

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3400**

Applicant(s): Ella Day Home, LLC

Parcel ID: #14-041

Reason for Application: Minor Subdivision

Public Hearing Attendees: Attending: DRB Members: Chair: Jon Shea, Jim Halavonich, Kevin Wry, and Leo Cohen. ZA: John Weir. Public: George McCain, Jeff Ewing

Introduction and Procedural History:

1. The Development Review Board application was filed on October 17, 2016 requesting approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one 22.93-acre lot into two lots of 21 acres and 1.93 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 October 20, 2016 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 9, 2016. 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 #3400

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Warning placed in the Valley Reporter on October 20, 2016. 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 9, 2016.

2. The Board declared the application one for a minor subdivision at a public hearing held November 9, 2016.
3. Pursuant to the applicant's request in writing, the Board moved to waive the preliminary sketch review requirement.
4. Subdivision application #3316 was approved on June 22, 2015 for a three-lot subdivision concerning the same lands. However, because the requisite mylar was not signed by two Board members within the 180-day period, the subdivision approval was rescinded.
5. Lot 3 (west side of German Flats Road) of the first approved subdivision (Application #3316) was actually deeded separately and has since been sold. This application and site plan was revised to exclude lot 3.
6. No changes have been made to the configurations of lots 1 and 2. Accordingly, this application seeks to re-subdivide the 22.93 acres of lot 1 into two lots – lot 1 of 21 acres and lot 2 of 1.93 acres. The subject property is parcel 14-041.000, located off German Flats 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 Jeffrey Ewing, Marble Hill Farm, LLC, Robert Bailey, Summit Ventures NE, LLC, Slidebrook, LLC, D. Nelson & Laurie Lamothe, Robert & Cynthia Clancy, Thomas & Mary Ellen Corrigan, Dean P. & Janet Gestal, Allan Spector Retirement Trust, John G. Wilson, Henry & Lisa Lovejoy, Brian Shea and Maureen Charron-Shea, and G. Flats, LLC.
8. A Construction General Permit has been obtained from the State on account of the fact that the project proposes disturbance on more than one acre of land.
9. The lots will have frontage on German Flats Road as well as abut a private drive on the side. There is a 50-foot Right-of-Way (ROW) on lot 1 in order to access lot 2.

Decision:

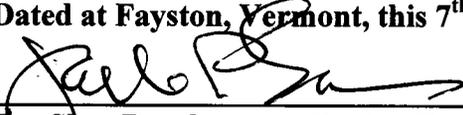
DRB members voted unanimously to approve application #3400 for a minor subdivision with the following conditions:

Conditions:

1. All power shall run underground.
2. Obtain and follow all other required local, state and federal permits.

3. There must remain a 50-foot right-of-way on lot 1 in order to access lot 2.
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 7th day of December, 2016.


_____,
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.