Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3872

Property Owner/Applicant: Paul Gavin

Parcel ID: 14-074.006

Application Number: 3872

Reason for Application: Applicant requesting a side setback waiver according to Section 3.6 of the Fayston Land Use Regulations.

Public Hearing Attendees: Attending DRB Members: Daniel Young (Chair), Jim Donkersloot (Vice-Chair), Mike Quenneville, Pete Ludlow and Ky Koitzsch Zoning Administrator: Jason Wilson; Minutes Taker: Eve Silverman; Public: Paul Gavin

Introduction and Procedural History:

1. The Development Review Board Application #3872 was filed on May 2nd, 2024. The subject parcel is Parcel ID # 14-074.006 at 214 Sugar Run Road. Applicant Paul Gavin request approval per Section 3.6 of the 2023 Fayston Land Use Regulations for side setback waiver for an enlargement of an accessory structure (Detached Garage). 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 May 16th, 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 a public hearing which occurred on June 4th, 2024. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended May 2023.

The following exhibits were submitted to the Development Review Board:

1. On May 2nd, 2024 the Applicant submitted a Development Review Board Application (#3872) for a setback waiver, project narrative/abutter letter and Zoning Permit (#3873) for related addition to garage.

2. On May 6th, 2024 the applicant submitted an abutting property owner list.

3. On May 13th, 2024 the applicant submitted a site plan titled "Site Plan-Lot G Paul Gavin" by McCain Consulting, Inc., dated January 14th, 2019 with a revision date of 5/13/2024.

4. On May 17th, 2024 the applicant submitted proof of notification of abutters.

Findings of Fact:

1. The property located at 214 Sugar Run RD (14-074.006) and consists of 4.4 acres owned by Paul Gavin and located in the Rural Residential District.

2. Parcel 14-074.006 has the following town permits:

   A. 2544 Zoning Permit (2003)
   B. 2905 Zoning Permit (2007)
   C. 2910 Conditional Use (2007)
   D. 3273 Conditional Use (2014)
   E. 3291 Zoning Permit (2014)
   F. 3452 Zoning Permit (2017)
   G. 3511 Zoning Permit (2019)
   H. 3546 Certificate of Occupancy (2019)

3. The applicant's parcel is adjacent to land owned by Robert Shea Jr, John Davis, Marble Hill Farm LLC, Steven Clancy, Gary Rimbach, Michelle Graham Traver Trustee, Thomas Migliorisi, Wally & Brent Muraki, Matthew Schwartz, John Markuns, Chris VanValkenbugh, The Torbin-Shaw Living Trust, Dawn Lamonia, Ashley Potwin, Aberbach Family Trust UTA May 6 2021, Janet Eschen, Christopher Mountz, Jeffrey Markuns, Kathleen Oranges, Nicholas Oliver, Frank Dembiec & Viola Hall, Channell Family Trust, Heather Hamlin Martin, Ruth Patee, John Bleh, Samuel Trotzky, Sara Gailiunas, Dana Weinstein, Bernd Benson, Rebecca McFaul, Joseph Encarnacion M Guevara, Sigrid Haslinger, Kerry Ann Whalen Trust, Leonard M Compton Jr Trustee, Clement Hsieh, Patyk Marian and Michelle Poulin.

4. Application #3872 was deemed complete at the June 4th, 2024 Development Review Board Meeting.

5. Pursuant to Section 3.6(D), The DRB may allow for a reduction of the front setbacks from sixty-five (65) to not less than forty-five (45) feet, and side/rear setback reduction from twenty-five (25) to not less than ten (10) feet from the side or rear property line.

6. According to the applicants site plan and the site plan submitted under application #3273, a significant amount of the applicant's building envelope contains wetlands.
7. The applicant's lot is in the Rural Residential District and per Table 2.4 the Side Setback is 25ft. in this district.
8. Per the applicant's submitted application materials, this project is for an enlargement of an accessory structure and the expansion would need waiver of the side setback to 18.6ft.
9. Pursuant to Section 5.4, the project must meet the General Review Standards stated therein. Conditional use approval shall be granted by the DRB upon finding that the proposed development shall not result in an undue adverse effect on the 1) capacity of existing or planned community facilities and services, 2) character of the area affected, 3) traffic on roads and highways in the vicinity, 4) bylaws in effect, and 5) utilization of renewable energy sources. In addition, these general standards, the Board may also consider and attach specific conditions to conditional use approval as appropriate to avoid, minimize or mitigate the adverse impacts of a proposed development, including 1) siting and dimensional standards, 2) performance standards, 3) access and circulation standards, 4) landscaping and screening standards, and 5) stormwater management and erosion control standards.

Decision:

DRB members voted as follows to approve application #3872.

1. Site work shall be conducted in accordance with the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.
2. All conditions from previous approvals are still in effect.
3. Obtain and follow all 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
Daniel Young: **YES** / no/ abstain / absent /recuse
Ky Koitzsch: yes / **NO** / abstain / absent / recuse
Pete Ludlow: yes /no/ abstain /**ABSENT**/ recuse
Mike Quinneville: **YES** /no / abstain / absent / recuse

Dated at Fayston, Vermont, this 18th day of July 2024.

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Daniel Young, 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.