

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3522

Applicant(s): Allison Johnson & Jeffrey Drekter

Parcel ID: #14-047.001 (Lot 2, Crean Subdivision)

Reason for Application: building envelope amendment to approved four-lot subdivision

Public Hearing Attendees: Attending DRB Members: Jon Shea (Chair), Shane Mullen, Lindsay Browning, Mike Quenneville, and Jared Alvord; ZA: John Weir; Public: Gunner McCain, Kevin Powers, Jeff Halpin, Raymond Schenk, and Heidi Schenk

Introduction and Procedural History:

1. The Development Review Board application was filed on April 22, 2019. Applicants Allison Johnson and Jeffrey Drekter request approval under Article 7 of the Fayston Land Use Regulations for a building envelope amendment to a previously approved four-lot subdivision.
2. 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 April 25, 2019 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 May 14, 2019. The Development Review Board reviewed the application and plans under the pending Town of Fayston, VT Land Use Regulations, as revised June, 2018.

The following exhibits were submitted to the Development Review Board:

Exhibit A. Subdivision (amendment) application #3522

Exhibit B. Letter to adjoining landowners with project description and proof of notice to abutting landowners via certified mail

Exhibit C. Warning placed in the Valley Reporter on April 25, 2019. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit D. Site Plan: Water and Wastewater Plans (Todd Hill, dated April 19, 2019)

Exhibit E. Settlement Agreement: Crean Subdivision, Docket No. 258-11-06 Vtec

Findings:

1. The Board found the application to be complete at a public hearing held May 14, 2019.
2. The property is located in the Recreation 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 2.3 of the Town of Fayston, VT Land Use Regulations.
3. The applicant's parcel is adjacent to land owned by Robert Crean, Jean Towne and Summit Ventures, LLC.
4. Subsequent to purchase of the subject parcel, applicant's designer found the original location of the building envelope to not make sense in relation to the septic and well locations.
5. The original well location was downhill on a slope of 20% in grade. This would necessitate creating a road down the slope to the originally-proposed well location, as well as cutting a swath of conifer trees.
6. The issues pertaining to the litigation over the Crean subdivision centered on deeryard and bear habitat. None of the habitats delineated prior touch this subject parcel. The proposed house envelope is even farther away from the mandated habitat buffers than the original envelope.
7. Most of the existing building envelope sits on the north-facing 20% slope. The Applicants wish to utilize the already-cleared portion of land adjacent to the existing building envelope for their home.
8. The proposed site plan relocates the well to a location more feasible without putting in a road for access. The septic fields have been rearranged and design altered. Applicant will be seeking a wastewater amendment subsequent to this local proceeding.
9. There were errors and inconsistencies in the locations of the well and septic fields in the original site plans. These have been cleaned up for purposes of this application.
10. Per Section 7.7 of the Fayston Land Use Regulations, revisions to an approved subdivision plat must receive DRB approval at a public hearing. No specific criteria need be met aside from such revisions meeting all other applicable regulations (i.e. setbacks, slopes etc.).
11. There exists a court-approved settlement agreement for the original Crean subdivision. Condition #10 states that "Single-Family homes may be constructed only within the approved building envelopes..."
12. Legal agreements, including covenants, restrictions etc. have no bearing on DRB proceedings, as those are conducted solely pursuant to the land use regulations.
13. Applicant Johnson testified that the only other purchaser/developer of a Crean lot, Jean Towne, prefers the adjustment as it will move the house farther away from her property.

14. Per Selectboard review and discussion at its June 11, 2019 meeting: as the Town was a party in the original appeal of the Crean subdivision, the Town does *not* contest the proposed adjustment of the building envelope.

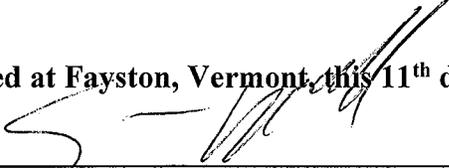
Decision:

DRB members voted unanimously to approve conditional use application #3522 with the following conditions:

Conditions:

1. The house must be constructed within the building envelope indicated on the site plans and as approved by this decision.
2. Obtain and follow all State and Federal permits.

Dated at Fayston, Vermont, this 11th day of June, 2019.


_____,
Shane Mullen, 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.