# Development Review Board, Town of Fayston, VT
# Notice of Decision for Application No. 3919

**Property Owner/Applicant: Jason Morel**

**Parcel ID:** 11-043a

**Application Number:** 3919

**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 and development within the 100-foot stream buffer pursuant to Section 3.14 (#3919).
**Public Hearing Attendees:** Attending DRB Members: Daniel Young (Chair), Jim Donkersloot (Vice Chair), Mike Quenneville, Ky Koitzsch (Zoom) Zoning Administrator: Jason Wilson (Zoom); Minutes Taker: Eve Silverman Public: George McCain (Zoom), Edward Adame (Zoom

**Introduction and Procedural History:**

1. The Conditional Use application #3919 was filed on December 5th, 2024. The subject parcel is Parcel ID # 11-043a at 174 Lockwood Brook Road with access through parcel 11-041 on German Flats Road. Applicant Jason Morel requests approval under Article 5 of the 2023 Fayston Land Use Regulations for approval of development on slopes greater than 15% and development within the 100-foot stream buffer. 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 December 19th, 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 January 7th, 2025. 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 December 5th, 2024 the applicant submitted Conditional Use Application (#3919) 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 December 5th, 2024 the applicant submitted a site plan titled "Site Plan & Details Jason Morel Amendment to EC-5-0646, Lot 3 & WW-5-9078 Lot 8" C-1 by McCain Consulting, Inc. dated October 30 2024.
C. On December 16th, 2024 the applicant submitted proof of notification of abutting landowners.

**Findings of Fact:**

1. The property is located on Lockwood Brook Road with access through parcel 11-041on German Flats Road and consists of 64.5 acres owned by Jason Morel and located in the Rural Residential District.

2. Parcel 11-043 has the following town permits:

    a. #2493 Health (2004)
    b. #3741 Zoning (2022)
    c. #3763 Subdivision (2022)
    d. #3764 Conditional Use (2022)
    e. #3777 Zoning (2022)

3. The applicant's parcel is adjacent to land owned 999 German Flats RD LLC, Todd Sirak & Molly Bagnato, Kevin Gartland, Slide Brook Basin LLC, Marble Hill Farm LLC, Jack & Meredith Feintisch, James & Nancy Felicito and David Rothman & Tyne Pike-Sprenger.

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

5. Application #3919 was deemed complete at the January 7th, 2025 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 3.14 (B)(1), "Road, driveway, and utility crossings, provided such crossings comply with the standards and specifications of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites and Vermont Agency of Transportation's B71 Road Standards [http://www.faystonvt.com/wp-content/uploads/2017/08/Vtrans_B-71_driveway_standard_2005.pdf]. If a road, driveway, utility corridor, or stream crossing related to an approved use crosses a headwater stream, then minimal clearing and associated site development to allow for the development and maintenance of these crossings shall receive prior approval of the Development Review Board pursuant to Section 5.03"

10. 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.

**Decision:**

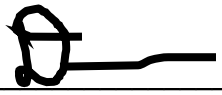
DRB members voted as follows to approve application #3919 with the following conditions:

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 driveway and associated turnaround shall be no closer than 10 feet from the property line per Section 3.1(B)(2). An updated site plan will be provided to the Zoning Administrator showing this.
4. An updated site plan will be submitted to the Zoning Administrator showing the limits of disturbance connecting the building envelope to the limits of disturbance along the eastern property line as discussed during the hearing conducted on January 7th, 2025.
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 20th day of February, 2025.**



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**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.