

**Development Review Board, Town of Fayston, VT  
Notice of Decision for Application No. 3561-3562**

**Applicant(s): Ella Day Home, LLC**

**Parcel ID: #14-041.000**

**Reason for Application: Minor Subdivision & Development on Steep Slopes**

**Public Hearing Attendees:** 2/11/2020 - Attending DRB Members: Lindsay Browning (Vice-Chair), Mike Quenneville, Pete Ludlow, and Jared Alvord (alternate); ZA: John Weir; Public: Andy Lambert, Barbara Mitchell; 3/10/2020 - Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, and Jared Alvord (alternate); ZA: John Weir; Public: Gunner McCain, Barbara Mitchell, and Kyle Neyer

**Introduction and Procedural History:**

1. The Development Review Board application was filed on January 17, 2020. Applicant Ella Day Home, LLC requests approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one 21.5-acre lot into two lots of 19.8 acres and 1.7 acres. Conditional use review is also required pursuant to Section 3.4 (C) (1) (d) of the Fayston Land Use Regulations for development on slopes between 15% - 25% in grade. 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 January 23, 2020 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 public hearings which occurred on February 11, 2020 and March 10, 2020. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended June, 2018.
5. Per applicant's request in writing, preliminary sketch plan review was waived.

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

Exhibit A. Subdivision application #3561

Exhibit B. Conditional Use application #3562

Exhibit C. Letter to adjoining landowners with project description

Exhibit D. Warning placed in the Valley Reporter on January 23, 2020. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit E. Preliminary Site Plan – McCain Consulting (dated January 7, 2020)

Exhibit F. Preliminary Survey Sheet 1 of 1 – McCain Consulting (dated October 3, 2016 and revised January 8, 2020)

Exhibit G. Preliminary Site Plan (revised) – McCain Consulting (revised February 13, 2020)

Exhibit H. Written request to waive preliminary sketch plan review

Exhibit I. DRB minutes May 12, 2015

Exhibit J. DRB minutes November 9, 2016

**Findings:**

1. The Board found the application to be complete at a public hearing held March 10, 2020.
2. The Board declared application #3561 one for a minor subdivision at a public hearing held March 10, 2020.
3. 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.
4. The applicant's parcel is adjacent to land owned by Dean P. & Janet Gestal, Henry and Lisa Lovejoy, Allan Spector Retirement Trust, John G. Wilson, Robert Bailey, Thomas & Mary Ellen Corrigan, Jeffrey Ewing, Brian Shea and Maureen Charron-Shea, G. Flats, LLC, D. Nelson & Laurie Lamothe, Maple Hill Farm, LLC, , Summit Ventures NE, LLC, and Robert & Cynthia Clancy.
5. Applicant proposes to subdivide the 21.5-acre parcel into two lots. Lot 1 will be 1.7 acres and contain the existing house. Lot 1A will be 19.8 acres and will contain a house proposed and approved in application #3400.
6. The proposed building envelope on lot 1A was approved by the Board pursuant to application #3316 in 2015 and ratified again pursuant to application #3400 in 2016 (after applicant failed to file the requisite mylar within 180 days of approval).
7. Pursuant to the approval of application #3400, two lots were created: lot 1 with 21 +/- acres, an existing house and a proposed accessory dwelling envelope; and lot 2 with 1.93 +/- acres.

8. The new application seeks to further subdivide the 21 +/- acre parcel into two lots: lot 1 with 1.7 acres and the existing house; and lot 1A with 19.8 acres and the proposed accessory dwelling envelope.
9. The prior-approved building envelope meets all the standards of the regulations, including slope class. The corner of the envelope which necessitates conditional use review sits at 22% grade.
10. The once-proposed accessory structure will become a stand-alone primary dwelling on a new lot.
11. Per the State wastewater rules, a septic system must be setback at least 25 feet from a slope of 30% or more, and a leachfield must sit on a slope of 20% or less. The design as submitted meets the State standards and has already been approved.

**Decision:**

DRB members voted unanimously to approve subdivision application #3561 and conditional use application #3562 with the following conditions:

1. If erosion control blankets are used during and after construction, applicant shall only use products with biodegradable (e.g. "jute") netting.
2. File final mylar within 180 days of the date of this decision.
3. Obtain and follow all State and Federal permits.

**Dated at Fayston, Vermont, this 13<sup>th</sup> day of March, 2020.**

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**Shane Mullen, Chair of Development Review Board**



**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.