Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3863

Property Owner: Peter Forbes and Helen Whybrow
Applicants: Peter Forbes and Helen Whybrow

Parcel ID: 05-063a

Application Number: 3863

Reason for Application: Requesting approval under Article 5 of the Fayston Land Use Regulations for an accessory use to a conditional use

Public Hearing Attendees: Attending DRB Members: Jin Donkersloot (Acting-Chair), Mike Quenneville, Pete Ludlow Zoning Administrator: Jason Wilson; Public: Peter Forbes and Helen Whybrow

Introduction and Procedural History:

1. The Conditional Use application #3863 was filed on March 11th, 2024. The subject parcel is Parcel ID # 05-063a at 704 Bragg Hill Road. Applicants Peter Forbes and Helen Whybrow request approval under Article 5 of the 2023 Fayston Land Use Regulations for approval of an accessory use to a conditional use. 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 March 14th, 2024 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 April 2nd, 2024. 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. On March 11th, 2024 the Applicant submitted a Development Review Board Application (#3863) for an accessory use to conditional use, project narrative, site location & abutters map and list of abutters.

B. On March 11th, 2024 the Applicant submitted a site & build plans titled "Renovations of the Knoll Farm Barn" by The Design Group, dated March 1st, 2024.

C. On March 14th, 2024 the applicant submitted a site plan titled" Knoll Farm Barn Site Layout" by Stone Environmental, dated January 12th, 2024

D. On March 14th, 2024 the applicant submitted a sample notification of abutters letter.

E. On March 14th, 2024 the applicant submitted proof of notification of abutters.

Findings of Fact:

1. The property located at 704 Bragg Hill Road (05-063) and consists of 144 acres owned by Peter Forbes & Helen Whybrow and located in the Rural Residential District.
2. Parcel 05-063 has the following town permits:

a. 109 Building (1976)
b. 109-01 Health (1976)
c. 110 Subdivision (1976)
d. 786 Building (1984)
e. 2026 Subdivision (2001)
f. 2305 Conditional Use (2003)
g. 2339 Building Permit (2003)
h. 2419 Conditional Use (2004)
i. 2448 Health Permit (2004)
j. 2450 Building (2004)
k. 2522 Building (2004)
l. 2619 Conditional Use (2005)
m. 2868 Building (2007)
n. 2952 Building (2008)
o. 2963 Conditional Use (2008)
p. 3574 Conditional Use (2020)
q. 3584 Sign (2020)
r. 3640 Conditional Use (2021)
s. 3660 Building (2021)

3. The applicant's parcel is adjacent to land owned by Richard Potter, Patrick Kasic, Spencer Dumas, Andrew Melville, Andrew & Doreen Stewart, Bradford Cook, Ethan Vasseur, Henry Phippen, Bragg Land Nominee Trust, Vermont Land Trust, Joseph Campbell, Judith Casten Trustee, Twaddles Corner Corporation, Alex Teng, Michael Ryan, William Forte and Colin Ferguson.

4. The applicant has submitted Water/Wastewater Application WW-5-2668-3 to Vermont Agency of Natural resources.

5. The applicant has submitted Act 250 Permit Application 5W1431-2 to Vermont Natural Resource Board.

6. The subject structure is listed on the National Registry of Historic Places.
7. Application #3863 was deemed complete at the April 2nd, 2024 Development Review Board Meeting.
8. Pursuant to Section 3.2, Where there is a conversion or change of use involving increased water use and wastewater generation, a zoning permit shall be issued by the Administrative Officer only after a wastewater disposal permit has been issued by the State of Vermont.
9. Pursuant to Section 3.2, A conversion or change of use from a permitted to a conditional use, or from a conditional use to another conditional use, requires conditional use approval under Article 5.
10. Pursuant to Table 2.4, an accessory use to a conditional use is subject to conditional use review.
11. Pursuant to Section 5.4, the project must meet the General Review Standards stated therein. Conditional use approval shall be granted by the DRB upon finding that the proposed development shall not result in an undue adverse effect on the 1) capacity of existing or planned community facilities and services, 2) character of the area affected, 3) traffic on roads and highways in the vicinity, 4) bylaws in effect, and 5) utilization of renewable energy sources. In addition, these general standards, the Board may also consider and attach specific conditions to conditional use approval as appropriate to avoid, minimize or mitigate the adverse impacts of a proposed development, including 1) siting and dimensional standards, 2) performance standards, 3) access and circulation standards, 4) landscaping and screening standards, and 5) stormwater management and erosion control standards.
12. The applicant has prior Zoning approval to conduct a Camp/ Refuge/ Retreat per Conditional Use Approvals #2305 and #2419.
13. Parts of the structure involved in this hearing are subject to the State of Vermont's Require Agricultural Practices.

Decision:

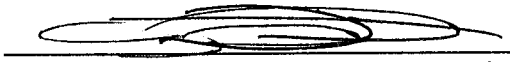
DRB members voted as follows to approve application #3863 with the following conditions:

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. Approval of this application is contingent upon the Vermont Agency of Natural Resources Water/Wastewater Permit #WW-5-2668-3 being approved.

4. Approval of this application is contingent upon the Vermont Natural Resources Board Act 250 #5W1431-2 being approved.
5. Approval of this application is contingent upon approval from the Division of Historic Preservation.

Jim Donkersloot: **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 16th day of April, 2024.



Jim Donkersloot, Development Review Board Acting- 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.