

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3713

Property Owner & Applicant: Sugarbush Mountain Resort

Parcel ID: #11-085.001

Reason for Application: Conditional Use

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Pete Ludlow, Dan Young, Nick Skwira ZA: Hanna Neill; Minutes Taker: Betsy Carter; Public: John Hammond, Margo Wade, (Zoom): Joel Rhoades, Jim Westehelle, Marisa Mauro, Andy Kaplan, Gunner McCain, Ryan Lynch, Jane Brodwyn, Linda Landrum

Introduction and Procedural History:

1. The Conditional Use application was filed on January 10, 2022. The subject parcel is parcel ID# 11-085.001, located at 626 Mt Ellen Road. Applicant Sugarbush Mountain Resort is requesting conditional use approval of three structures under Table 2.6 (21) Ski 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 January 13, 2022 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 1, 2022. 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 #3713

Exhibit B. Letter from Margo Wade c/o Sugarbush dated January 7, 2022 describing the proposed project.

Exhibit C. A building plan titled "Sugarbush Base Camp Cabanas: SIP Elevations" by Foam Laminates of Vermont, dated August 12, 2020.

Exhibit D. Two hand drawn sketches titled, "Kome/Miso Food Kiosk- Front Elevation" and "Kome/Miso Food Kiosk- Side Elevation" dated December, 2021.

Exhibit E. A hand drawn sketch titled, “Kome/Miso Food Kiosk- Floor Plan” dated December, 2021.

Exhibit F. Mt. Ellen parcel abutter map prepared by Sugarbush Resort Planning Department, Dated June 2021, with abutter list and sample abutter notification letter.

Exhibit G. A “Proposed Area for Base Camp Cabins map at Mt Ellen Base Area” prepared by the Sugarbush Resort Planning Department, dated December, 2021.

Exhibit H. Scans of certified receipts of abutter notice

Findings:

1. The property is located at 626 Mt. Ellen Road and consists of 1,520 acres. The property is owned by Sugarbush Mountain Resort. The parcel is identified as #11-085.001 in the Resort Development District.
2. Parcel #11-085.001 has permits dating back to 1973. The following are permits issued in the last 10 years:
 1. Building: #3712 (2022), #3621 (2020), #3567 (2020), #3422 (2017), #3196 (2012), #3189 (2012), #3180 (2012), #3173 (2012)
 2. Conditional Use: #3679 (2021), #3545 (2019), #3510 (2019), #3458 (2018), #3421 (2017)
 3. Certificate of Occupancy: #3710 (2021)
 4. Subdivision: #3130 (2011)
3. This parcel is adjacent to land owned by Mad River Corporation c/o Hall & Holden, State of Vermont Dept. of Taxes, Bear Cobble Tree Farm LLC, Committee for Troop 100 c/o Waitsfield United Church of Christ, Megan Gadd, Thomas & Cari Papp, James Wilner, Sterling Ski Club Inc. c/o Sterling House Comm. Center, Glenn Corso, Ararat Investments NV c/o Lina Arias, Seth Henry, Scott Sneath, Green Mountain National Forest, Fiddlehead Condos c/o Appletree Bay Property Management, Snowside Condos c/o Bird Dog Property Management.
4. 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 to 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.

5. The applicant described the proposed structures as previously permitted temporary structures in support of Ski Area Operations as defined in Section 10.2 Definitions of the Fayston Land Use Regulations. The structures were initially permitted for temporary use for the 2020/2021 winter operating season.
6. Two of the structures consist of 8'x 14' warming huts. Electricity does not exist in these structures at this time, however, an existing conduit exists that could supply these structures with electricity in the future. Heat is provided via propane.
7. The third structure is a food kiosk, in operation at the time of the permit application, currently run by a third party establishment. The applicant stated that they could operate this structure with different third party establishments or operate a supporting Ski Area Operation themselves. No water or sewer services are furnished to the facility, potable water and greywater holding tanks are provided in the current kiosk. Electric service is provided via underground conduit.

Decision:

DRB members voted as follows to approve subdivision application #3713 with the following conditions:

1. Warming huts are approved as shown on the map provided as their permanent location and size.
2. Food Kiosk location may utilize various transportable structures, however any increase in size over 50% of current footprint (112 sq ft), or any change in location **will require an application filed with the DRB for approval.**
3. Obtain and follow all necessary State and Federal permits.

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

Shane Mullen: **YES**/no/abstain/absent/recuse

Nick Skiwra: **YES**/no/abstain/absent/recuse

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

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

Mike Quenneville: yes no/abstain/**ABSENT**/recuse

Dated at Fayston, Vermont, this 7th day of March, 2022.



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.