

**Development Review Board, Town of Fayston, VT  
Notice of Decision for Application No. 3675**

**Applicant & Landowner: Jon & Heather Kirson**

**Parcel ID: #08-056.000 & #08-016.002**

**Reason for Application: Minor Subdivision (Lot Line Adjustment)**

**Public Hearing Attendees:** Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, Dan Young (Vice Chair); ZA: Hanna Neill; Public: Jon Kirson, Karl Klein, Matt Lillard, Gunner McCain (Zoom), Tom Harris (Zoom), Karen Sauther (Zoom).

**Introduction and Procedural History:**

1. The Subdivision application was filed on October 18, 2021. The subject parcel is parcel ID# 08-056.000, located at 256 Henry's Way. Applicants Jon & Heather Kirson request approval for a lot line adjustment (minor subdivision). 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 28, 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.
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 November 16, 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 #3675

Exhibit B. Memorandum from Jon Kirson dated October 8, 2021 describing the proposed project.

Exhibit C. A survey plat titled "Lot Line Adjustment between Jon Kirson, Henry's Way & Scott Johnson, Pleasant Lane" by Glen Towne, dated July 2021.

Exhibit D. Scans of certified receipts of abutter notice

## Findings:

1. One parcel is located at 256 Henry's Way and consists of 19.06 acres. The property is owned by Heather & Jon Kirson. This parcel is identified as #08-056.000 in the Rural Residential District. The second parcel is located at 95 Pleasant Lane and consists of 4.8 acres. The property is owned by Scott & Emily Johnson. This parcel is identified as #08-016.002 and is located in the Rural Residential District.
3. Parcel 08-056.000 is subject to the following permits:  
Permit #1180 building permit that was never acted upon  
Permit #3555 building permit issued in 2019 and recently renewed  
Permit #3530 conditional use permit pursuant to the building permit above (3555)
4. Both parcels are adjacent to land owned by Cheryll Patty, Robin Stone, Scott Johnson, Howard & Linda Levin, Carinne Callahan, Joanne Peacock, Scott Pike & Ellen Mahoney, Joseph Gaeta, Shawn & Elizabeth Fushcetto, Town of Fayston, Wayne Foster, and Raymond Munn.
5. A sketch plan review for this application was held on July 6, 2021.
6. A preliminary plat review of this application was held on October 5, 2021.
7. Applicant proposed a lot line adjustment of approximately 5.03 acres, which will reduce parcel #08-056.000 from 19.06 to 14.03 acres and increase parcel #08-016.002 from 4.8 acres to 9.83 acres.
8. Pursuant to Table 2.4, this lot line adjustment meets the 1 acre minimum lot size for the Rural Residential District in which it is located.
9. Pursuant to Section 7 (B) (1), Minor subdivisions shall include lot line or boundary adjustments between existing lots that do not result in new or non-conforming lots;
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. Pursuant to the November 16<sup>th</sup> hearing and Mr. Kirson's narrative the proposed right of way to serve the Johnson parcel will not be used as a "thru road" to connect Henry's Way to Pleasant Lane.
12. No construction is proposed with this subdivision. Any subsequent improvements on either lot will be subject to the Land Use Regulations.

**Decision:**

DRB members voted as follows to approve subdivision application #3675 with the following conditions:

1. Submit to the Town Clerk the required mylar plat for recording within 180 days of the date of this decision.
2. The driveway of parcel 08-056.000 shall not extent to Pleasant Lane. Applicant to include language stating as such in the deed of sale.

Ky Koitzch: **YES**/no/abstain/absent/recuse

Peter Ludlow: **YES**/no/abstain/absent/recuse

Shane Mullen: **YES**/no/abstain/absent/recuse

Michael Quenneville: **YES**/no/abstain/absent/recuse

Daniel Young: **YES**/no/abstain/absent/recuse

**Dated at Favston, Vermont, this 2<sup>nd</sup> day of December, 2021.**



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**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.