

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3273**

Applicant(s): Christopher and Gerri Coyle

Parcel ID: #14-074.006

Reason for Application: proximity to wetland and construction on slopes between 15-25%

Public Hearing Attendees: DRB Members: Chuck Martel, Kevin Wry, Mike Quenneville, and Leo Cohen. ZA: John Weir. Public: Gunner McCain, Nick Goldberg, Brendan O'Reilly, Colin Flavin

Introduction and Procedural History:

1. The Development Review Board application was filed on March 31, 2014 requesting conditional use approval (Article 5) under Section 3.4(D) and Section 3.13 of the Fayston Land Use Regulations to construct a single family residence and a garage with one bedroom apartment above. 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 17, 2014 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 6, 2014. 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. Development Review Board application #3273

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Warning placed in the Valley Reporter on April 17, 2014. 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 May 6, 2014.

2. The applicant seeks conditional use approval to construct a single family residence and a garage with one bedroom apartment above. The subject property is parcel 14-074.006, located at Lot G, Sugar Run, in the Town of Fayston, VT. Conditional use approval is requested pursuant to review under the Town of Fayston, Vermont Land Use Regulations, as amended August 29, 2012, Section 3.4(D) and Section 3.13.
3. 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.
4. The applicant's parcel is adjacent to land owned by Thorvald Jr. and Margaret Tenney, Robert and Cynthia Clancy, John Davis, Robert Shea Jr., and the owners of Sugar Run Condominiums.
5. This project was previously approved by the Development Review Board on November 20, 2007 under permit Application #2910. The project was not constructed within the requisite timeframe, and the proposed locations of the house, garage, well, and septic system have changed. The wetland delineations have also changed since 2007.
6. The proposed house will be 28 feet x 36 feet. The proposed garage with one-bedroom apartment above will be 28 feet x 32 feet.
7. Although the proposed house site is not in the wetland area, the construction activity will disturb wetland areas.
8. One culvert will be installed to aid in drainage.
9. Applicants have obtained a wastewater permit from the State of Vermont – WW-5-2305-1. There is an existing pump station. There also exists a leech field on a neighboring lot which will need piping installation.
10. There are slopes of 15% - 25% grade on the lot.
11. Silk-fencing will be placed to control erosion.
12. A utility pole is present at the site. All power will run underground.

Decision:

DRB members present voted unanimously to approve application #3273 to construct a single family residence and a garage with one bedroom apartment above with the following conditions:

Conditions:

1. Pursuant to Section 4.1(A)(1)(c), the accessory apartment above the garage must not be greater than 30% of the livable floor area of the house.
2. Obtain and follow all State of Vermont permits.

Dated at Fayston, Vermont, this 12th day of May, 2014.

Chuck Martel, 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.