

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3618

Applicant(s): Akhil Kaplan & Megan McDonough

Parcel ID: #07-024.000

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

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Pete Ludlow, Ky Koitzsch, Mike Quenneville, Jared Alvord; ZA: JB Weir; Public: Akhil Kaplan

Introduction and Procedural History:

1. The Development Review Board application was filed on January 5, 2021. Applicants Akhil Kaplan & Megan McDonough request approval under Article 7 of the Fayston Land Use Regulations for a subdivision amendment to application #1651, issued 11/10/1998, at 502 Mikhail Drive. 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 December 17, 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 January 5, 2021. 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 #3618

Exhibit B. Survey: Proposed Subdivision of Lands of Lauren Kolitch and Geoffrey A. Yuden, dated January 1999 by Jon Abts.

Exhibit C. Right-of-Way Survey for the Lands of Lauren S. Kolitch, dated November 5, 2020 by McCain Consulting

Exhibit D. Letter to adjoining landowners with project description

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

Exhibit F. Narrative.

Exhibit G. State of Vermont Wastewater Permit # WW-5-7700.

Exhibit H. Lauren Kolitch application #1651 Minutes of approval, dated 11/10/1998.

Exhibit I. Warning placed in the Valley Reporter on December 17, 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 January 5, 2021.
2. The Board declared application #3618 one for a minor subdivision.
3. 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.
4. The applicant's parcel is adjacent to land owned by John Gallagher, William Lee, Todd and Terri Drummey, Virginia Ferris, and the State of Vermont.
5. Applicants seek approval for a subdivision amendment to application #1651, issued 11/10/1998, at 502 Mikhail Drive. Applicants request to clarify the location and size of septic easement/system and to relocate a portion of driveway.
6. Per Section 7.7 of the Fayston Land Use Regulations, no changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first submitted to the DRB and the DRB approves such revisions after hearing.
7. The subject property is a subdivided 10.37 acre parcel of Lauren Kolitch. Approximately two years ago, Lauren constructed the driveway in its current location, farther away from abutting landowners.
8. The original driveway, as approved in application #1651 and depicted on the 1999 Abts plat, traversed the remaining lands of Kolitch for only a short distance before cutting onto the subject parcel at a much earlier point. The approved 1999 Abts plat notes that the final location of the driveway is to be determined by topography.
9. The proposed driveway remains on the Kolitch land for a longer distance before cutting onto the applicant's parcel closer to the actual building envelope.
10. The proposed driveway is flat, averaging 2% in grade.

11. Pursuant to State permit is WW-5-7700, applicant's septic system will be constructed on the remaining Kolitch land. The approved system is reduced in size compared to the approved 1999 Abts plat. Newer system designs and poor soils in this area resulted in a reduction to the septic footprint. The approved design is a pump system to the mound location delineated on the plat.

12. Per applicant's narrative, the right-of-way over the Kolitch land to his lot was 50-feet wide, but is being reduced to 40-feet. Per the 1999 Abts plat, the right-of-way was to be 25-feet wide and to be determined by topography. Contours were absent from the proposed plat, but per ANR atlas the grade was very minimal, averaging less than 5%.

Decision:

DRB members voted unanimously to approve subdivision application #3618 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 2nd day of February, 2021.

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_____,
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.