

**Development Review Board, Town of Fayston, VT**  
**Notice of Decision for Application No. 3628**

**Applicant: Robert Lockett**

**Landowner: Bruce Sinnott**

**Application Number(s): 3628**

**Type of Hearing:** Requesting approval under Article 7 of the Fayston Land Use Regulations for a lot-line adjustment (minor subdivision) of 0.18 acres.

**Parcel ID: 14-029.000 & 14-029.001**

**Location of Property: 1444 German Flats Road & 1358 German Flats Road, Fayston**

**Public Hearing Attendees: Fayston Development Review Board:** Shane Mullen, Ky Koitzsh, Lindsay Browning, Pete Ludlow, Mike Quenneville, Jared Alvord; **ZA:** JB Weir

**Guests:** Gunner McCain, Eve Silverman, Gene Scaperotta, Alan Thorndike, George McCain, Bob & Diane Schellack, Bruce Sinnott, Bob Lockett, Brian Holtan, Annika Holtan, Joseph Lojko, Andy Phelan, Kim Phelan; **Minutes taker:** Betsy Carter

**A. GUIDING ORDINANCE and POLICY PROVISIONS**

1. Fayston Land Use Regulations, as amended June, 2018:
  - a. Table 2.3 (Recreation District)
  - b. Article 6 (Subdivision Standards)
  - c. Article 7 (Subdivision Review)
2. Fayston Town Plan, as adopted September 22, 2020
  - a. Section 5.10.3 (Recreation District)

**B. MATERIALS SUBMITTED**

1. On February 10, 2021 the applicant submitted a subdivision permit application (#3628) including a survey of the proposed boundary adjustment
2. On February 22, 2021 the applicant submitted a revised survey of the proposed boundary adjustment which more clearly delineated the existing and proposed boundary lines
3. On February 22, 2021 the applicant submitted proof of mailing of notice to abutting landowners
4. ZA Weir offered landowners' 2005 lot-line adjustment approval (#2638) by the Fayston Planning Commission into evidence.

5. Applicant submitted a written request to waive preliminary sketch review.

### **C. PROPOSED FINDINGS OF FACT**

1. The properties are located at 1444 German Flats Road (Lockett) and 1358 German Flats Road (Sinnott). The Lockett property is 5 acres and consists of a single-family home. The Sinnott property is 9 acres and consists of a single-family home, garage and accessory apartment. The Lockett parcel is identified as #14-029.000 in the Recreation District. The Sinnott parcel is identified as #14-029.001 in the Recreation District.
2. Notice of the hearing was properly published. On February 18, 2021 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. The abutting property owners were sent notice of the hearing on February 22, 2021.
3. The Board found the application to be complete at a public hearing held March 9, 2021.
4. The application proposes to simplify property boundaries via a boundary line adjustment wherein Sinnott deeds 0.18 acres to Lockett. If approved, the Lockett property would become 5.18 acres and the Sinnott property would be reduced to 8.82 acres. The existing property line is essentially a straight line through Lockwood Brook. The proposed adjustment has the property line running along Lockwood Brook.
5. A similar proposal for a lot-line adjustment of 1 acre was proposed and approved by the Fayston Planning Commission in 2005. The mylar was not filed within the requisite 180-day time period and the approval became void.
6. Pursuant to Section 7.1 (B) (1), lot-line or boundary adjustments between existing lots that do not result in new or non-conforming lots constitute a minor subdivision.
7. The Board declared application #3628 one for a minor subdivision.
8. Pursuant to Section 7.1 (E), The DRB may waive or vary one or more of the following, subject to appropriate conditions: application requirements; preliminary plat review and preliminary public hearing requirements for major subdivisions; and subdivision review standards set forth in Article 6. The request for a waiver shall be submitted in writing by the applicant with the subdivision application, and it shall be the responsibility of the applicant to provide sufficient information to justify the waiver and to enable the DRB to reach a decision. In granting such waivers, the DRB shall require such conditions as will in its

judgment secure substantially the objectives of any waived or varied requirements of these regulations.

9. Applicant Lockett has requested in writing that the Board waive the preliminary sketch review requirement and have the application reviewed in one hearing.
10. Pursuant to Section 7.2 (E), applications for boundary adjustments that are determined by the DRB to not result in the creation of a new or nonconforming lot, or the significant increase of the development density of one or more lots, may be exempted from sketch plan review requirements and proceed immediately from initial application to final plat approval.
11. The proposed boundary adjustment meets the applicable lot size (1 acre) and setbacks (65 feet to centerline and 25 feet to property lines) for the Recreation District.
12. No new development is proposed.
13. Pursuant to Section 7.5 (A), Within 180 days of the date of receipt of final plan approval under Section 7.4(C), the applicant shall file one Mylar copy and two paper copies of the final plat for recording with the town in conformance with the requirements of 27 VSA Chapter 17. Prior to plat recording, the plat must be signed by at least two authorized members of the DRB.

#### **D. CONCLUSIONS OF LAW**

Based on its review of the application materials, submitted survey, presented testimony, and the Findings of Fact above, the Fayston Development Review Board hereby concludes this application as proposed, and when finalized and implemented with the conditions below, does meet the appropriate criteria of the Fayston Land Use Regulations and Subdivision Regulations and is in conformance with the Fayston Town Plan.

**E. DECISION**

Subdivision application #3628 is hereby approved, subject to 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 28th day of March, 2021.**

A handwritten signature in black ink, appearing to read 'S Mullen', is written above a horizontal line.

**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.