

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3798

Applicant: Eliza Graves

Property Owner: John & Elizabeth Levey

Parcel ID: 02-032.001

Application Number: 3798

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), Pete Ludlow; Zoning Administrator: Jason Wilson; Minutes Taker: Eve Silverman (Zoom); Public: Gunner McCain, Eliza Graves, Steve Robbins, John Levey, Mike Quenneville

Introduction and Procedural History:

1. The Conditional Use application #3798 was filed on April 10, 2023. The subject parcel is Parcel ID # 02-032.001 on Bassett Hill Road. Applicant Eliza Graves 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 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.
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 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 (#3798) with response to the General and Specific Review Standards.
- B. A site plan titled “Slope Analysis Plan – John & Elizabeth Levy – Single Family Residence”, S-1 by McCain Consulting, Inc. dated April 13, 2023.
- C. Proof of notification of abutting land owners with sample notification letter.

Findings of Fact:

1. The property located on Bassett Hill Road (02-032.001) consists of 20.02 acres owned by John Gravois, and is located in the Rural Residential District and the Soil and Water Conservation District, with the proposed development occurring in the Rural Residential portion of the parcel.
2. Parcel 02-032.001 has no permits on file.
3. The applicant’s parcel is adjacent to land owned by Michael Quenneville, Scott & Patricia Wheeler, Dana Lee Roberts & Lou Samuel Gemunden Spitta and the State of Vermont. DRB member Michael Quenneville recused himself from review of this project.
4. The proposed project would have development on more than 1,000 square feet of land with slopes greater than 15%.
5. Application #3798 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.
8. The applicant’s consultant stated that the area shown on the northern portion of the property as “limited clearing & tree cutting allowed to create peak-a-boo views” will only cut up to 50% of the trees in that area. Stumps will remain in place on slopes greater than 15% in slope, with the exception of the driveway area and the area of the building envelope.
9. Applicant stated that they had a conversation with the Fayston Road Foreman Stuart Hallstrom prior to their Curb Cut Access hearing. A Curb Cut Access Permit was granted by the Selectboard.

Decision:

DRB members voted as follows to approve application #3798 with the following conditions:

1. Obtain and follow all relevant State and Federal permits. Copies of these permits shall be submitted to the Town of Fayston.
2. Copies of any drawings that supersede the design shown on the materials presented to the DRB shall be submitted to the Town of Fayston.
3. Site work shall be conducted in accordance with the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.
4. Removal of stumps shall be limited to the approved building envelope and limit of disturbance illustrated on the site plan.
5. An updated site plan shall be submitted to the Fayston Zoning Administrator with a revision to the driveway entrance that meet the standards established in Section 3.1 (B) and the conditions of the Town's Curb Cut Access Permit, which states "Driveway must slope away from the shoulder of the Town Highway at no less than ¼ inch per foot for the first 10 feet, as measured from the edge of the shoulder." The updated site plan shall also show where the electric will come onto the property and where the pole will be placed.

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.