

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3715

Property Owner & Applicant: Jane Brodwyn

Parcel ID: #03-095.003

Reason for Application: Subdivision Amendment

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Pete Ludlow, Dan Young (vice chair), Nick Skiwra (alternate) ZA: Hanna Neill; Minutes Taker: Betsy Carter; Public: John Hammond, Margo Wade, (Zoom): Joel Rhoades, Jim Westehelle, Marisa Mauro, Andy Kaplan, Gunner McCain, Ryan Lynch, Jane Brodwyn, Linda Landrum

Introduction and Procedural History:

1. The application was filed on January 11, 2022. The subject parcel is parcel ID# 03-095.003, located on Center Fayston Road. Applicant Jane Brodwyn is requesting an adjustment to the conditions of the original 1997/1998 subdivision approval. 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 January 13, 2022 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 February 1, 2022. 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 amendment application #3715

Exhibit B. Letter from McCain Consulting, Inc., dated January 11, 2022 describing the proposed project.

Exhibit C. A site plan titled "Site Plan Jane Brodwyn Proposed Single Family Residence" by McCain Consulting Inc., last revised January 10, 2022.

Exhibit D. A list of abutting landowners and sample adjoining landowner letter.

Exhibit E. Scans of certified receipts of abutter notice

Findings:

1. The property is located on Center Fayston Road and consists of 43.7 acres. The property is owned by Jane Brodwyn. The parcel is identified as #03-095.003 in the Rural Residential District.
2. Parcel #03-095.003 has one previous permit the Subdivision #97SUB03 (1998) that is concurrent with State Act 250 Permit #5W1040-3 (1998).
3. This parcel is adjacent to land owned by Robert Gertner & Linda Landrum, Joan Gilbert, William H. & Susan E. Jeffreys, Andrew Baer & Jane O'Donnell, Peter Conrad, Noelle Pronovost, Gilbert & Suzanne Geiger, Usman & Kathleen Ismail, Tom Bergeron.
4. Pursuant to Section 7.7 Revisions to an Approved Plat "No changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the DRB and the DRB approves such revisions after public hearing. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void."
5. The applicant requests to remove Condition #1 of the February 3, 1998 Fayston Planning Commission decision (97SUB03). The locations of the water supply and wastewater disposal system have changed since the original approval. The Town of Fayston no longer reviews the design of these systems. Current Land Use Regulations do not require water and wastewater features to be depicted on the recordable mylar.
6. This application solely addresses the request to amend the previous subdivision approval. Any development proposed that would trigger the need for additional Zoning Administrator or DRB approval under the current Land Use Regulations shall be considered in a subsequent application and review.

Decision:

DRB members voted as follows to approve application #3715 with the following conditions:

1. Remove "preliminary" stamp on site plan and re-submit within 90 days.
2. Strike Condition 1 from February 3, 1998 Planning Commission approval #97SUB03.
3. Obtain and follow all necessary State and Federal permits.

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

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

Nick Skiwra: **YES**/no/abstain/absent/recuse

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

Ky Koitzch: yes/no/abstain/**ABSENT**/recuse

Mike Quenneville: yes no/abstain/**ABSENT**/recuse

Dated at Fayston, Vermont, this 15th day of February, 2022.

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

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.