Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3752

Applicant & Landowner: Abby Dreyer

Parcel ID: #01-026.000

Reason for Application: Conditional Use – development on steep slopes, setback waiver request

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 June 28, 2022. Applicant Abby Dreyer requests approval under Article 5 of the Fayston Land Use Regulations for development of steep slopes and a waiver of front yard setback at 2142 North Fayston Road. 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 July 14, 2022, 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. Development Review Board application #3752
B. Letter from Abby Dreyer dated June 27, 2022, requesting setback waiver.
C. A Build Plan titled "Dreyer Barn" dated May 26, 2022, by Timber Homes Vermont.
D. A Site Plan titled "Survey and Subdivision of a Portion of the Lands of Abby Dreyer" dated November 30, 2022, by McCain Consulting, Inc.
E. A Site Plan titled "Site Plan Abby Road Village" C-2 dated September 25, 2020, by McCain Consulting, Inc.
F. A Site Plan titled "Dreyer Barn Grading & EPSC Plan Abby Road Village" B-1 dated July 26, 2022. By McCain Consulting, Inc.
G. Proof of notice via certified mail receipts of abutting landowners.

Findings:

1. The Board found the application to be complete at a public hearing held on August 2, 2022.

2. The property is located in the Rural Residential District as described on the Town of Fayston Zoning Map on record at the Town of Fayston municipal office, also described under Article 2, Table 2.4 of the Town of Fayston, VT land use regulations.

3. The applicant's parcel is adjacent to land owned by Kyle and Jill Ellis, Fred Viens, F & P Dentone Life Estate, Richard Scarzello, James and Dorothy Bisbee, Trustees, Robert Buck, Alexandra and Tasha Urbanowski, Jeremiah and Sarah Rutledge, Peter and Chelsea Turley, Jack and Jean Corliss, Douglas and Megan Evans, and Robert and Muriel Griffin.

4. The applicant's parcel is subject to the following permits: #306, #1863, 1863-01, 1863-02, #2030, #2036, #2096, #2099, #2219, #2220, #2723, #3599, #3600, #3680 and #3708.

5. Applicant's parcel currently contains a one 3-bedroom residence and a 1-bedroom apartment above a barn. The previously approved project (applications #3599 and #3600) included the subdivision of one 6-acre lot from a 114-acred parcel as well as the development of a 6-unit housing project on the 6-acre parcel.

6. Applicant requests a waiver of the front yard setback from 65 feet to 45 feet to avoid additional impact to steep slopes.

7. Per Section 3.6 (D) (1) (a), "the DRB may allow for a reduction of the front setbacks from sixty-five (65) to not less than forty-five (45) feet...and...is necessitated by building constraints caused by geologic, topographic or hydrologic conditions."

8. 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.

9. 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.

10. Applicant stated that the barn will have underground electric service, and that no water or sewer is proposed.

Decision:

DRB members voted unanimously to approve application #3752 with the following conditions:

1. Any deviations from the approved plans will require additional review by this Board. Applicant shall provide a letter from their engineer once site improvements associated with previous approvals (i.e., road widening, grading of building areas, construction of common utilities) are constructed that the project was built in conformance with the design plans or provide record drawings illustrating the changes made during construction.

2. Applicant shall furnish a revised site plan prior to construction illustrating the location of the underground electric service to feed the barn.

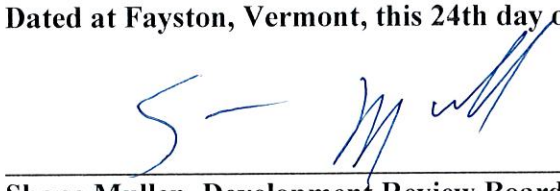
3. Site work shall be conducted in accordance with the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control. The applicant shall use biodegradable erosion control blankets for slopes greater than 3H: 1V.

4. All lighting shall be via sharp cutoff downcast luminaires to avoid being visible from adjoining and nearby properties.

5. All conditions from previous approvals are still in effect.

6. 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.

Dated at Fayston, Vermont, this 24th 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.