

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3851 & 3852**

Property Owner and Applicant(s): Jeffrey & Ruth Halpin

Parcel ID: 03-020.001 and 03-020.002

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

Application Number(s): 3851 and 3852

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, Dan Young, Ky Koitzsch and Jim Donkersloot (Alternate) **ZA:** Jason Wilson; **Minutes Taker:** Eve Silverman **Public:** Gene Scaperotta, Brian Degen, Don and Dinah Simonini, Jeff and Ruth Halpin, George McCain, Bill Jefferys (Zoom), Doug and Sue Day (Zoom), Patrick Brophy, Diane and Robert Schellack (Zoom)

Introduction and Procedural History:

1. The Subdivision application #3851 was filed on November 13th, 2023. The subject parcels are parcel IDs # 03-020.001 & 03-020.002, located on Airport Road. Applicants Jeffrey & Ruth Halpin request approval under Articles 6 and 7 of the Fayston Land Use Regulations of Boundary Line adjustment and Two-Lot Subdivision. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.
2. The Conditional Use Application #3852 was filed on November 13th, 2023. Applicant Jeffrey & Ruth Halpin request approval under Article 5 of the Fayston Land Use Regulations for development of steep slopes for Single Family Residence on Airport 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 November 16th, 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.
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 December 5th, 2023. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended May, 2023.

6. The following were approved by the DRB as interested parties to these applications:
 - a. Gene Scaperotta
 - b. Diane & Robert Schellack

The following exhibits were submitted to the Development Review Board:

- A. Conditional Use Application (#3852) including responses to the General and Specific Review Standards (Section 5.4 Conditional Use Review).
- B. Subdivision Application (#3851) for a minor subdivision with responses to the General Standards.
- C. A site plan titled “Slope & EPSC Plan Jeffrey & Ruth Halpin BLA & Subdivision of Two Lots” C-1 by McCain Consulting; Inc. dated October 11th, 2023 with a revision date of November 2nd, 2023.
- D. A project narrative, a list of abutting land owners and a sample abutting landowner letter.
- E. Proof of notification of adjoining land owners.

Findings:

1. The properties are located on Airport Road and consists of 49 acres. The properties are owned by Jeffrey & Ruth Halpin. The parcels are identified as 03-020.001 and 03-020.002 in the Rural Residential District.
2. This parcel has the following permits:
 1. 2678 Subdivision (2005)
 2. 2810 Variance (2006)
 3. 3362 Building (2016)
 4. 3474 Certificate of Occupancy (2018)
 5. 3475 Subdivision (2018)
 6. 3787 Building (2023)
3. The Property is adjacent to land owned by Robert Janelli & Katie O’Brien, Raymond & Heidi Schenk, John & Kate Rowles, Dale & Patricia King, Colin Lindberg, Robert & Diane Schellack, Chad L Borofsky Trust, Alexander Hilton & Erin Chase and Peter & Harjit Gasperini.
4. According to testimony heard during the December 5th, 2023 hearing there are existing erosion control swales along eastern property line and in the area of Boundary Line Adjustment.

Decision:

DRB members voted as follows to approve subdivision application #3851 and Conditional Use Application #3852 with the following conditions:

1. 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.
2. Submit to the Town Clerk the required mylar plat for recording within 180 days of the date of this decision.
3. Follow all erosion control measures per the Vermont Low Risk Handbook.
4. The recordable mylar for this subdivision shall include the following statement: “Lot 4 of this subdivision have no potable water supply or wastewater disposal system design. Additional review and approval by the DRB shall be required prior to development of this lot.
5. Deed for Lot 4 shall include a statement that “no building envelope, wastewater system nor potable water supply has been designed for this lot. Additional review and approval of the DRB is required prior to development.”
6. Swales shall be of appropriate size for flow and erosive velocity where applicable.

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 9^h day of January, 2024.

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.