

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3696

Property Owner: Megan Gadd
Applicant: Fiddlehead Condos Inc.

Parcel ID: #11-049.000 & #COM005

Reason for Application: Minor Subdivision (Lot Line Adjustment)

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, Ky Koitzsch, ZA: Hanna Neill; Minutes Taker: Betsy Carter; Public: (via Zoom) Jeremy Rathbun, Rick Smyers, Beau Wright, Shawn Henry

Introduction and Procedural History:

1. The Subdivision application was filed on October 19, 2021. The subject parcel is parcel ID# COM005, located at 325 Fiddlehead Road. Applicant Fiddlehead Condos Inc. 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 November 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.
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 December 7, 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 #3696

Exhibit B. Letter from Jeremy Rathbun of DuBois & King dated November 10, 2021 describing the proposed project.

Exhibit C. A Public Water System Construction Permit #C-386-20.0 from the State of Vermont Department of Natural Resources dated June 16, 2021.

Exhibit D. A site plan titled "Map of Proposed Property Line Adjustment for New Well" by DuBois & King, dated October 14, 2021.

Exhibit E. A survey plat titled “Proposed Boundary Line Adjustment Portion of Lands of Megan Gadd to be realigned with Lands of Fiddlehead Condominiums” by Timothy L. Short, dated September 30, 2021.

Exhibit E. Scans of certified receipts of abutter notice

Findings:

1. One property is located at 325 Fiddlehead Road and consists of 7.3 acres. The property is owned by Fiddlehead Condos Inc. The parcel is identified as #COM005 in the Resort Development District. The second parcel is located at 210 Barton Road and consists of 171.95 acres. This property is owned by Megan Gadd. This parcel is identified as #11-049 in the Recreation District.
2. Parcel COM005 is subject to the following permit:
 1. Building: #3070 (2009)
3. Parcel 11-049 is subject to the following permits:
 1. Building: #1087 (1990), #1456 (1996), #2025 (2001), #2172 (2002)
 2. Subdivision: #92-8 (1992), #3461 (2018)
 3. Conditional Use: #2174 (2002), #3460 (2018)
 4. Health: #1087-1 (1990)
4. Both parcels are adjacent to land owned by Pulido Pablo Medoza & Geraldine Sassano, Deborah Segal & Beau Wright, Michael & Desiree Trahan, Sugarbush Mountain Resort Inc., Seth Henry, Mad River Corporation c/o Hall & Holden, Middlebury College Attn Thomas J. Corbin, James Halavonich & Susan Snow-Halavonich, Cy & Jennifer Hess, Michael & Doris Obler, Nathan Wilson, Christopher Hayes, Shawn & Laetitia Henry, Edward & Patricia Read.
5. Applicant proposes a lot line adjustment of approximately 1 acre, which will reduce parcel 11-049 in size from 171.95 acres to 170.95 acres and increase parcel COM005 from 7.13 acres to 8.13 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. 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 #3696 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 20th day of December, 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.