# Development Review Board, Town of Fayston, VT
# Notice of Decision for Application No. 3927 & 3928

**Property Owner/Applicant(s):** Dorothy McGann

**Parcel ID:** 06-111

**Reason for Application:** Requesting approval of a Subdivision of a 17-acre lot into a 10.7-acre lot and 6.9-acre lot according to Articles 6 and 7 of the Fayston Land Use Regulations. Also, seeking Conditional Use approval for development on slopes greater than 15%

**Application Number(s):** 3927 and 3928

**Public Hearing Attendees: Attending DRB Members**: Daniel Young (Chair), Jim Donkersloot (Vice Chair). Mike Quenneville, Ky Koitzsch **ZA**: Jason Wilson; **Minutes Taker:** Eve Silverman **Public:** Andrew Tenney (via Zoom), Gunnar McCain, Maika Collins (via Zoom), Steve Hunt, Kate Hunt, Dave Grimason, Fran Grimason, Larry Consentine

**Introduction and Procedural History:**

1. The Subdivision application #3927 was filed on January 22nd, 2025. The subject parcel is parcel ID # 06-111, located at 1319 Phen Basin Road. Applicant Dorothy McGann requests approval under Articles 6 and 7 of the Fayston Land Use Regulations Minor Subdivision. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.

2. The Conditional Use Application #3928 was filed on January 22nd, 2025. Applicant Dorothy McGann requests approval under Article 5 of the Fayston Land Use Regulations for development of steep slopes for Single Family Residence. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.

3. On March 4th, 2025 the DRB conducted a Sketch Plan Review for application #3927. The hearing was continued to the April 1st, 2025 Development Review Meeting.

4. Notice of the hearing was properly published. On February 13th, 2025 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.

5. Abutters to the property were properly notified of the hearing.

6. Applications #3927 & #3928 and plans were considered by the Development Review Board at public hearing which occurred on March 4th, 2025 and April 1st, 2025. The

Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended May, 2023.

7. The Development Review Board identified and acknowledged Andrew Tenney, Steve Hunt, Kate Hunt, Dave Grimason and Larry Consentine as interested parties.

**The following exhibits were submitted to the Development Review Board:**

1. Subdivision Application (#3927) and Development Review Board Application (#3928) for Conditional Use approval of development on slopes greater than 15%.

2. Project Narrative, sample notification letter, list of abutters, responses to the review standards in Section 5.4, Site Location Map and a Habitat Map via Vermont Agency of Natural Resources Natural Resources Atlas.

3. A site plan titled "EPSC Plan Dorothy McGann Two-Lot Subdivision" by, McCain Consulting, Inc., dated December 20, 2024 with a Revision date of 1/24/25.

4. Proof of notification of adjoining land owners.

**Findings of Fact:**

1. The property is located at 1319 Phen Basin Road and consists of 17 acres. The property is owned by Dorothy McGann. The parcel is identified as 06-111 in the Rural Residential District.

2. This parcel has the following permits:
   a. #88-002 Subdivision (1988)
   b. #955 Health Permit (1988)

3. The Property is adjacent to land owned by State of Vermont, Hunt Family Revocable Trust, Matthew & Megan Wishnow, Haven Nichols, Mark Smith and Andrew Tenney.

4. 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.

5. 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.

6. 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

7. 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.

8. Pursuant to Section 7.1(B)(1), **Minor Subdivisions** shall include lot line or boundary adjustments between existing lots that do not result in new or nonconforming lots; the subdivision of land, or the re-subdivision of a previously subdivided parcel, that results in the creation of five or fewer lots, regardless of any change in ownership; and amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval.

9. Pursuant to Section 6.1(A) The DRB shall evaluate any minor or major subdivision of land as defined in Section 7.1 in accordance with the standards set forth in this Article. Where these standards conflict with other provisions of these regulations, the more stringent shall apply.

10. A portion of the property is mapped by the State as a Northern Hardwood Forest natural community, and also a Habitat Block.

**Decision:**

DRB members voted as follows to approve subdivision application #3927 and Conditional Use Application #3928 with the following conditions:

1. Submit to the Town Clerk the required mylar plat for recording within 180 days of the date of this decision.

2. Obtain and follow all necessary 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.
3. Tree clearing and land disturbance shall honor limits of disturbance and development envelope shown on the site plan provided to the Development Review Board for the April 1st, 2025 hearing.
4. Site work shall be conducted in accordance with the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.

Jim Donkersloot: **YES**/no/abstain/absent/recuse
Peter Ludlow: yes/no/abstain/**ABSENT**/recuse
Ky Koitzsch: **YES**/no/abstain/absent/recuse
Michael Quenneville: **YES**/no/abstain/absent/recuse
Daniel Young: **YES**/no/abstain/absent/recuse

**Dated at Fayston, Vermont, this 16th day of May, 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.