

**Development Review Board, Town of Fayston, VT**  
**Notice of Decision for Application No. 3846**

**Property Owner:** Martin Family Trust

**Applicants:** Sarah and Scott Martin

**Parcel ID:** 03-145.001

**Application Number:** 3846

**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: Sarah Martin, Gunner McCain, Michael Duell, Susanne Lowen, Kathy Pintair (Zoom), Christopher Delbrocco, Lisa Loomis and Thomas McCarthy (Zoom)

**Introduction and Procedural History:**

1. The Conditional Use application #3846 was filed on October 3<sup>rd</sup>, 2023. The subject parcel is Parcel ID # 03-145.001 on Terrafay Road. Applicants Sarah and Scott Martin 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 October 19<sup>th</sup>, 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 November 7<sup>th</sup>, 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 (#3846) including a project location map, list of abutting land owners and sample abutting land owner letter. Sarah and Scott Martin
- B. A site plan titled “Martin Family Trust” C-1 by McCain Consulting Inc. dated October 3, 2023 and revised November 7, 2023.
- C. A set of architectural plans titled “Martin Front Elevation” by Huntington Home dated March 13, 2023, which included floor plans.
- D. Proof of notification of abutters.

**Findings of Fact:**

- 1. The property located on Terrafay Road (03-145.001) and consists of 3.91 acres owned by Martin Family Trust and located in the Rural Residential District.
- 2. Parcel 03-145.001 has the following town permits:
  - a. #2777 Subdivision (2007)
  - b. #2957 Conditional Use (2008)
- 3. The applicant’s parcel is adjacent to land owned by Alex & Kathy Pintair, Julia Robertson and Helen Ward.
- 4. The proposed project will develop more than 1,000 square feet of land with slopes greater than 15%.
- 5. Application #3846 was deemed complete at the November 7<sup>th</sup>, 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 presentation. 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. This parcel is subject to a state stormwater discharge permit (5681-9010). A stormwater treatment pond and conveyance swales are located on the parcel.

**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 including winter measures.
3. Applicant will submit Review Standards Letter reflecting testimony given in the November 7<sup>th</sup>, 2023 hearing.
4. All stormwater infrastructure shall be built according to permit 5681-9010. This includes the stormwater pond on the east portion of the parcel as well as any conveyance swales necessary to route all imperivous surface on the property to the stormwater pond.
5. The Limits of Disturbance shall be staked out prior to any earthwork being commenced.
6. Prior to construction, the applicant shall submit a revised site plan showing the following:
  - a. Revised grading and limits of disturbance for the driveway, showing adequate drainage features and a 24” diameter culvert at the driveway’s intersection with the private road.
  - b. Electric utilities, including existing and proposed services. Electric shall be installed underground and generally along the driveway. Underground Electric and any associated infrastructure.
  - c. Relocation of the house structure at least eight (8) feet north to provide additional setback to the southern property line.
7. All slopes of the site shall not exceed 2(H):1(V).

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 Quinnevile: **YES** /no / abstain / absent / recuse

**Dated at Fayston, Vermont, this 3<sup>rd</sup> day of December, 2023.**

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**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.