

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3582

Applicant(s): Rebecca & Eric Baruzzi

Parcel ID: #01-050.000

Reason for Application: Conversion of upstairs of residence into an accessory dwelling that exceeds 30% of the existing livable floor area of the principal dwelling

Public Hearing Attendees: Shane Mullen (Chair), Lindsay Browning, Pete Ludlow; Ky Koitzsch, Mike Quenneville; ZA: JB Weir; Public: Rebecca Baruzzi, Kaziah Haviland

Introduction and Procedural History:

1. The Development Review Board application was filed on June 29, 2020. The subject parcel is parcel ID# 01-050.000, located at 122 Nelson Farm Road. Applicants Rebecca and Eric Baruzzi request conditional use approval under Section 4.1 (B) of the Fayston Land Use Regulations for construction an accessory dwelling that exceeds 30% of the existing livable floor area of the principal dwelling. 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 July 2, 2020 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 July 21, 2020 via Zoom and in-person at the Town office. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended June, 2018.

The following exhibits were submitted to the Development Review Board:

Exhibit A. Conditional Use application #3582

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Narrative addressing General and Specific Review Standards (dated June 30, 2020)

Exhibit D. Existing and Proposed floor plans (undated)

Exhibit E. Warning placed in the Valley Reporter on July 2, 2020. 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 July 21, 2020.
2. 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.
3. The applicant's parcel is adjacent to land owned by Kim Canarecci, Robert Tierney, Stephen and Patricia Rennau, and Spencer Godfrey.
4. Applicants seek to convert the entire second floor of the home to an accessory dwelling unit with its own access.
5. The existing wastewater system is designed for three bedrooms. No changes to that system are necessary as the total number of bedrooms will not change. An administrative amendment to her wastewater system is all that is necessary.
6. No exterior construction is planned.
7. With regard to interior changes that would need to be made to accommodate the accessory unit, one of two upstairs bathrooms will be converted into a kitchen for the unit. In addition, a wall will be removed in the master bedroom to allow for more open space. The downstairs will require the staircase to be walled off and the addition of a full-bath. There will be one bedroom upstairs and two downstairs.
8. The property card for 122 Nelson Farm Road lists the square footage of the home as 2,452. The property card lists the second floor as 900 square feet, or about 35% of the livable floor area of the principal dwelling. Rebecca believes the second floor is approximately 850 square feet, and the size of the entire home is approximately 2,700 square feet. The calculation of both sets of numbers falls within the 30% - 40% threshold as set forth in Section 4.1 (B).
9. The project may be subject to Act 250 given the creation of the original subdivision.
10. With regard to parking, there are two spaces within the garage, two in front of the garage and another two possible spaces on what is currently used for basketball.
11. Pursuant to Section 4.1 (B) of the Fayston Land Use Regulations: "An accessory dwelling of greater than 30 but not more than 40 percent of the existing livable floor area of the principal dwelling located within the principal dwelling or an existing accessory structure may be permitted in designated zoning districts subject to the requirements of subsection (A) and conditional use review in accordance with Article 5."

12. The Board reviewed the requirements of subsection A, finding that the project meets the criteria listed therein. Namely, the accessory dwelling: would be located within the existing principal structure; meets all setback and dimensional requirements of the district; and has adequate water supply, septic capacity and parking.

13. Pursuant to Conditional Use review, the Board found that the General and Specific Review Standards of Section 5.4 were satisfied by the narrative provided along with the applicants' application materials. An undue adverse impact analysis was not necessary.

Decision:

DRB members voted unanimously to approve conditional use application #3582 with the following conditions:

1. Obtain and follow all State and Federal permits.

Dated at Fayston, Vermont, this 17th day of August, 2020.



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.