah Meier, Dorothy McGann, and the State of Vermont.

8. The proposed project includes the subdivision of the existing parcel into four lots. Lot 1A will include the existing house and 6.4 acres. Lot 1B (9.2 acres), lot 2 (8.3 acres) and lot 3 (5.5 acres) will be designated for proposed single family homes. Lots 2 and 1B will be accessed by Mad River View Road, lot 1A by Phen Basin Road, and lot 3 by either road.

9. Both a Construction General Permit and the Wastewater Permit are still needed, as the applicants were waiting for local approvals first.

10. Utilities will run underground.

11. Applicants plan to devise certain covenants within the deeds of sale for the individual lots. Some of these may include covenants pertaining to no further subdivisions, exterior lighting, no commercial activity, and responsibilities concerning road maintenance. The Board has no control over whether these covenants are actually included within the deeds. Neither does the Board have any recourse as to enforcement of such covenants.

Decision:

DRB members voted unanimously to approve application #3342 for a minor subdivision with the following conditions:

Conditions:

1. All power shall run underground.
2. Obtain and follow all other required local, state and federal permits.
3. A final mylar/plat, depicting the site plan as approved by the Board at the October 13, 2015 hearing, must be filed with the town clerk within 180 days of the date of this decision.

Dated at Fayston, Vermont, this 21st day of October, 2015.

 10/23/15,
Chuck Martel (obo 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.