

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3690

Applicant and Land Owner (s): Thomas & Judith Harris

Parcel ID: #01-063.000

Reason for Application: Expansion of a Non-Complying Structure and Condition Use Review for steep slopes, stream buffer, and front setback waiver.

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, Dan Young; ZA: Hanna Neill; Public: Jon Kirson, Karl Klein, Matt Lillard, Gunner McCain (Zoom), Tom Harris (Zoom), Karen Sauther (Zoom).

Introduction and Procedural History:

1. The Conditional Use application was filed on October 5, 2021. The subject parcel is parcel ID# 05-037.000, located at 342 Glen View Road. Applicants Thomas and Judith Harris request approval under Section 3.8 and 3.13 for expansion of a non-complying structure and under Section 3.6(D)(1) for front setbacks. 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 28, 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. 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 November 16, 2021. 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 #3690

Exhibit B. Memorandum from McCain Consulting dated September 20, 2021 describing the proposed project and providing responses to the appropriate Land Use Regulation Sections including Section 5 (Conditional Use Standards).

Exhibit C. Harris Surveying Volume Calculations of Dwelling, existing and proposed, dated September 2, 2021.

Exhibit D. Scans of certified receipts of abutter notice

Exhibit E. Sample letter to abutting landowners, and abutting landowners list.

Exhibit G. A site plan titled, "Site Plan Thomas and Judith Harris Conditional Use Plan for Garage in Stream Buffer" DC-1 dated September 7, 2021.

Exhibit H. Vermont Agency of Natural Resources map titled "Harris Resource Location Map, Fayston" dated May 12, 2021.

Findings:

1. This property is located off 342 Glen View Road and consists of 0.46+/- acres with an existing two-story residence. The parcel is identified as #05-037.000 in the Rural Residential District.
2. The property is subject to the following permits:
 - Building permit #317 (1978), #1634 (1998)
 - Certificate of Occupancy #1556 (1997)
 - Subdivision permit #1680 (1998)
3. The applicant's parcel is adjacent to land owned by Augusta Graves, Trustee, Karen Sauther & Shane Mullen, William Quinn III, Christine Crowell & Christy Gerhart.
4. Pursuant to Section 3.8 (3) a structure, if residential, may be structurally enlarged, expanded or moved, upon approval of the Administrative Officer, provided the enlargement, expansion or relocation would otherwise be conforming. All other residential non-complying structures may be enlarged or expanded with the approval of the DRB as a conditional use in accordance with Section 5.3, provided the expansion or enlargement: a) does not increase the total volume or area of the non-complying portion of the structure in existence prior to the effective date of these regulations by more than 50%, and b) does not extend the non-complying feature/element of a structure beyond the point that constitutes the greatest pre-existing encroachment.
5. Pursuant to Section 3.13 C) Development Outside Buffer Strip. Any development within 100 feet from the banks of streams and rivers, and the shores of ponds formed by in-stream impoundments in streams and rivers must go through Conditional Use Review. The width of the buffer strip shall be measured from the top of the: streambank or stream slope, or, where no streambank is discernable, from the regular high water mark. The Development Review Board may approve such development after a determination that the proposed modification meets the following standards: (1) Reasonable measures are undertaken to protect water quality, such as, but not limited to, the planting of shade trees adjacent to streambanks, the protection of existing or establishment of new vegetated buffer areas along streambanks, and/or stormwater management provisions to collect and disperse stormwater away from the stream or river; see Appendix A for suggested Best Management Practices that can be employed; and (2) The development will not result in degradation of adjacent surface waters. Specifically the Board shall find the proposed

development will not adversely affect: • the ability of the stream to carry floodwaters; • stream channel stability; • the water quality of the stream due to potential erosion and runoff; or • the natural beauty of the stream.

6. Pursuant to Section 3.6 (D) (1) The DRB may allow for a reduction of the front setbacks from sixty-five (65) to not less than forty-five (45) feet, and side/rear setback reduction from twenty-five (25) to not less than ten (10) feet from the side or rear property line and:
- a) accomplishes the preservation of a scenic feature (s) not otherwise protected by the required setback; or
 - b) is necessitated by building constraints caused by geologic, topographic, or hydrologic conditions.

Decision:

DRB members voted as follows to approve Conditional Use application #3690 with the following conditions:

- 1. All future lighting shall be downcast.
- 2. Provide means for directing runoff from new garage roof.

Ky Koitzch: yes/no/abstain/**ABSENT**/recuse

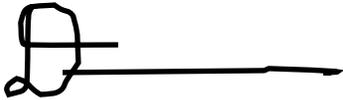
Peter Ludlow: **YES**/no/abstain/absent/recuse

Shane Mullen: yes/no/abstain/absent/**RECUSE**

Michael Quenneville: **YES**/no/abstain/absent/recuse

Daniel Young: **YES**/no/abstain/absent/recuse

Dated at Fayston, Vermont, this 23rd day of December, 2021.



Daniel Young, Development Review Board Chair (Alternate)

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.