

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3740

Property Owner & Applicant: Noah Dweck

Parcel ID: 14-072 and 14-052

Application Number: 3740

Reason for Application: Requesting approval under Articles 6 and 7 of the Fayston Land Use Regulations for a boundary-line adjustment (Minor Subdivision)

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Ky Koitzsch, Dan Young (Vice Chair), Jim Donkersloot; Zoning Administrator: Jason Wilson; Public: Noah Dweck

Introduction and Procedural History:

1. The Subdivision application #3740 was filed on April 28, 2022. The subject parcels are parcel IDs # 14-072 at 33 Long Trail Drive and #14-052, located at 2161 German Flats Road. Applicant Noah Dweck requests approval under Articles 6 and 7 of the Fayston Land Use Regulations Boundary 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 October 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 a public hearing which occurred on November 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:

- A. On April 28, 2022 applicant submitted a Subdivision Application (#3740) including a cover letter.
- B. On October 17, 2022 the applicant submitted a site plan titled “Boundary Line Adjustment between Noah & Kristen Dweck and Steven Clancy & Christine Clancy” by McCain Consulting, Inc. dated 2022.
- C. On October 17, 2022 the applicant submitted proof of notice of mailing to abutting landowners with sample abutting land owner letter.

Findings of Fact:

- 1. The properties are located at 33 Long Trail Drive (14-072) and consists of 1.4 acres owned by Noah and Kirsten Dweck and 2161 German Flats Road (14-052) and consists of 10.1 acres owned by Steven and Chistine Clancy. Both properties are located in the Rural Residential District.
- 2. Parcel 14-072 has the following permits:
 - a. Building #1838 (1999)
 - b. Health #1838-01 (1999)
 - c. Cert. of Occupancy #1947 (2000)
 - d. Cert. of Occupancy #2127 (2002)
- 3. Parcel 14-052 has the following permits:
 - a. Building #1192 (1992)
 - b. Health #1192-01 (1992)
- 4. The applicant’s parcel is adjacent to land owned by Steven Clancy, Sugar Run Condominiums, David & Annette Antolik, Marble Hill Farm LLC, Janet Gestal, Town of Fayston, John Wilson, Erik Karpinski, Midsummer Associates, LTP Enterprises NJ LLC and Paul Gavin.
- 5. The proposed project would transfer 0.1 acres from Parcel 14-052 to Parcel 14-072. Parcel 14-052 would have 10 acres and Parcel 14-072 would have 1.5 acres.
- 6. Applicant came before the Development Review Board on June 7, 2022 for a Sketch Plan Review.
- 7. Application 3740 was deemed complete at the November 1, 2022 Development Review Board Meeting.
- 8. 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.”

9. Pursuant to 6.1 (A) The DRB shall evaluate any minor or major subdivision of land as defined in Section 7.1 in accordance with the standards set forth in this Article. Where these standards conflict with other provisions of these regulations, the more stringent shall apply.
10. The proposed lot lines meet the applicable lot size and setbacks for the Rural Residential District.

Decision:

DRB members voted as follows to approve application 3740 with the following conditions:

1. Obtain and follow all State and Federal permits. Copies of these permits shall be submitted to the Town of Fayston. Copies of any drawings that supersede the design shown on the materials presented to the DRB shall be submitted to the Town of Fayston.
2. Submit to the Town Clerk the required mylar plat for recording within 180 days of the date of this decision.
3. On the site plan being submitted to the Town Clerk, show the updated acreages lots 14-072 and 14-052.
4. Remove the Preliminary from site plan before submitting to the Town Clerk.
5. On the site plan being submitted to the Town Clerk add an inset map showing the abutters names and parcel number

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

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

Jim Donkersloot: **Yes** / no / abstain /absent / recuse

Ky Koitzsch: **Yes** / no / abstain / absent / recuse

Pete Ludlow: yes /no / abstain /**ABSENT** / recuse

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

Dated at Fayston, Vermont, this 13th day of November, 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.