

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3692

Applicant(s): David Frank

Parcel ID: #06-041.000

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, Amanda Sigel (Zoom).

Introduction and Procedural History:

1. The Subdivision application was filed on October 15, 2021. The subject parcel is parcel ID# 06-041.000, located at 645 Stagecoach Road. Applicant David Frank requests approval under Section 7 of the Fayston Land Use Regulations for a two lot (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 hearing 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 #3692.

Exhibit B. Memorandum from David & Gretchen Frank dated October 2, 2021 describing the proposed project and providing responses to Section 6 (Subdivision Standards).

Exhibit C. A sketch titled "Driveway cut permit request" prepared by the applicant dated July 31, 2021.

Exhibit D. Wastewater System and Potable Water Supply Permit #WW-5-5002-1 dated September 14, 2021.

Exhibit E. A site plan titled “David Frank Property Proposed Conditions Site Plan” by Landmark Engineering and Design dated October 11, 2021.

Exhibit F. A survey plat titled “A Subdivision Survey of Land in Fayston, Vermont for David Frank”, by American Surveying Company dated June 10, 2021.

Exhibit G. Correspondence from Jodi Shippee of the Vermont Department of Fish and Wildlife dated September 2, 2021.

Exhibit H. Scans of certified receipts of abutter notice.

Findings:

1. This property is located at 645 Stagecoach Road and consists of 5.9 acres of land with one existing single family residence and is owned by David Frank. The parcel is identified as #06-041.000 in the Rural Residential District.
2. There are no previous permits on this property.
3. The applicant’s parcel is adjacent to land owned by Nancy Andrews, Allen & Shelia Solomon, Jeff Perks, John & Jocelyn Harrelson, Steve Zonies, Ginzler Family Trust, Paul & Theresa Price, Irene Drawisel & Todd Christopher.
4. The applicant seeks approval for a minor subdivision of 5.9 acres into two lots of 2.3 acres and 3.6 acres. A 2-lot subdivision *constitutes a minor subdivision*.
5. Lot 1 would consist of the existing single family residence. Lot 2 would consist of a new single family residence with new potable water supply and wastewater disposal systems. These systems have been permitted by the State of Vermont. The driveway will be built to Vermont Agency of Transportation (VTrans) B-71 standards and Section 3.1(B) of the Fayston Land Use Regulations.
6. A sketch plan hearing on this application was held on August 3, 2021.
7. The Development Review Board found the application to be complete at public hearing held November 4, 2021.
8. Pursuant to Section 7.1(B)(1) “Minor Subdivision shall include...the subdivision of land, or the re-subdivision of a previously subdivided parcel, that results in the creation of five or fewer lots, regardless of any change in ownership...”
9. The applicant’s plans illustrate that all work will occur on slopes less than 15% grade.
10. Pursuant to Table 2.4, the proposed lots meet applicable lot size (1 acre) and setbacks (65 feet to centerline and 25 feet to all property lines) minimums for the Rural Residential District.

Decision:

DRB members voted as follows to approve subdivision application #3692 with the following conditions:

1. Applicant to furnish revised site plan prior to construction to revise the location of the water supply well outside the 50-foot stream buffer.
2. Applicant to furnish revised site plan to relocate the diversion swale discharge to the existing channel that is present. Swale shall be constructed at a depth of 2', with a bottom width of 2' and side slopes no steeper than 2H:1V.
3. Applicant must follow all sediment and erosion control practices in the Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control, including the use of biodegradable erosion mats on slopes in excess of 3H:1V.
4. All exterior lighting on the north, east and west side of the house shall be downcast.
5. Submit to the Town Clerk the required mylar plat for recording within 180 days of the date of this decision.
6. 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.