

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3640

Applicant: Peter Forbes

Application Number(s): 3640

Type of Hearing: Requesting conditional use approval under Section 2.4, Table 2.4 (C) (2) (5) of the Fayston Land Use Regulations for construction of a pavilion (accessory structure) for a camp/refuge/retreat (conditional use).

Parcel ID: 05-063.000

Location of Property: 700 Bragg Hill Road, Fayston

A. GUIDING ORDINANCE and POLICY PROVISIONS

1. Fayston Land Use Regulations, as amended June, 2018:
 - a. Table 2.4 (Rural Residential District)
 - b. Article 5 (Conditional Use Review)
2. Fayston Town Plan, as adopted September 22, 2020
 - a. Section 5.10.4 (Rural Residential District)

B. MATERIALS SUBMITTED

1. On April 13, 2021 applicant submitted a conditional use application (#3640) including a cover letter, responses to the General and Specific Review Standards (Section 5.4 Conditional Use review), conceptual drawings of the pavilion, and a site plan.
2. On April 19, 2021 applicant submitted proof of mailing of notice to abutting landowners, a list of abutting landowners and a sample notice thereto.
3. ZA Weir scanned the Notice of Decision (from Fayston Zoning Board of Adjustment) for Conditional Use permit #2305 and applicant's accompanying request/narrative for the 2003 application to operate as a school/camp/refuge/retreat.
4. ZA Weir scanned the Notice of Decision (from the Fayston Development Review Board) for Conditional Use permit #2963 and applicant's accompanying request/narrative for the 2008 application for the adaptive reuse of an historic barn for office space, community meeting space and farmstand.
5. ZA Weir scanned State Land Use permits 5W1431 and 5W1431-1 for the subject property and uses.
6. On May 11, 2021 applicant submitted an ANR atlas map of the property with structures thereupon and north arrow.

C. FINDINGS OF FACT

1. The property is located off 700 Bragg Hill Road and consists of 160 acres of both conserved and developed land. The parcel is identified as #05-063.000 in the Rural Residential District.
2. Notice of the hearing was properly published. On April 22, 2021 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. The applicant's parcel is adjacent to land owned by Andrew Melville, Doreene Stewart, Mad River Green, Sparky and Peggy Potter, Vermont Land Trust, Alison Hobart, Henry Phippen, Catherine Mygatt Naden, Brian Nolan, Judith Casten Trustee, Twaddles Corner Corp., and Ky Koitzsch.
4. The Board found the application to be complete at a hearing on May 11, 2021.
5. There are numerous local and State permits on the subject parcel:
 - Conditional Use permit #3574 and Sign permit #3584 for a second on-site permanent sign
 - Conditional Use permit #2963 for the adaptive reuse of an historic barn
 - State permit #WW-5-2668-1
 - Building Permit #2952 for a barn and tool shed
 - Building permit #2868 for a sauna
 - Conditional Use permit #2619 amending Permit #2419 to allow up to 4 employees for school/camp
 - Sign permit #2522 to replace existing sign
 - Building permit #2450 for a 800sq foot bathhouse and 3 tent platforms of 100sq ft each.
 - Health permit #2448 for a bathhouse for 20-person camp/refuge
 - Conditional Use permit #2305 for operation of a camp/school//refuge/retreat
 - Building permit #2339 for two tent platforms (500 sq ft and 112 sq ft)
 - Subdivision permit #2026 for a minor subdivision of a 146-acre parcel into two parcels by the Vermont Land Trust
 - State Land Use permits 5W1431, 5W1431-1 and 5W1431A
6. Applicant proposes to construct a 420 square foot outdoor post and beam pavilion that would serve as outdoor meeting space and hosting of public events.
7. Pursuant to Section 2.4, Table 2.4 (C) (2) (5) of the Fayston Land Use Regulations, the proposed structure constitutes an accessory structure to a conditional use (camp/refuge/retreat) and conditional use review is required.

8. Pursuant to Section 10 of the Fayston Land Use Regulations, a “camp/refuge/retreat” is defined as “An area for children or adults operated for recreational, educational, or spiritual instruction or retreat where lodging and/or board are provided on a temporary or partial year basis.”
9. Applicant has stated that no approval from the State is necessary nor are any modifications to applicants’ Act 250 permits required.
10. Stormwater will drain off the pavilion roof into the pasture, and thereafter collected by the applicant.
11. No potable water, wastewater or lighting is proposed for the pavilion. There will be one electrical outlet.
12. No increase in traffic is anticipated. No additional parking spaces are planned.
13. The pavilion will be situated at least 400 feet from the nearest property line and will not be visible from Bragg Hill Road.
14. 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.

D. CONCLUSIONS OF LAW

Based on its review of the application materials, presented testimony, and the Findings of Fact above, the Fayston Development Review Board hereby concludes this application as proposed, and when finalized and implemented with the conditions below, does meet the appropriate criteria of the Fayston Land Use Regulations and is in conformance with the Fayston Town Plan.

E. DECISION

Conditional use application #3640 is hereby approved, subject to the following conditions:

1. All lighting must be downcast.

2. Obtain and follow all State and federal permits.

Dated at Fayston, Vermont, this 2nd day of June, 2021.

A handwritten signature in black ink, appearing to read 'S Mullen', written over a horizontal line.

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.