

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3793 & 3794**

Applicant(s): TLC Vermont- Andrew Carey

Parcel ID: #05-025

Reason for Application: Two lot subdivision and a conditional use approval for development of slopes exceeding 15%.

Application Number(s): 3793 and 3794

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, Dan Young, Jim Donkersloot; **Zoning Administrator:** Jason Wilson; **Minutes Taker:** Eve Silverman **Public:** Andrew Carey (Zoom), Juan Daria (Zoom), Janice Darias (Zoom), Tracy Keller (Zoom), Brooke Dingleline, Lisa Loomis, Christopher Delbrocco, Thomas McCarthy, Chris Mayone, Kaia Korba, Eastman Long, John Gravois (Zoom) and Justin Littlefield (Zoom)

Introduction and Procedural History:

1. Subdivision application #3793 was filed on March 13th, 2023. Subject parcel # 05-025 is located at 640 Moulton Road. Applicant TLC Vermont requests approval under Articles 6 and 7 of the Fayston Land Use Regulations for a two-lot subdivision.
2. Conditional Use Application #3794 was filed on March 13th, 2023. Applicant TLC Vermont requests approval under Article 5 of the Fayston Land Use Regulations for development of steep slopes for a single family residence.
3. A copy of the application and supporting paperwork are available at the Fayston, Vermont town offices.
4. The applications and plans were considered by the Development Review Board at a public hearing which occurred on April 4, 2023. The subdivision review was considered a sketch plan review. Both applications were reviewed under the Fayston Land Use Regulations as amended May 2023.
5. The DRB issued a memo dated April 26th, 2023 with comments regarding information presented during the April 4 hearing.
6. Notice of the final plat hearing was properly published. On September 14th, 2023 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.

7. Abutters to the property were properly notified of the hearings.
8. The final plat application and plans were considered by the Development Review Board at public hearing which occurred on October 3rd, 2023.
9. The following were approved by the DRB as interested parties to these applications:
 - a. Juan & Janice Darias
 - b. Tracy Keller (on behalf of the Green Mountain Valley School)

The following exhibits were submitted to the Development Review Board:

- A. Conditional Use Application (#3794) including cover letter, list of abutting land owners, and a sample abutting land owner letter. responses to the General and Specific Review Standards (Section 5.4 Conditional Use Review).
- B. Subdivision Application (#3793) for a minor subdivision with responses to the General Standards.
- C. A site plan titled “Town Sub-Division Plan - TLC Vermont, LLC. Amendment to WW-5-1665 for 2-Lot Subdivision” by McCain Consulting Inc., sheet T-1 last revised July 25, 2023.
- D. A site plan titled “Town Sub-Division Detail – TLC Vermont, LLC. Two Lot Subdivision” by McCain Consulting, Inc., sheet T-2 last dated July 25, 2023.
- E. A letter from McCain Consulting responding to comments of the DRB dated August 15, 2023.
- F. A letter from Kristen Rose of Rose Environmental, LLC re: deer wintering area assesment dated June 21st, 2023.
- G. An ANR Natural Resource Atlas map of the subject property and mapped deer wintering areas
- H. List of abutters, proof of notification of adjoining land owners and sample notification letter.

Findings:

1. The property is located at 640 Moulton Road and consists of 72 acres. The property is owned by TLC Vermont, LLC. The parcel is identified as 05-025 in the Rural Residential District.

2. This parcel has the following permits:
 1. 640 Building (1982)
 2. 699 Building (1983)
 3. 699-01 Building (1983)
 4. 719 Building (1983)
 5. 2023 Health (2001)
3. The Property is adjacent to land owned by Thomas & Dorothy Folger, James & Robin Donkersloot, Juan Darias, Stephen & Tammy Armstrong, Green Mountain Valley School, Gibson John Carey Family Trust, Richard Swanson, Timothy Heath Swanson, Martin Patterson and Justin & Emily Littlefield.
4. The applicant seeks approval for a minor subdivision of 72 acres into two lots of 3.5 acres and 68.5 acres. A 2-lot subdivision constitutes a minor subdivision.
5. Lot 1 would consist of the existing residence and outbuildings. Lot 2 would consist of a new single family residence and associated structures as illustrated on the site plans furnished. The new residence will be permitted by the State of Vermont.
6. The access to Lot 2 is through an existing driveway used by Lot 1 currently. This driveway will now be a private road with a 50-foot Right of Way (ROW). The road will be built to Vermont Agency of Transportation Standard A-76.
7. Lot 2 includes a building envelope 26,691 square feet in size. This is in excess of the 25,000 square foot maximum as stated in Table 2.4. The DRB determined that the Applicant's proposed envelope is reasonable.
8. Pursuant to Table 2.4, the proposed lots meet applicable lot size (1 acre minimum) and setbacks (65 feet to centerline and 25 feet to all property lines) minimum for the Rural Residential district.
9. Per Applicant's submittal, the area of development is located on steep (greater than 15% grade) slopes.
10. Per Applicant's submittal, the two lots contain a deer wintering area that abuts the proposed Lot 2's development envelope. The proposed tree clearing limit illustrated on the site plans will not have an undue adverse impact on those areas. Clearing shall not extend beyond the limits shown on the site plans.
11. Applicant has furnished a detailed proposed grading plan with erosion control provisions.
12. There is an existing barn with a setback of 40' from the existing driveway. This barn will have a 40' setback from the centerline of the new proposed private road.
13. Per Section 7.7, no changes, modifications, or other revisions that alter the plat or conditions attached to an approved subdivision plan shall be made unless the proposed

revisions are first resubmitted to the DRB and the DRB approves such revisions after public hearing.

Decision:

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

1. Submit an updated site plan with the following corrections:
 - a. A plot plan with adjoining landowner names provided,
 - b. A revision of the plot plan with erroneous well/septic shields removed,
 - c. A revision of the site plan that removed the text stating “building envelope 56,134 square feet”,
 - d. A revision of the site plan that clearly illustrates the boundary of the deer wintering area that matches the delineation provided by Rose Environmental,
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.

Jim Donkersloot: 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 12th day of November, 2023.

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.