Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3862

Property Owner and Applicant(s): David Friedman

Parcel ID: 03-108

Reason for Application: Requesting approval under Articles 6 & 7 of the Fayston Land Use Regulations for a minor subdivision of 10.3+/- acres to a 2.1+/- acre lot and an 8.2+/- acre lot.

Requesting a Conditional Use Permit per Section 3.4 of the Fayston Land Use Regulations for development on slopes in excess of 15% in grade.

Application Number(s): 3862

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Daniel Young (Vice Chair), Mike Quenneville, Pete Ludlow (Zoom), Ky Koitzsch (Zoom) and Jim Donkersloot (Alternate) **ZA**: Jason Wilson; **Public:** Todd Hill, Don Simonini, Dick Ryan and Patrick Brophy (Zoom)

Introduction and Procedural History:

1. The Subdivision application #3862 was filed on January 18th, 2024. The subject parcel is parcel ID # 11-089, located on Airport Road. Applicant David Friedman requests 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. Notice of the hearing was properly published. On February 15th, 2024 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 public hearing which occurred on March 5th, 2024. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended May, 2023.

5. The following were approved by the DRB as interested parties to these applications:
    a. Patrick Brophy

The following exhibits were submitted to the Development Review Board:

A. On January 18th, 2024 the Applicant submitted a Subdivision Application (#3862) for a 2 Lot Subdivision, project narrative, site location map and list of abutters.
B. On January 18th, 2024 the Applicant submitted a site plan titled David Friedman Subdivision Plan" by Todd Hill Environmental Consulting & Design dated December 29, 2023.
C. On January 23rd, 2024 the applicant submitted a written waiver request per Section 6.2 of the Town's Land Use Regulations.
D. On February 5th, 2024 the applicant submitted a Water & Wastewater Waiver Affidavit per Section 6.7 of the Town's Land Use Regulations.
E. On February 13th, 2024 the applicant submitted a sample notification of abutters letter.
F. On February 19h, 2024 the applicant submitted proof of notification of abutters.

Findings:

1. The property is located at 115 Strong Road and consists of 10.3 acres. The property is owned by David Friedman. The parcel is identified as 03-108 in the Rural Residential District.

2. This parcel has the following permits:
   1. 489 Health (1980)
   2. 492 Building (1980)
   3. 705 Building (1983)
   4. 1124 Building (1990)
   5. 1884 Building (2000)

3. The Property is adjacent to land owned by Megan Mallory, William & Susan Jefferys, Johnson Wies Family Trust, David & Mary Hoyne and Eric & Laura Mongeon.
4. According to testimony heard during the March 5th, 2024 hearing there are existing erosion control swales along eastern property line and in the area of Boundary Line Adjustment.
5. Deviation from proposed replacement system may require further town zoning approvals.
6. Any Pre-Development site clearing would need to be in compliance with Section 6.2 of Fayston's Land Use Regualtions.

Decision:

DRB members voted as follows to approve subdivision application #3862 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. The recordable mylar for this subdivision shall include the following statement: “Lot 2 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.
4. Deed for Lot 2 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.”

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 15th day of April, 2024.

Digitally signed by
Shane M. Mullen
Date: 2024.04.15 18:49:51
EDT

_____,
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.