

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3763 & 3764**

Applicant(s): Jason Morel

Parcel ID: #11-043

Reason for Application: Minor Subdivision (Boundary Line Adjustment) and Conditional Use (Development on Steep Slopes)

Application Number(s): 3763 and 3764

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, Ky Koitzsch, Dan Young, Jim Donkersloot; ZA: Jason Wilson; Minutes Taker: Betsy Carter Public Jason Morel, Rudy Polin, Gunner McCain, Doug Mosle, Todd Sirak, Molly Bagnato, Tasha Urbanowski, Alexandra Urbanowski

Introduction and Procedural History:

1. The Subdivision application #3763 was filed on August 17, 2022. The subject parcels are parcel IDs # 11-043a and #11-043b, located at 174 Lockwood Brook Road. Applicant Jason Morel 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. The Conditional Use Application #3764 was filed on August 17, 2022. Applicant Jason Morel requests approval under Article 5 of the Fayston Land Use Regulations for development of steep slopes for Single Family Residence at 174 Lockwood Brook Road. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.
3. Notice of the hearing was properly published. On September 15, 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.
4. Abutters to the property were properly notified of the hearing.
5. The application and plans were considered by the Development Review Board at public hearing which occurred on October 4, 2022. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended June, 2018.

6. The following were approved by the DRB as interested parties to these applications:
 - a. Lockwood Brook Homeowners Association
 - b. Todd Sirak and Molly Bagnato

The following exhibits were submitted to the Development Review Board:

- A. Conditional Use Application (#3764) including responses to the General and Specific Review Standards (Section 5.4 Conditional Use Review).
- B. Subdivision Application (#3763) for a minor subdivision (boundary line adjustment).
- C. A site plan titled “Jason Morel Boundary Line Adjustment” C-1 by McCain Consulting; Inc. dated August 17, 2022.
- D. Proof of notification of adjoining land owners.

Findings:

1. The property located at 174 Lockwood Brook Road consists of 1.0 acres. The parcel is identified as #11-043b in the Rural Residential District. The property located off German Flats Road consists of 4.4 acres. The parcel is identified as #11.043b in the Rural Residential District.
2. Parcel 11-043b is subject to the following permits: #2493 and # 3471
3. The applicant’s parcel is adjacent to land owned by Robert Heffernan & Allen Zeiner, Todd Sirak & molly Bagnato, Kevin Gartland, Slide Brook Basin LLC, Marble Hill Farm LLC, Jack & Meredith Feintisch, James & Nancy Felicito and David Rothman & Tyne Pike Sprenger
4. The applicant seeks approval for a minor subdivision (lot line adjustment between two lots the applicant owns). 0.6 acres from lot 11-043a to lot 11-043b. Lot 11-043a will be 3.8 acres in size and lot 11-043b will be 1.6 acres in size.
5. The area of development has at least 1,000 square feet or more of earth disturbance on steep slopes (>15%), therefore conditional use approval of this project is required.
6. Pursuant to Section 3.4 (E) (1)(a), Steep slopes (15 + %). Development involving the site disturbance, excavation, filling, or regrading of 1000 or more square feet of land with a gradient of 15% or more, and private roads and driveways that exceed an average gradient of 15% over any 50-foot section, as determined from mapped contour intervals or site inspection, shall be subject to conditional use review and approval by the Development Review Board under Article.
7. Pursuant to Section 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.

8. Pursuant to Section 7.1 (B)(1) Minor Subdivisions 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. The proposed lots meet the applicable lot size and for the Rural Residential District.

Decision:

DRB members voted as follows to approve subdivision application #3763 and Conditional Use Application #3764 with the following conditions:

1. Zoning Administrator shall be notified prior to earth-moving activities to confirm installation of erosion control measures.
2. Submit to the Town Clerk the required mylar plat for recording within 180 days of the date of this decision.
3. Obtain and follow all necessary 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.

Ky Koitzsch: **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 26th day of October, 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.