

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3753

Applicant: Niall Devaney

Landowners: Niall Devaney

Parcel IDs: 06-097

Reason for Application: Setback Waiver

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Daniel Young (Vice Chair), Peter Ludlow, Ky Koitzsch, Mike Quenneville; Minutes Taker: Betsy Carter; Zoning Administrator Jason Wilson Public: Gunner McCain, Niall Devaney.

Introduction and Procedural History:

1. The Development Review Board Application was filed on 6/27/22. The subject parcel is parcel ID# 06-097, located at 966 Phen Basin Road. Applicant Niall Devaney is requesting approval under Article 5 of the Fayston Land Use Regulations for a Setback Waiver for Development of a Dwelling/Single Family 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 7/14/22 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 August 2, 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. Conditional Use Application 3753 including a cover letter, list of abutting land owners, and a sample abutting land owner letter,
- B. A letter from Donald Devaney dated June 27, 2022 describing the project,
- C. An undated, unsigned memo titled “Development Review Board Application – Addendum 1 – Proposed Use of Structure” describing the project and the request for a reduction in setback.
- D. A site plan titled, “William Campbell & Sandra Menedez-Aponte” by McCain Consulting Inc., dated November 18, 2021.
- E. A building plan titled “First Floor Plan” by Stephanie Morrison, AIA dated 2/16/22,

- F. A building plan titled “Basement Floor Plan” by Stephanie Morrison, AIA dated 1/27/22,
- G. A building plan titled “Exterior Elevations” by Stephanie Morrison, AIA dated 2/16/22,
- H. A building plan titled “Window/Door Schedule & Elevations” by Stephanie Morrison, AIA dated 2/16/22,
- I. Scans of certified receipts of abutter notices.

Findings:

- 1. The property located at 966 Phen Basin Road consists of 1 acre. The property is owned by Niall Devaney.
- 2. The parcel is located in the Rural Residential District.
- 3. Parcel 06-097 is subject to the following permits: 3725
- 4. These parcels are adjacent to land owned by John Stokes Lucia Roraback Putnam
- 5. Pursuant to Table 2.4(D) Side setbacks are 25ft. in a Rural Residential District.
- 6. The applicant requests a 4-foot waiver of the 25-foot side yard setback to accommodate a set of deck stairs that would require fewer risers than a layout that conforms with the 25-side yard setback.
- 7. These stairs are associated with the deck and not the enclosed part of the structure.

Decision:

DRB members voted as follows to approve Conditional Use Application #3753:

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 13th day of September, 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.