

**Development Review Board, Town of Fayston, VT  
Notice of Decision for Application No. 3685 & 3694**

**Applicant(s): Karl & Susan Klein**

**Parcel ID: #06-024.000**

**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: (all via Zoom) Gunner McCain, Ryan Lynch, Andrew Kaplan, Marisa Mauro, Karl Klein

**Introduction and Procedural History:**

1. The Subdivision application was filed on October 22, 2021. The subject parcel is parcel ID# 06-042.000, located at 1439 Kew Vasseur Road. Applicant Karl Klein 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 December 16, 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 January 4, 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 Application #3685

Exhibit B. Conditional Use Application #3694

Exhibit C. Memorandum from Karl Klein dated October 2, 2021 describing the proposed project and providing responses to Section 5 (Conditional Use Standards).

Exhibit D. Memorandum from Karl Klein dated December 14, 2021 addressing the Wetland Delineation Status and confirming square footage of proposed ADU.

Exhibit E. Wastewater System and Potable Water Supply Permit #WW-5-8679 last revised September 13, 2021.

Exhibit F. A site plan titled “Overall Site Plan Karl Klein” by Greiner Engineering, PC C-1 last revised December 8, 2021.

Exhibit G. A site plan titled “EPSC Plan & Details Karl Klein” by Greiner Engineering, PC EC-1 last revised December 8, 2021.

Exhibit H. A site plan titled “Slope Analysis Plan Karl Klein” by Greiner Engineering, PC SA-1 last revised December 8, 2021.

Exhibit I. A site plan titled “Septic System Plan & Details Karl Klein” by Greiner Engineering, PC C-2 last revised December 8, 2021.

Exhibit J. List of Abutters, Sample Letter, and Scans of certified receipts of abutter notice.

### **Findings:**

1. This property is located at 1439 Kew Vasseur Road and consists of 10.3 acres of land with one existing single family residence and a 40’x30’ accessory structure. The parcel is identified as #06-024.000 in the Rural Residential District.
2. Previous permits on this property include:  
- Subdivision #86-4 (1986), #88-8 (#1988) - Health #1011 (1988) - Building #1114 (1990), #1159 (1991), #2542 (2004) - Certificate of Occupancy #1555 (1997)
3. The applicant’s parcel is adjacent to land owned by Harry Davis et. al., Chris Welch & Angela Selvaggio, Peter & JoAnne Samson, June Burr, Frances J Provencher, Craig A Goss, Michael & Linda Duran, Peter & Pamela Conrad, Shannon B Neill.
4. The applicant seeks approval for a minor subdivision of 10.3 acres into two lots of 5.1 acres and 5.2 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 the existing accessory building with proposed Accessory Dwelling Unit (ADU) and 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 December 16, 2021.
7. The Development Review Board found the application to be complete at public hearing held January 4, 2022.
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 outside of the wetland buffer.

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.
11. Per Section 7.7, 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.

**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 accurately reflect the number and location of the utility poles serving the ADU and proposed residence.
2. All exterior lighting shall be downcast.
3. Submit to the Town Clerk the required mylar plat for recording within 180 days of the date of this decision.
4. 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 25<sup>th</sup> day of January, 2022.**



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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.