

**Development Review Board, Town of Fayston, VT**  
**Notice of Decision for Application No. 3460-3461**

**Applicant(s): Megan Gadd**

**Parcel ID: #11-049**

**Reason for Application: Minor Subdivision**

**Public Hearing Attendees:** Attending: DRB Members: Jon Shea (Chair), Shane Mullen, Lindsay Browning, and Jared Alvord; ZA: John Weir; Public: Gunner McCain

**Introduction and Procedural History:**

1. The Development Review Board application was filed on March 19, 2018. Applicant Megan Gadd (parcel ID# 11-049.000, located off 210 Barton Road) requests: (1) approval under Article 3, Section 3.4(D) of the Fayston Land Use Regulations for a development of a driveway on slopes between 15-20% grade (application #3460); and (2) approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one (1) 175 acre lot into two (2) lots of 3.05 acres and 171.95 acres (application #3461). 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 March 22, 2018 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 May 8, 2018. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended August 29, 2012.

**The following exhibits were submitted to the Development Review Board:**

Exhibit A. Conditional Use application #3460

Exhibit B. Subdivision application #3461

Exhibit C. Letter to adjoining landowners with project description

Exhibit D. Warning placed in the Valley Reporter on March 22, 2018. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

## **Findings:**

1. The Board found the application to be complete at a public hearing held May 8, 2018.
2. The Board declared application #3461 one for a minor subdivision.
3. Pursuant to the applicant's request, the Board moved to waive the preliminary sketch review requirement and hold a combined hearing for the conditional use review and the subdivision review.
4. The property is located in the Rural Residential District as described on the Town of Fayston Zoning Map on record at the Town of Fayston municipal office, also described under Article 2, Table 2.4 of the Town of Fayston, VT land use regulations.
5. The applicant's parcel is adjacent to land owned by Nate Wilson, Seth Henry and Heidi Spear, Pulido Pablo Mendoza and Gerladine Sassano, Michael and Desiree Trahan, Christopher and Gary Stevenson, Michael and Doris Obler, James and Susan Halavonich, Ed and Patricia Read, Mad River Corporation, Middlebury College Business Services, and NE Summit Ventures, LLC.
6. Applicant seeks approval for a minor subdivision of one 175-acre lot into two lots of 3.05 acres and 171.95 acres.
7. The new residential lot (3.05 acres) is proposed to be accessed from a new curb cut off of Barton Road.
8. A conditional use application is required due to the disturbance of natural slopes up to 25% associated the proposed new access. A small area of artificial slope in excess of 25% that was created during the construction of Barton Road will be disturbed during construction of the driveway.
9. No naturally occurring slopes 25% or greater on the site will be disturbed.
10. The proposed new parcel of 3.05 acres is not within the proposed Natural Resource Overlay (NRO) District; however, the larger parcel does touch the NRO boundaries.
12. The proposed house on the new lot will be situated next to existing development off Barton Road.
13. Portions of slope in the area of proposed access exceed 25% in grade.
14. Pursuant to Section 3.4 (E) (1) (b) of the pending Fayston Land Use Regulations, limited development may be permitted on steep slopes in excess of 25% in grade in order to make limited site improvements which are necessary to facilitate development on contiguous land with a slope less than 25% gradient.

15. Erosion control measures for the project include a stone-lined ditch, a stone erosion check dam, silt fencing, and culverts. Stabilization measures proposed include see and mulch alone.
16. 18-inch culverts will be used.
17. The finished slope of the driveway would be approximately 12% in grade.

**Decision:**

DRB members voted unanimously to approve conditional use application #3460 with the following conditions:

1. Applicant must adhere to the provisions of the Low-Risk Site Handbook.
2. Erosion control blankets must be utilized for all 2-on-1 slopes.
3. Applicant must comply with Section 3.4 (C) (3) (C) of the pending Fayston Land Use Regulations.
4. Obtain and comply with all necessary State and Federal permits.

**Decision:**

DRB members voted unanimously to approve application #3461 for a minor subdivision with the following conditions:

**Conditions:**

1. Obtain and follow all other required local, state and federal permits.
2. The final site plan (mylar) to be signed and recorded in the land records must depict building envelopes.
3. Submit to the town clerk the required mylar plat for recording within 180 days of the date of this decision.

**Dated at Fayston, Vermont, this 11<sup>th</sup> day of June, 2018.**

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**Jon Shea 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.