

**Development Review Board, Town of Fayston, VT  
Notice of Decision for Application No. 3612**

**Applicant(s): Mad River Glen Cooperative**

**Landowner(s): Mad River Glen Cooperative**

**Parcel ID: #10-043.000**

**Reason for Application: Construct a 10'x 14' shed type structure in the base area of the ski area for the purposes of selling "to-go" food in an outdoor setting to ski area guests during the 2020-2021 ski season.**

**Public Hearing Attendees:** Attending DRB Members: Shane Mullen (Chair), Pete Ludlow, Ky Koitzsch, Jared Alvord; ZA: JB Weir; Public: Matt Lillard

**Introduction and Procedural History:**

1. The Development Review Board application was filed on October 27, 2020 requesting construct a 10'x 14' shed type structure in the base area of the ski area for the purposes of selling "to-go" food in an outdoor setting to ski area guests during the 2020-2021 ski season. Conditional use review is required pursuant to Article 2, Table 2.6 (C) (2), (21) of the Fayston Land Use Regulations as an accessory structure to a conditional use (ski lift/area operations). 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 October 29, 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 a public hearing which occurred on November 17, 2020. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended June, 2018.

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

Exhibit A. Conditional use application #3612 and Zoning application (yet to be processed)

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Warning placed in the Valley Reporter on October 29, 2020. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit D. Narrative letter

Exhibit E. MRG Snack Shack 8x12 Concept 10.27.20.1

Exhibit F. MRG Snack Shack 8x12 Concept 10.27.20.2

Exhibit G. MRG Snack Shack 8x12 Concept 10.27.20.3

Exhibit H. MRG Snack Shack Site Plan 10.27.20

### **Findings:**

1. The Board found the application to be complete at a public hearing held November 17, 2020.
2. The property is located in the Resort Development 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 2.6 of the Town of Fayston, VT land use regulations.
3. The applicant's parcel is adjacent to land owned by State of Vermont, Mad River Glen Corporation, and Mad River Glen Association.
4. Applicant Mad River Glen Cooperative requests to construct a 10'x 14' shed type structure in the base area of the ski area for the purposes of selling "to-go" food in an outdoor setting to ski area guests during the 2020-2021 ski season.
5. The most recent COVID-19 State guidelines for ski area operation during the 2020-2021 ski season were more restrictive than had been anticipated, calling for one-way traffic inside the lodges, contact tracing within the lodge and various other standards that made operating the usually-cramped base lodge not achievable.
6. The proposed structure would serve prepared food on the go which skiers could eat outside or in their cars. All food items will be pre-packaged or prepared in the base lodge kitchen and transported to the building daily.
7. MRG is in the permitting process with the Department of Liquor Control to serve alcohol out of the shack/shed.
8. Under the current guidelines from the State, portions of the basebox can be open for warming, restrooms and limited dining by reservation in the pub. Should the guidelines move to a stricter level, the basebox would only be open for restroom use. The only food or drink served would be via the shed-type structure.
9. The shack/shed will be 8 x 12, with a 3-foot deck with an overhanging roof and 3-12 pitch. There would be windows on the three sides, and the windows on the front would be 6-feet apart

to allow for two socially-distanced walk-up lines. There would be a single door for ingress and egress.

10. The shack/shed will have electric service for lighting, a point of sale system and an indoor heater provided by an existing circuit that was originally installed to light the flag pole. The structure will have no plumbing or wastewater.

11. The shack/shed will be built off-site and moved to the base area either in panels or via trailer.

12. The shack/shed will be constructed to blend in with the other base area buildings, and with aesthetics designed to match the Base Box building: including matching live edge siding, similar design elements and painted to match the base area theme.

13. The shed would be located at the center of the base area by the flagpole because there is an existing power circuit and because there have been ski racks in this area and thus skiers are used to not skiing through this location.

14. At this time, there are no concrete plans for use of the shack/shed after the 2020-2021 ski season. Given that the application proposes a single use for the structure for one season of operation, any different use in the future would require a new application and review from this Board.

**Decision:**

DRB members voted unanimously to approve applications #3612 to construct a shack/shed type structure in the base area of the ski area for the purposes of selling “to-go” food in an outdoor setting to ski area guests during the 2020-2021 ski season with the following conditions:

**Conditions:**

1. Approval of this application, per request, is for the purpose of selling prepared food or beverage in the proposed base area location *only* during the 2020-2021 ski season. Any future use and relocation would necessitate a new application and review by this Board.
2. Obtain and follow all other required local, state and federal permits.

**Dated at Fayston, Vermont, this 19<sup>th</sup> day of November, 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.