

**Development Review Board, Town of Fayston, VT  
Notice of Decision for Application No. 3298**

**Applicant(s): Steve and Nancy Berg**

**Parcel ID: #08-068**

**Reason for Application: Minor Subdivision**

**Public Hearing Attendees:** DRB Members: Jon Shea (chair), Chuck Martel, Mike Quenneville, and Carol Chamberlin. ZA: John Weir. Public: Steve Berg

**Introduction and Procedural History:**

1. The Development Review Board application was filed on July 28, 2014 requesting re-approval under Section 7 of the Fayston Land Use Regulations for a minor subdivision of 20.82-acre parcel into five lots of 9.46 acres, 3.52 acres, 2.62 acres, 2.49 acres, and 2.73 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 August 5, 2014 the legal warning for a public hearing for review of this application was published in the Times Argus. Additionally, on August 7, 2014 the legal warning for the public hearing 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. This is a re-hearing of an identical subdivision plan. Application #3238 and corresponding plans were considered by the Development Review Board at a public hearing which occurred on December 10, 2013, and a preliminary sketch plan review which took place on October 9, 2013. The Board approved application #3238 via Notice of Decision dated January 15, 2014. Subsequently, applicant Berg failed to submit and file the final plat/mylar within the requisite 180-day period as set forth in Section 7.5(A) of the Fayston Land Use Regulations.
5. A site visit had been conducted on October 9, 2013.
5. Application #3298 and plans were considered by the Development Review Board at a public hearing which occurred on August 19, 2014. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended August 29, 2012.
6. Board member Kevin Wry recused himself from the hearing due to a professional conflict with the applicants and their project.

**The following exhibits were submitted to the Development Review Board:**

Exhibit A. Subdivision application #3238 and corresponding materials

Exhibit B. Subdivision application #3298

Exhibit C. Notice of Decision for Application #3238, dated January 15, 2014

Exhibit D. Minutes of December 10, 2013

Exhibit E. Letter to adjoining landowners with project description

Exhibit F. Warning placed in the Valley Reporter on November 21, 2013. 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 declared the application one for a minor subdivision after a sketch plan review on October 9, 2013.
2. The Board found the application to be complete at a public hearing held August 19, 2014.
3. The applicant seeks approval for a minor subdivision of 20.82-acre parcel into five lots of 9.46 acres, 3.52 acres, 2.62 acres, 2.49 acres, and 2.73 acres. The subject property is parcel 08-068.000, located at 612 Mansfield 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.
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 Alfred and Jane Bancroft, John and Sara Bassler, Scott and Nela Higgins, Paul and Jeanne Kane, Robert and Nancy Mongeur, Susan Parent, Putnam NB and LR Trustees, Michael and Kristin Russo, Robert Sideli, and Robert and Gail Stein.
6. Lots 1 (current Berg residence) and 2 will be accessed by extending the applicant's existing driveway. Lots 3, 4 and 5 will be accessed via Wild Turkey Lane. A 50-foot right-of-way (ROW) begins at the end of the driveway at 158 Wild Turkey Lane, the last house on Wild Turkey Lane. Wild Turkey Lane continues past that house for approximately 300 feet, but is gravel and overgrown. Applicants will add approximately 360 feet to that existing road and make the entire portion compliant with regulation standards.


**Decision:**

DRB members voted unanimously to approve application #3238 for a minor subdivision with the following conditions:

**Conditions:**

1. Wild Turkey Lane and the proposed drive to lots 3, 4 and 5 must meet all current Town road and driveway standards.

**Dated at Fayston, Vermont, this 20<sup>th</sup> day of August, 2014.**

  
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**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.