

FLETCHER DEVELOPMENT REVIEW BOARD

Decision on Appeal of Zoning Administrator Decision

Appellant: Eva Lancaster

Introduction:

1. This matter came before the Development Review Board in the form of a written notice of appeal of building permit #2121 from Ted and Eva Lancaster.
2. A notice of public hearing was posted at the Town of Fletcher office, the Fletcher School, the Fletcher General Store, and in the St. Albans Messenger.
3. A public hearing was conducted by the Development Review Board (DRB) on September 14, 2021 at the town office and was continued to September 21, 2021. The DRB reviewed the application under the Development Regulations for the Town of Fletcher, VT adopted March 19, 2018.
4. Present at the hearing were DRB members Suzanne Stritzler (Chair), Krystal Jenness, Janet Young and Terence Keating. Others in attendance included Maurice Rathbun (Fletcher Zoning Administrator), Laura Weber, Mark Weber, Cory Getty, Jennifer Getty, Jesse Bugbee, Esq (attorney for the Gettys), and Laura Gorski, Esq (attorney for the Eva and Ted Lancaster and Mark and Laura Weber)). Ms. Gorski recused herself from the DRB for this matter in a letter to the DRB dated August 27, 2021.

Findings of Fact:

1. This matter is an appeal of the Zoning Administrator's decision to approve Zoning Permit 2121, signed by ZA Maurice Rathbun on August 11, 2021, for construction of a single family dwelling on a 16.2 acre lot on North Rd. The property is in the Rural Residential and Agricultural District.
2. The property is subject to a Town of Fletcher Access Permit at 858 North Rd issued to Eva Lancaster and approved on 3/18/21. Jennifer and Cory Getty purchased the property and applied to the Select Board for an Access Permit at 940 North Road which was approved on August 16, 2021.
3. The property is subject to State of Vermont Wastewater and Potable Water Supply permit #WW-6-3859 dated 4/6/21.

Conclusions:

This matter was reviewed under the following sections of the Development Regulations for the Town Of Fletcher, VT: Section 9.5 -Zoning Permit Issuance and Public Notice, Section 2.4-District Objectives, Uses, and Standards, Section 3.1(D)-Zoning Permit Requirements, and Article V-General Regulations and Review Standards, and Section 9.8-Appeals.

1. The requirements of Section 3.1(D) (1) and (2) for the issuance of a zoning permit were met by application 2121. No DRB review was required, all district use and dimensional standards under Section 2.4 are met.
2. The property has two approved Access Permits from the Fletcher Select Board meeting the requirements of Section 3.1 (D) (3) and 5.1(E).
3. The property is subject to a State of Vermont Wastewater and Potable Water Supply permit as required by Section 3.1(D)4 and Section 5.14.
4. Section 9.8(A)1 states, "Where it is alleged that an error has been committed in any... decision or determination made by the zoning administrator in connection with the enforcement of these regulations, the Development Review Board shall consider available evidence and testimony and determine, following public hearing, whether such an error has been committed." The DRB can find no such error.

Decision:

Based on these findings and conclusions, the Development Review Board denies the appeal of zoning permit 2121.

Dated at Fletcher, Vermont this Day of October, 2021.

by Suzanne Stritzler, Chair

Other DRB members participating in this decision: Krystal Jenness, Terence Keating, Janet Young.

Notice: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding 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. Section 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.