

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3565**

Applicant(s): Shawn & Laetitia Henry

Landowner(s): Seth Henry & Heidi Spear

Parcel IDs: #11-085.000 & #11-085.008

Reason for Application: Lot-line Adjustment (Minor Subdivision)

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow (by phone), Ky Koitzsch (by phone), and Lindsay Browning (by phone); ZA: John Weir; Public: David Albrecht (by phone), Craig Oshkello (by phone) and Laetitia Henry (by phone)

Introduction and Procedural History:

1. The Development Review Board application was filed on March 9, 2020. Applicants Shawn and Laetitia Henry request approval under Article 7 of the Fayston Land Use Regulations for a lot-line adjustment of 0.08 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 March 26, 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 public hearings which occurred on May 12, 2020. (Note: the original date for the hearing was April 14, 2020. The hearing was postponed to a future date after closure of the town offices due to the Covid-19 pandemic.) 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. Subdivision application #3565

Exhibit B. Survey: Lot-line Adjustment of Henry, Fiddlehead Road, Fayston, Vermont, dated November 2019, Sheet 1 of 1.

Exhibit C. Letter to adjoining landowners with project description

Exhibit D. Proof of notice to abutters via certified mail.

Exhibit E. Warning placed in the Valley Reporter on March 26, 2020. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Findings:

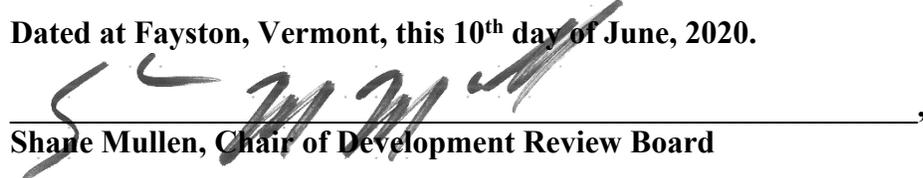
1. The Board found the application to be complete at a public hearing held May 12, 2020.
2. The Board declared application #3565 one for a minor subdivision.
3. The property is located in the Recreation District as described on the Town of Fayston Zoning Map on record at the Town of Fayston municipal 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 Christopher and Elizabeth Hayes, Seth Henry and Heidi Spear and the Fiddlehead Owner's Association.
5. Applicant's notice to Christopher and Elizabeth Hayes went unclaimed and was returned to the applicant. ZA Weir contacted Christopher Hayes about the returned notice as the applicant did use the correct address. Christopher Hayes relayed that he does not receive certified mail at that address. He emailed ZA Weir to let it be known that the email served as notice and he had no issues with the project. That email is included in the file.
5. Applicants propose a lot-line adjustment of 0.08 acres which will be deeded to them from abutters Seth Henry and Heidi Spear. The need for the lot-line adjustment was to rectify a construction error. Due to this error, her home was built closer to the rear property line than both what her permit delineated and what the regulations allow for.
6. The to-be-deeded 0.08 acres from the abutters will allow for the house to remain where it is and still conform to the regulations and her building permit.

Decision:

DRB members voted unanimously to approve subdivision application #3565 with the following conditions:

1. File final mylar within 180 days of the date of this decision.
2. Obtain and follow all State and Federal permits.

Dated at Fayston, Vermont, this 10th day of June, 2020.


_____,
Shane Mullen, Chair of 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.