

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3742

Applicants and Landowners: Jane O'Donnell and Andy Baer

Parcel IDs: 03-095.002

Reason for Application: Subdivision Amendment

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, 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 5/16/22. The subject parcels are parcel ID# 03-095.002, located at 2186 Center Fayston Road. Applicants Jane O'Donnell and Andy Baer are requesting approval under Articles 6 and 7 of the Fayston Land Use Regulations to revise the previously approved subdivision with a new driveway layout to minimize wetland disturbance. 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 3741 including a cover letter and certified list of abutting land owners,
- B. A letter from Wilcox & Barton, Inc, dated May 10, 2022 describing the project and its conformance to the LURs,
- C. Sample adjoining landowner notification form,
- D. A plan titled "Subdivision Plan", sheet C-1, by Wilcox & Barton Inc., last revised October 20, 2019,
- E. A plan titled "Driveway Plan", sheet C-2, by Wilcox & Barton Inc., last revised January 11, 2019,

- F. A plan titled "Septic Site Plan", sheet C-4, by Wilcox & Barton Inc., last revised October 20, 2019,
- G. A plan titled "Details", sheet C-5, by Wilcox & Barton Inc., last revised February 22, 2019.

Findings:

1. The property located at 2186 Center Fayston Road consists of two lots: Lot 2A (4 acres) with an existing single-family home and Lot 2B (27.24 acres) with a proposed single-family residence. The property is owned by Jane O'Donnell and Andrew Baer.
2. The parcels are located in the Rural Residential District.
3. Parcel 03-095.002 is subject to the following permits: 1038,1451,1643,3435,3506, and 3507
4. The applicant's parcel is adjacent to land owned by Christopher and Rosemary Conrad, Colin Lindberg, Joan Rae and Paul Sipple, Robert Gertner and Linda Landrum, Peter and Pamela Conrad, William and Susan Jeffreys, and Jane Brodwyn.
5. Applicant proposes a revision to the previous approvals (subdivision approval 3506 and conditional use 3507) to reflect a revised driveway design that minimizes wetland impacts.
6. Lot 2B's development envelope has changed, with a slight increase in area to the south.
7. An area of trees is labeled as "wooded area to be thinned". This area will not impact the stream buffer.
8. No other changes to the approved design are proposed.

Decision:

DRB members voted as follows to approve subdivision amendment application #3741 with the following conditions:

1. Submit a revised site plan with a clearly delineated limit for tree clearing.
2. Cleared area shall leave stumps in place.
3. Tree clearing shall be more than 70% of trees greater than 6 inches diameter breast height (dbb). Clearing of underbrush is approved. Stumps shall remain in place.
4. Obtain and follow all necessary State and Federal permits.
5. Revised mylar to include a revision to the building envelope to Lot 2B.
6. Submit to the Town Clerk the required mylar plat for recording within 180 days of the date of this decision.

Ky Koitzsch': 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.

Pat J. Holloway 6/27/22

Michael Greenwall 6/27/22

~~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.