

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3789

Property Owner & Applicant: James Service

Parcel ID: 03-007

Application Number: 3789

Reason for Application: Requesting a Conditional Use Review (Article 5) pursuant to Section 3.4(E) and Section 3.4(C)(1)(d) of the Fayston Land Use Regulations for development on slopes in excess of 15% in grade (#3789).

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Ky Koitzsch, Dan Young (Vice Chair), Mike Quenneville, Pete Ludlow; Zoning Administrator: Jason Wilson; Minutes Taker: Eve Silverman (Zoom); Public: James Service, Gunner McCain, Eliza Graves, Steve Robbins, John Levey

Introduction and Procedural History:

1. The Conditional Use application #3789 was filed on February 13, 2023. The subject parcel is Parcel ID # 03-007 on Airport Road. Applicant James Service requests approval under Article 5 of the 2023 Fayston Land Use Regulations for approval of development on slopes greater than 15%. 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 February 16th, 2023 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. A public hearing was held on March 7th, 2023 and was continued to May 2nd, 2023.
4. Notice of the continued hearing was properly published. On April 13, 2023 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.
5. Abutters to the property were properly notified of the hearing.
6. The application and plans were considered by the Development Review Board at a public hearing which occurred on May 2, 2023. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended March 2023.

The following exhibits were submitted to the Development Review Board:

- A. Conditional Use Application (#3789).
- B. A site plan titled “Septic System Site Plan - Ben Service” by Grenier Engineering dated October 11, 2021. Revised April 10, 2023.
- C. A site plan titled “Septic System Details - Ben Service” by Grenier Engineering dated October 11, 2021. Revised April 10, 2023.
- D. A site plan titled “Slope Analysis Plan - Ben Service” by Grenier Engineering dated October 11, 2021. Revised April 10, 2023.
- E. Proof of notification of abutters.

Findings of Fact:

1. The property located on Airport Road (03-007) and consists of 7.4 acres owned by James B and Jennifer J Service and located in the Rural Residential District.
2. Parcel 03-007 has the following permits:
 - a. #88-6 Subdivision (1988)
3. The applicant’s parcel is adjacent to land owned by Michael Brooks, Mavis LLC, Jason & Mary Bechtel, Terry Hopper and Patrick Hughes.
4. The proposed project will have development on more than 1,000 square feet of land with slopes greater than 15%.
5. Application #3789 was deemed complete at the May 2, 2023 Development Review Board Meeting.
6. Pursuant to Section 3.4(C)(1)(d) “Development on steep slopes equal to or in excess of 15%, or which results in such slopes, shall be subject to conditional use review in accordance with Article 5.”
7. The DRB found that the General and Specific Review Standards of Section 5.4 were satisfied by the applicant's application materials. Applicant will implement erosion control measures to prevent sediment discharge in accordance with the Vermont Low-Risk Site Handbook for Erosion Prevention and Sediment Control. Modifications made per the DRB’s request provide further information on site development and clearly define the existing and proposed limits of tree clearing and disturbance.
8. Tree clearing will be limited to what is depicted on the plans submitted for application #3789. Applicant confirmed that the limit of tree clearing for the accessory dwelling unit will be the maximum development envelope shown on the plan.

Decision:

DRB members voted as follows to approve application #3789 with the following conditions:

1. Obtain and follow all State and Federal permits. Copies of these permits shall be submitted to the Town of Fayston. Copies of any drawings that supersede the design shown on the materials presented to the DRB shall be submitted to the Town of Fayston.
2. 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.

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

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

Ky Koitsch: **YES** / no / abstain / absent / recuse

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

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

Dated at Fayston, Vermont, this 4th day of June, 2023.



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.