

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3755

Applicant: Robert & Joy Playter

Landowners: Robert & Joy Playter

Parcel IDs: 06-051-001

Reason for Application: Conditional Use- Development on Steep Slopes

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Daniel Young (Vice Chair), Peter Ludlow, Ky Koitzsch, Mike Quenneville; Minutes Taker: Betsy Carter; Zoning Administrator: Jason Wilson Public: Gunner McCain, Joy Playter, Abbey Dreyer, Niall Devaney.

Introduction and Procedural History:

1. The Conditional Use Application was filed on 6/14/22. The subject parcel is parcel ID# 06-051-001, located at 1058 Stagecoach Road. Applicants Robert and Joy Playter are requesting approval under Article 5 of the Fayston Land Use Regulations for a Conditional Use Permit for Development of an Accessory Structure on Steep Slopes. 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 7/14/22 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 August 2, 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:

- A. Conditional Use Application 3755 including a cover letter, list of abutting land owners, and a sample abutting land owner letter,
- B. A letter from McCain Consulting, Inc., dated June 13, 2022 describing the project and its conformance to the LURs,
- C. Sample adjoining landowner notification form,
- D. A site plan titled, "Overview Robert & Joy Playter Slope Analysis & EPSC Plan" C-2 by McCain Consulting Inc., dated June 13, 2022 and revised 7/25/22,
- E. Scans of certified receipts of abutter notices.

F. A building plan titled “Playter Barn” A1.1 by Littlehailes Design dated 11/3/21,

Findings:

1. The property located at 1058 Stagecoach Road consists of 64 acres. The property is owned by Robert & Joy Playter.
2. The parcel is located in the Rural Residential District.
3. Parcel 06-051-001 is subject to the following town permits: 3115, 3199 and 3611
4. These parcels are adjacent to land owned by the State of Vermont, Thomas and Dorothy Folger, Kevin and Jennifer Queally, Thomas Tubbs, and Rebecca Roebuck, which covers all homeowners around Mad River Glen.
5. Pursuant to Section 3.4 (E) (1)(a), **Steep slopes (15 + %)**. Development involving the site disturbance, excavation, filling, or regrading of 1000 or more square feet of land with a gradient of 15% or more, and private roads and driveways that exceed an average gradient of 15% over any 50-foot section, as determined from mapped contour intervals or site inspection, shall be subject to conditional use review and approval by the Development Review Board under Article 5 and the requirements of the Subsections below.
6. Per Applicant’s consultant, the area of development has 1,000 square feet or more of earth disturbance on steep (>15%) or very steep (>25%) slopes, therefore conditional use approval of this project is required.
7. Applicant stated that the proposed structure shall have water and wastewater service but no bedrooms. Applicant attested that the structure shall not be used as an Accessory Dwelling Unit (ADU) without prior approval of the DRB or Zoning Administrator.

Decision:

DRB members voted as follows to approve Conditional Use Application #3755 with the following conditions:

1. Site work shall be conducted in accordance with the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control. The applicant shall use biodegradable erosion control blankets for slopes greater than 3H: 1V.

Ky Koitzsch: yes/no/abstain/absent/**RECUSE**

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

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

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

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

Dated at Fayston, Vermont, this 14th day of August, 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.