

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3683

Applicant(s): Tom & David Clark

Parcel ID: #08-005.000

Reason for Application: Minor Subdivision

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, Ky Koitzsch, Dan Young; ZA: Hanna Neill; Public: George McCain, Leigh Williams, Tom Clark (Zoom), David Frank, Siri Fiske, Ariel Brumbaugh, Barclay Rappeport, Kellee Mazer, Meg Hourihan, Deb Steines (Zoom), Kathy Haskell, 2 additional community members.

Introduction and Procedural History:

1. The Subdivision application was filed on September 15, 2021. The subject parcel is parcel ID# 08-005.000, located at 133 Clark Road. Applicants Tom & David Clark 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 21, 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 4, 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 #3683

Exhibit B. Letter from Thomas Clark dated September 14, 2021 describing the proposed project.

Exhibit C. A sketch illustrating proposed approximate lot line adjustment.

Exhibit D. A survey plat titled "Clark Subdivision, Fayston, VT - June 1997" by The State of Vermont, last revised May 2021 to show proposed lot line adjustment.

Exhibit E. Scans of certified receipts of abutter notice

Exhibit F. Warning placed in the Valley Reporter October 21, 2021. This warning was also posed at the Fayston Municipal Offices, as well as at both the Moretown and Waitsfield post offices.

Findings:

1. The property is located at 133 Clark Road and consists of 3.58 acres. The property is owned by Thomas and David Clark. The parcel is identified as #08-005.000 in the Rural Residential District.
2. This parcel has various permits:
 1. Building: #74-212 (1974), #295 (1978), #828 (1985), #1117 (1990)
 2. Subdivision: #91-3 withdrawn (1991), #1288 (1994), #1704 (1998), #3083 (2010)
 3. Variance: #208 denied (1991)
 4. Health: #2898(2007), #2909(2007), WW-5-5470 (2010)
3. The Development Review Board found the application to be complete at public hearing held November 4, 2021.
4. The property constitutes Lot 1A of the approved Clark subdivision (#1704). Which was previously Lot 2 of the approved Clark subdivision (#3083).
5. Applicant proposes a lot line adjustment of approximately if 1.04 aces, which will transfer from Lot 1A to 2B. Lot 1A would reduce in size from 3.58 acres to 2.54 acres, and Lot 2B would increase from 3.70 acres to 4.74 acres.
6. 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.
7. 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;
8. 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.
9. Applicant stated during the hearing that no driveway work is being done. And this is just a lot-line adjustment.

Decision:

DRB members voted as follows to approve subdivision application #3683 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. Obtain and follow all necessary State and Federal permits.

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 Fayston, Vermont, this 24th day of November, 2021.



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.