

**Development Review Board, Town of Fayston, VT**  
**Notice of Decision for Application No. 3727**

**Applicant(s): Bowen Holden & Charlie Martin**

**Parcel ID: #06-001.000**

**Reason for Application: Conditional Use**

**Public Hearing Attendees:** Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, Ky Koitzsch; ZA: Hanna Neill; Public: (all via Zoom) Charlie Martin, Bowen Holden, Larry Holden, Sarah Cannon Holden, Tom Weigel, Tom Pasley

**Introduction and Procedural History:**

1. The Conditional Use application was filed on April 11, 2022. The subject parcel is parcel ID# 06-001.000, located at 47 Kew Vasseur Road. Applicants Bowen Holden and Charlie Martin request approval under Section 3.8 for the relocation and expansion of a noncomplying structure. 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 April 14, 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 hearing which occurred on May 3, 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. Conditional Use Application #3727

Exhibit B. Memorandum from the applicants dated April 8, 2022 describing the proposed project

Exhibit C. A site plan titled "Site Plan Charles S. Martin III & Bowen Holden" by Chase & Chase dated January 28, 2022.

Exhibit D. A sketch by the applicant showing the current footprint and future building footprint dated April 8, 2022.

Exhibit E. Interior building plans for the first and second floor of the proposed structure dated April 8, 2022.

Exhibit F. A site plan titled "Boundary Sketch & Overshadowing Sketch."

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

**Findings:**

1. This property is located at 47 Kew Vasseur Road and consists of 5.5 acres of land with one existing single-family residence a barn and a shed. The parcel is identified as #06-001.000 in the Rural Residential District.
2. This parcel has the following permits dating back to 1973, all were approved:
  1. Building: #166 (1973), #75-40 (1975), #77-232 (1977), #397 (1979), #543 (1981), #1865 (2000), #3044 (2009), #3481 (2018)
  2. Conditional Use: #79-56 (1979), #1865-01 (2000)
  3. Health: #75-40-01 (1975)
  4. Appeal: #77-24 (1977)
  4. Subdivision: #91-4 (1991), #92-4 (1992), #92-6 (1992), #1356 (1995), #1366 (1995)
3. The applicant's parcel is adjacent to land owned by Robert & Gelia Vasseur, Robert & Virginia Vasseur, Jennifer A. Borboroglu Trust, Tom and Patty Pasley, Stig Leschly, Thomas and Sarah Weigel.
4. The applicant seeks conditional use approval for the relocation and expansion of a non-conforming structure under Section 3.8 of the Fayston Land Use Regulations.
5. Pursuant to Section 3.8 (A) Non-complying Structures: (3) if residential, may be structurally enlarged, expanded or moved, upon approval of the Administrative Officer, provided the enlargement, expansion or relocation would otherwise be conforming. All other residential non-complying structures may be enlarged or expanded with the approval of the DRB as a conditional use in accordance with Section 5.3, provided the expansion or enlargement:
  - a) does not increase the total volume or area of the non-complying portion of the structure in existence prior to the effective date of these regulations by more than 50%, and
  - b) does not extend the non-complying feature/element of a structure beyond the point that constitutes the greatest pre-existing encroachment.
6. Pursuant to Section 5.4, the project must meet the General Review Standards stated therein. Conditional use approval shall be granted by the DRB upon finding that the proposed development shall not result in an undue adverse effect on the 1) capacity of existing or planned community facilities and services, 2) character of the area affected, 3) traffic on roads and highways in the vicinity, 4) bylaws in effect, and 5) utilization of renewable energy sources. In addition, these general standards, the Board may also consider and attach specific conditions to conditional use approval as appropriate to

avoid, minimize or mitigate the adverse impacts of a proposed development, including 1) siting and dimensional standards, 2) performance standards, 3) access and circulation standards, 4) landscaping and screening standards, and 5) stormwater management and erosion control standards.

7. The Development Review Board found the application to be complete at public hearing held May 3, 2022.
8. The applicant stated that there will be no significant changing of grades. The existing surface water drainage pattern will be maintained.
9. The applicant stated that the proposed construction will maintain the existing architectural character of the existing building.
10. The applicant stated that the house will remain as a single-family residence.
11. The applicant stated that the proposed project consists of demolishing the northern portion of the existing single-family home, maintaining the existing older portion of the house, and building a 1.5 story addition (using dormers on the second-floor space to match the existing 1.5 story main house that will remain. The new addition will be located approximately 10 feet back from the existing house, more closely meeting the Rural Residential District's front yard setback of 65 feet.
11. The DRB determined that an area-based analysis of the non-complying portion of the project is appropriate. The applicant attests that the existing building extends into the 65-foot front setback for a total non-compliant area of 593 square feet. After demolition and construction of the new addition. The proposed non-compliant area is 270 square feet. This meets the standard of Section 3.8 (A) (3).

**Decision:**

DRB members voted as follows to approve conditional use application #3727 with the following conditions:

1. All exterior lighting shall be downcast.
2. Obtain and follow all necessary State and Federal permits.

Ky Koitzch: YES/no/abstain/absent/recuse

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

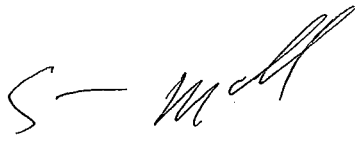
Shane Mullen: YES/no/abstain/absent/recuse

Michael Quenneville: YES/no/abstain/absent/recuse

Daniel Young: yes/no/abstain/**ABSENT**/recuse

**Dated at Fayston, Vermont, this ~~5th day of May, 2022.~~**

7<sup>th</sup> day of June, 2022



---

**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.