Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3913

Property Owner/Applicant: Christopher Joyce

Parcel ID: 11-030

Application Number: 3913

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 (#3913).

Public Hearing Attendees: Attending DRB Members: Daniel Young (Chair), Jim Donkersloot (Vice Chair), Mike Quenneville, Pete Ludlow (Zoom) Zoning Administrator: Jason Wilson; Minutes Taker: Eve Silverman Public: Christopher Joyce, Doug Goulette, Shaun Roberts (Zoom), Jim Halavonich, Danielle Hampton (Hiddenwood POA) and Truxton Pratt (Mad River Corp.) (Zoom)

Introduction and Procedural History:

1. The Conditional Use application #3913 was filed on November 8th, 2024. The subject parcel is Parcel ID # 11-030 on Hiddenwood Road. Applicant Christopher Joyce 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 November 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 December 3rd, 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. Conditional Use Application (#3913) including a project narrative, response to General Review Standards of Section 5.4, project location map, list of abutting land owners and sample abutting land owner letter.
B. On November 8th, 2024 the applicant submitted a site plan titled "Existing Conditions Plan" C-1.0 by TCE dated October 24, 2024.
C. On November 8th, 2024 the applicant submitted a site plan titled "Overall Site Plan" C-2.0 by TCE dated October 24, 2024.
D. On November 8th, 2024 the applicant submitted a site plan titled "Site and Grading Plan South" C-2.1 by TCE dated October 24, 2024.
E. On November 8th, 2024 the applicant submitted a site plan titled "Sanitary and Grading Plan North" C-2.2 by TCE dated October 24, 2024.
F. On November 8th, 2024 the applicant submitted a site plan titled "Wetland Impact Plan" C-2.3 by TCE dated October 24, 2024.
G. On November 8th, 2024 the applicant submitted a site plan titled "Overall EPSC Plan" C-5.0 by TCE dated October 24, 2024.
H. On November 8th, 2024 the applicant submitted a site plan titled "Driveway Plan & Profile" C-6.0 by TCE dated October 24, 2024.
I. On November 8th, 2024 the applicant submitted a site plan titled "Site & EPSC Plan Details" C-8.0 by TCE dated October 24, 2024.
J. On November 8th, 2024 the applicant submitted a site plan titled "Sanitary Details" C-8.1 by TCE dated October 24, 2024.
K. On November 8th, 2024 the applicant submitted a site plan titled "Sanitary Notes" C-8.2 by TCE dated October 24, 2024.
L. On November 8th, 2024 the applicant submitted a site plan titled "Water Details and Notes" C-8.3 by TCE dated October 24, 2024.
M. On November 8th, 2024 the applicant submitted sketch up plan of the proposed structures by Traverse Architects.
N. On November 12th, 2024 the applicant submitted proof of notification of abutting landowners.

Findings of Fact:

1. The property is located on Hiddenwood Road (11-030) and consists of 64.5 acres owned by Christopher Joyce and located in the Recreation District.

2. Parcel 11-030 has the following town permits:

    a. #1526 Subdivision (1997)
    b. #2111 Subdivision (2002)

3. The applicant's parcel is adjacent to land owned by Mad River Corporation, Thomas & Leigh Clark, Shepherd Family Revocable Trust, James Halavonich, Megan Gadd and Hiddenwood Common Lands

4. The proposed project would have development on more than 1,000 square feet of land with slopes greater than 15%.

5. Application #3913 was deemed complete at the December 3rd, 2024 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. Pursuant to Section 3.4 (E) (1), applicability of development on steep and very steep slopes is described as: (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 other Subsections; and (Slopes 25 + %) no site disturbance of development shall take place on very steep slopes with natural gradients of 25% or more, with the exception of limited site improvements necessary to facilitate development on contiguous land with a slope of less than 25% gradient, which are subject to conditional use review and approval by the Development Review Board under Article 5, and the requirements of the other Subsections.

8. Pursuant to Section 3.4 (E) (2), in addition to the conditional use application requirements of Section 5.2, conditional use approval for development on steep and very steep slopes shall be contingent upon the submission and Board approval of a grading plan drawn at scale which indicates existing and proposed grades with contour lines at two (2) foot intervals within any area of proposed activity, site disturbance or construction, including access routes. The grading plan shall depict slope classes of 0-14.9%, 15-24.9% and 25% or more, based on two (2) foot contours.

9. 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.

10. The applicant's plans submitted with the application show the driveway crossing Class II Wetlands.
11. Pursuant to Section 3.14 (G), "A naturally vegetated buffer strip at least 50 feet in uniform width shall be maintained for Class Two wetlands, and 100 feet in uniform width for Class One wetlands as defined under the Vermont Wetlands Rules. No development, dredging, ditching or manipulation of vegetation will be permitted within the buffer strip nor within the wetland, unless in conformance with the Vermont Wetlands Rules."
12. The applicant has received Water/Wastewater Permit WW-5-9747 from Vermont Agency of Natural Resources for a 3-bedroom Single Family Residence with 1-bedroom Accessory Dwelling.
13. The applicant has applied for Wetland Permit in accordance with the Vermont Wetland Rules through Vermont Agency of Natural Resources.

Decision:

DRB members voted as follows to approve application #3913 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. The applicant receives approval for the infringement of the Class II Wetlands from the Vermont Agency of Natural Resources in accordance with the Vermont Wetlands Rules.
4. The two 15inch culverts shown crossing the driveway be upgraded to at least 18inch culverts.
5. The Limits of Disturbance shall be staked out prior to any earthwork being commenced.

Daniel Young: **YES** / no / abstain / absent / recuse
Jim Donkersloot: **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 7th day of January, 2025.

_____,
Daniel Young, 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.