Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 4043 & 4044

Property Owner(s)/Applicant(s): David and Jacqueline Albrecht

Parcel ID: 10-004 and 10-003

Reason for Application: Requesting a Boundary Line Adjustment under Articles 6 & 7 of the Fayston Land Use Regulations. They are also requesting Conditional Use Approval for setback waiver under Article 5 per Section 3.6 to construct a shed.

Application Number(s): 4043 and 4044

Public Hearing Attendees: Attending DRB Members: Daniel Young (Chair), Jim Donkersloot (Vice Chair). Mike Quenneville, Ky Koitzsch and Jim Donkersloot **ZA**: Jason Wilson **Public:** David Albrecht

Introduction and Procedural History:

1. The Subdivision application #4043 was filed on July 15th, 2026. The subject parcels are parcel IDs # 10-004 and #10-003, located at 3948 Mill Brook Road (10-004) and 3888 Mill Brook Road (10-003). The applicants' request approval under Articles 6 and 7 of the Fayston Land Use Regulations a Boundary Line Adjustment. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.

2. Development Review Board application #4044 was filed on July 15th, 2026. The applicants' requests approval under Article 5 of the Fayston Land Use Regulations for side setback waiver per Section 3.6. 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 July 16th, 2026 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. Applications #4043 & #4044 and plans were considered by the Development Review Board at public hearing which occurred on August 4th, 2026. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended December, 2025.

The following exhibits were submitted to the Development Review Board:

1. Subdivision Application (#4043), Development Review Board Application (#4044), project narrative, responses to the Review Standards in Section 5.4 & 6.2, sample abutter letter, abutter list and a USGS Map and Fayston Zoning District Map.

2. A Slope Analysis Plan titled "Site Plan David Albrecht" by McCain Consulting, Inc., dated June 8th, 2026.

3. A site plan titled "Site Plan (shed) David Albrecht" by McCain Consulting, Inc., dated June 8th, 2026.

4. Proof of notification of adjoining land owners.

Findings of Fact:

1. The properties are located at 3948 Mill Brook Road that consists of 2.38 acres +/-(10-004) and 3888 Mill Brook Road that consists of 1.9 acres +/- (10-003). The properties are owned by David & Jacqueline Albrecht (10-004) and Mason Ham (10-003). The parcels are identified as 10-003 and 10-004 in the Rural Residential District.

2. The parcels have the following town permits:

10-004	**10-003**
a. # 0020 Zoning (1975)	a. #3259 Zoning (2019)
b. # 3282 Zoning (2014)	

3. The Property is adjacent to land owned by George & Deborah Lesure, Mason Ham, Mad River Corporation and State of Vermont Department of Forests.

4. Pursuant to Section 3.6(D), the DRB may allow for a reduction of 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(s) not otherwise protected by the required setback; or
    b) is necessitated by building constraints caused by geologic, topographic or hydrologic conditions.

5. 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.

6. Pursuant to Section 7.1(B)(1), **Minor Subdivisions** shall include lot line or boundary adjustments between existing lots that do not result in new or nonconforming lots; the subdivision of land, or the re-subdivision of a previously subdivided parcel, that results in the creation of five or fewer lots, regardless of any change in ownership; and amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval.

7. Pursuant to Section 6.1(A) The DRB shall evaluate any minor or major subdivision of land as defined in Section 7.1 in accordance with the standards set forth in this Article. Where these standards conflict with other provisions of these regulations, the more stringent shall apply.

Decision:

DRB members voted as follows to approve subdivision application #4043 and Conditional Use Application #4044 with the following conditions:

1. Submit to the Development Review Board the required mylar plat for approval and then to be recorded in the Fayston Land Records within 180 days of the date of this decision.
2. 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
Beth Eisenhower: **YES**/no/abstain/absent/recuse
Ky Koitzsch: **YES**/no/abstain/absent/recuse
Michael Quenneville: **YES**/no/abstain/absent/recuse
Daniel Young: **YES**/no/abstain/absent/recuse

Dated at Fayston, Vermont, this 17th day of September 2026.

_____,
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.