

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3803

Property Owner & Applicant: Paul & Katherine Quinlan

Parcel ID: 03-127

Application Number: 3803

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; Jim Donkersloot (Alternate) Zoning Administrator: Jason Wilson; Public: Paul Quinlan, Gunner McCain, Erika Dodge, Nancy Phillips, Shane Flannelly-King (Zoom), Anastasia Semienko (Zoom)

Introduction and Procedural History:

1. The Conditional Use application #3803 was filed on April 20th, 2023. The subject parcel is Parcel ID # 03-127 at 1203 Center Fayston Road. Applicants Paul and Katherine Quinlan request 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 May 18th, 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 June 6th, 2023. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended May 2023.

The following exhibits were submitted to the Development Review Board:

- A. Conditional Use Application (#3803) including a cover letter, a project narrative, project location map, an adjoining map, list of abutting land owners and sample abutting land owner letter.
- B. A site plan titled "EPSC Plan Paul & Katherine Quinlan" C-3 by McCain Consulting Inc. dated April 13, 2023.
- C. A set of plans by ELD Architecture titled "Quinlan Barn"; sheets A001, A101, A102, A103, A104, A201 and A202 dated April 17, 2023
- D. Proof of notification of abutters.

Findings of Fact:

- 1. The property located at 1203 Center Fayston Road (03-127) and consists of 12 acres owned by Paul and Katherine Quinlan and located in the Rural Residential District.
- 2. Parcel 03-127 has the following town permits:
 - a. #520 Health (1980)
 - b. #2547 Zoning (2004)
 - c. #3550 Zoning (2019)
- 3. The applicant's parcel is adjacent to land owned by Judith & Amanda Gates, Patricia N. Krcmar, Johnson Wies Family Trust, Shane Flannelly-King, Matthew & Jane Kontoff, Hartley & Elizabeth Bingham and Phillips Doherty Trust U/T/A
- 4. The proposed project would have development on more than 1,000 square feet of land with slopes greater than 15%.
- 5. Application #3803 was deemed complete at the June 6th, 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. Applicant stated that the limits of grading represented the limits of tree clearing for the project.
- 9. Bedrock is present in the project area. Applicant has stated that blasting could be necessary.

Decision:

DRB members voted as follows to approve application #3803 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.
3. The applicant shall submit an revised site plan showing the following:
 - a. water, septic and electric utilities,
 - b. Proposed grading for the entire project area, including the northwest corner of the project where the proposed home office will be located,
 - c. Updated limits of disturbance that extend to the edges of proposed grading.
4. All required local, state and federal permitting shall be in place before any blasting is to occur.

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

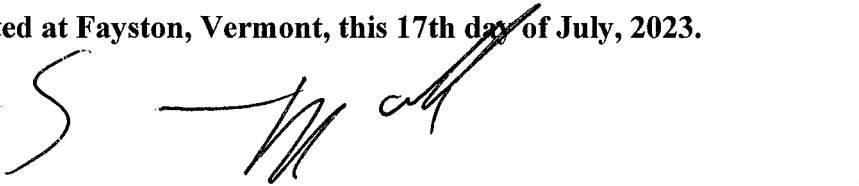
Daniel Young: **YES** / no / abstain / absent / recuse

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

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

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

Dated at Fayston, Vermont, this 17th day of July, 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.