

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3695

Applicant(s): Matt Lillard
Property Owner: Mad River Glen

Parcel ID: #10-043.000

Reason for Application: Conditional Use Review for converting a temporary structure to permanent use.

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, Dan Young (Vice Chair); 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 7, 2021. The subject parcel is parcel ID# 10-043.000, located at 57 Schuss Pass. Applicant Matt Lillard requests approval under Section 5 of the Fayston Land Use Regulations. 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 #3695

Exhibit B. Memorandum from Matt Lillard, General Manager dated October 7, 2021 describing the proposed project.

Exhibit C. A site plan titled “Mad River Glen Basebox BLDG”, dated January 3, 2020.

Exhibit D. Sample notice and a list of abutting land owners.

Exhibit E. Scans of certified receipts of abutter notice

Findings:

1. The property is located at 57 Schuss Pass and consists of 700 acres of ski area with existing buildings. The parcel is identified as #10-043.000 in the Resort Development District.
2. Parcel is subject to the following permits:
 - Conditional Use permits #3612 (2020), #3559 (2019), #3438 (2017), #2858 (2007), #1992-01 (2001), #1894-01 (2000), #1880-01 (2000), #1583 (1998), #1522 (1997), #82-88 (1982)
 - Building permits #3615 (2020), #3560 (2019), #3439 (2017), #3341 (2015), #3181 (2012), #2947 (2007), #2269 (2003), #2097 (2002), #1992 (2001), #1894 (2000), #1880 (2000), #1063 (1989), #839 (1985), #674 (1983), #673 (1982), #613 (1982), #109 (1972), 108 (1972)
 - Health Permit #2103 (2002)
 - Subdivision permit #1997-02 (1997)
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3. The applicant's parcel is adjacent to land owned by The State of Vermont- Fish & Wildlife, The State of Vermont Dept of Taxes, Mad River Glen Corp c/o Hall & Holden, Buel's Gore c/o Jacob Perkinson, and the Mad River Glen Association c/o Deb Steines.
4. Application is in reference to permit #3612 which was issued 11/20/20 with the conditions of only being used for one ski season (i.e. expires spring 2021).
5. Pursuant to Section 2.6, Table 2.6 (C) (17) of the Fayston Land Use Regulations, the proposed use is a conditional use.
6. Pursuant to the Development Review Board's Notice of Decision (11/20/20) "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."
7. 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.

8. The original purpose of the building was for food service use during the 2020/2021 ski season for operation during the COVID-19 pandemic. The applicant states that customer patterns have shifted and the need for such a building has continued. The Snack Shack helps the mountain spread out customers and creates less crowding and congestion indoors.
9. The Snack Shack is built on skids so that it can be moved out of the way. It does not have plumbing or wastewater. The building has an electric service (which can be disconnected) for lighting, point of sale system and a heater.
10. The Snack Shack was built with aesthetics designed to match the other base area buildings.
11. Building permit #3615 confirms that the structure is 8'x12', 96 square feet total.

Decision:

DRB members voted as follows to approve subdivision application #3695 with the following conditions:

1. Structure shall not be stored within any stream buffer.
2. Obtain and follow all required State and Federal permits.

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 2nd day of December, 2021.



Shane Mullen, 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.