Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3899

Property Owner/Applicants: Jonathan and Paige Smith

Parcel ID: 14-045

Application Number: 3899

Reason for Application: Applicants are requesting a front 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: Jonathan Smith, Danielle Livingston, Joshua Livingston, Eliza Graves and Matthew Campbell (Zoom)

Introduction and Procedural History:

1. The Development Review Board Application #3899 was filed on July 22nd, 2024. The subject parcel is Parcel ID # 14-045 at 1966 German Flats Road. Applicants Jonathan and Paige Smith request approval per Section 3.6 of the 2023 Fayston Land Use Regulations for a front setback waiver for an enlargement of a Single-Family Residence. 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 August 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 a public hearing which occurred on September 3rd, 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 July 22nd, 2024 the applicants submitted a Development Review Board Application (#3899) for a setback waiver with Build Plan.

2. On August 5th, 2024 the applicants submitted a site plan titled “Smith Residence” by Osso Studio, dated August 5th, 2024.

3. On August 16th, 2024 the applicants submitted a site location map, project narrative, sample abutter notification letter, abutter list and proof of notification.

Findings of Fact:

1. The property located at 1966 German Flats Road (14-045) and consists of 3 acres owned by Jonathan and Paige Smith and is located in the Recreation District.
2. Parcel 14-045 has the following town permits:

    1. #73-170 Zoning (1973)
    2. #210 Subdivision (1977)
    3. #211 Zoning (1977)
    4. #211-01 Health (1977)
    5. #461 Zoning (1980)
    6. #503 Subdivision (1980)
    7. #530 Zoning (1981)
    8. #1430 Subdivision (1995)

3. The applicants' parcel is adjacent to land owned by Allan Spector Retirement Trust and Slidebrook LLC.

4. 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 and.

    a. Accomplishes the preservation of a scenic feature not otherwise protected by the required setback
    b. Is necessitated by building constraints caused by geologic, topographic or hydrologic conditions

5. The applicants' lot is in the Rural Residential District and per Table 2.4 the Front Setback is 65ft. in this district.
6. Per the applicants' submitted application materials, this project is for an enlargement of a Single-Family Residence and the expansion would need a waiver of the Front Setback to 50ft.
7. Per site investigation this lot is at an intersection of two Right of Ways and is deemed a corner lot per Section 3.7 (F) of the Fayston Land Use Regulations.
8. Per the applicants' submitted materials there was inadequate documentation of geologic conditions that necessitated the setback waiver in accordance with Section 3.6(D)
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 #3899

Application #3899 is denied.

Jim Donkersloot: ye**s**/ **NO**/ abstain / absent / recuse
Daniel Young: ye**s** / **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 15th day of October, 2024.

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.