

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3446**

Applicant(s): Charles and Deborah Farnsworth

Parcel ID: #02-019

Reason for Application: Minor Subdivision

Public Hearing Attendees: Attending: DRB Members: Jon Shea (Chair), Kevin Wry (Vice-Chair), Shane Mullen, Mike Quenneville, Jim Halavonich. ZA: John Weir. Public: Charles and Deborah Farnsworth, Don Simonini

Introduction and Procedural History:

1. The Development Review Board application was filed on October 16, 2017 requesting approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one 2,762-acre lot into two lots of 2,761 acres and 1 acre. 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 October 26, 2017 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 November 14, 2017. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended August 29, 2012.
5. On February 14, 2017, applicants sought and received conditional use approval for the same minor subdivision. Applicants thereafter failed to submit the requisite mylar within 180 days of the decision and reapplication was necessary.

The following exhibits were submitted to the Development Review Board:

Exhibit A. Subdivision application #3446

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Warning placed in the Valley Reporter on October 26, 2017. 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 14, 2017.
2. The Board declared the application one for a minor subdivision at a public hearing held November 14, 2017.
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 Walter Gaylord, Ronald and Patricia Graves, Michael Jordan, Big Basin Forest Trust, Stephen Lindsay Trustee, John Smith (Executor), Janet Hubbard, Karla Hostetler, Kevin Barnes, Patti Lewis, Reed Henry, Ridgewood Trust, Town of Fayston, Scott Wheeler, State of Vermont, Town of Duxbury, and the Town of Huntington.
6. Applicant seeks approval for a minor subdivision of one 2,762-acre lot into two lots of 1+/- acres and 2,761+/- acres.
7. The 2,762-acre parcel is owned by the Big Basin Forest Trust.
8. The Big Basin Trust is seeking this subdivision in order for the applicant to construct a cabin on the parcel. The Trust will retain ownership of both parcels and lease the one-acre parcel to the applicant for 99 years.
9. The proposed cabin will be located northerly adjacent to the other existing cabins owned by the other trustees.
10. Access will utilize the existing Big Basin Road main entrance. No new roads are being proposed. An easement up the entire logging road will be provided.
11. Per Section 6.4 (J), the Board may waive or modify the requisite road standards so long as the road is accessible by emergency vehicles, does not pose any unreasonable threat to the safety of motorists or pedestrians, and does not result in unreasonable maintenance requirements for landowners.
12. The logging road has been and remains consistently utilized by logging trucks during all seasons.
13. Power will be provided by solar or electric generator and propane heat will be used.

Decision:

DRB members voted unanimously to approve application #3446 for a minor subdivision with the following conditions:

Conditions:

1. Any power shall run underground.
2. Obtain and follow all other required local, state and federal permits.
3. An easement must be provided for access via the logging road.
4. 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 20th day of November, 2017.

Jon Shea 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.