

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3738

Applicant: Charles F. Tipper Revocable Trust

Landowners: Charles F. Tipper Revocable Trust, Mad River Cooperative

Parcel IDs: 10-068, 10-043

Reason for Application: Minor Subdivision (Lot Line Adjustment)

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Pete Ludlow, Dan Young (Vice Chair); Minutes Taker: Betsy Carter; Public: Gunner McCain, George Tipper, Dave Frothingham, Jane O'Donnell, Andrew Baer, Jim Donkersloot (DRB alternate).

Introduction and Procedural History:

1. The Subdivision application was filed on 5/11/22. The subject parcels are parcel ID# 10-068, located at 5211 Mill Brook Road. Applicant Charles Tipper is requesting approval under Articles 6 and 7 of the Fayston Land Use Regulations for a lot line adjustment. 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 5/19/22 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 a public hearing which occurred on June 7, 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:

- A. Subdivision application 3738 including a cover letter, list of abutting land owners, and a sample abutting land owner letter,
- B. A letter from McCain Consulting, Inc., dated May 5, 2022 describing the project and its conformance to the LURs,
- C. Sample adjoining landowner notification form,
- D. A site plan titled, "Site Plan – Charles F. Tipper Revocable Trust Boundary Line Adjustment" DC-1 by McCain Consulting Inc., last revised April 29, 2022,
- E. Scans of certified receipts of abutter notices.

Findings:

1. The property located at 5211 Mill Brook Road consists of 0.22 acres. The property is owned by The Charles F. Tipper Revocable Trust.
2. The property located at 62 Mad River Resort Road consists of 701 acres. The property is owned by the Mad River Cooperative.
3. The parcels are located in the Resort Development District.
4. Parcel 10-068 is subject to the following permits: 707, 884, 2028a, 2256, 2282, 2586, 2587, 3310, and 3312
5. Parcel 10-043 is subject to the following permits: 1063, 3181, 3689, 613, 108, 109, 82-88, 673, 674, 839, 1522, 1997-02, 1583,1880, 1880-01,1894,1894-01, 1992, 1992-01, 2013, 2097, 2269, 2858, 2947, 3341, 3438, 3439, 3559, 3560, 3612, 3615, 3695
6. These parcels are adjacent to land owned by the State of Vermont, Mad River Glen Corporation, Buels Gore, and the Mad River Glen Association, which covers all homeowners around Mad River Glen.
7. Pursuant to Section 7.1 (B) (1), a minor subdivision "Shall include lot line or boundary adjustments between existing lots that do not result in new or nonconforming lots; 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; and amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval."
8. Applicant proposes a lot line adjustment of 0.19 acres, which will reduce parcel 10-043 from 701 to 700.81 acres and increase parcel 10-068 from 0.22 to 0.41 acres.
9. Pursuant to Table 2.6, this lot line adjustment meets the 0.25 acre minimum lot size for the Resort Development District in which it is located.
10. 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;
11. 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.
12. The proposed lots meet the applicable lot size (1 acres) and setbacks (15 feet to front, side and rear property lines) for the Resort Development District.
13. Per Applicant's consultant, the area of development has less than 1,000 square feet of earth disturbance on steep (>15%) or very steep (>25%) slopes, therefore conditional use approval of this project is not required.

14. Applicant stated that the proposed garage shall have no water or wastewater service. A new well is proposed to provide a dedicated supply to the existing residence.

Decision:

DRB members voted as follows to approve subdivision application #3738 with the following conditions:

1. Provide a revised drawing removing the "preliminary, not for construction" stamp.
2. Obtain and follow all necessary State and Federal permits.
3. Submit to the Town Clerk the required mylar plat for recording within 180 days of the date of this decision.

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

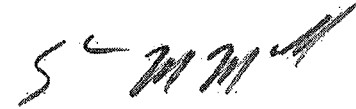
Peter Ludlow: **YES**/no/abstain/absent/recuse

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

Mike Quenneville: **YES** no/abstain/absent/recuse

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

Dated at Fayston, Vermont, this 19th 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.