Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3932

Property Owner/Applicant: Mark and Kristin Gibson

Parcel ID: 14-040

Application Number: 3932

Reason for Application: Applicant requesting a side setback waiver according to Section 3.6 of the Fayston Land Use Regulations.

Public Hearing Attendees: Attending DRB Members: Daniel Young (Chair), Mike Quenneville and Ky Koitzsch Zoning Administrator: Jason Wilson; Public: Mark Gibson, Micael Duell, Guy Harris (Zoom), Beth Eisenhowser, Langford Davidson, Nick Skwira and Scott Cullen (Zoom)

Introduction and Procedural History:

1. The Development Review Board Application #3932 was filed on April 16th, 2025. The subject parcel is Parcel ID # 14-040 at 1818 German Flats Road. Applicants Mark and Kristin Gibson request approval per Section 3.6 of the 2023 Fayston Land Use Regulations for side setback waiver for an enlargement of a Single-Family Residence (Attached Garage). 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 April 17th, 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.

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 May 6th, 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:

1. On April 16th, 2025 the Applicant submitted a Development Review Board Application (#3932) for a setback waiver, project narrative, sketch, floor plan, list of abutting land-owners, sample abutter letter, 2 photos and zoomed in version of the site plan.

2. On April 16th, 2025 the applicant submitted a site plan titled ""Site Plan-Mark & Kristin Gibson" by Gilson Land Surveying PLLC, dated November 28, 2023 with a revision date of 4/9/2025.

3. On April 18th, 2025 the applicant submitted proof of notification of abutters.

Findings of Fact:

1. The property located at 1818 German Flats RD (14-040) and consists of 4 acres owned by Mark and Kristin Gibson and located in the Recreation District District.
2. Parcel 14-040 has the following town permits:

   A. #94-234 Variance (1994)
   B. #1315 Zoning Permit (1994)

3. The applicant's parcel is adjacent to land owned by Shea & Charron-Shea Revocable Trust, Slidebrook LLC, Sugarbush Mountain Resort Inc., David E. Sette-Ducati, Jay Myrto and Roman Kostrubiak.
4. Application #3932 was deemed complete at the May 6th, 2024 Development Review Board Meeting.
5. Pursuant to Section 3.6(D), The DRB may allow for a reduction of the front setbacks from sixty-five (65) to not less than forty-five (45) feet, and side/rear setback reduction from twenty-five (25) to not less than ten (10) feet from the side or rear property line and:

   a. accomplishes the preservation of a scenic feature (s) not otherwise protected by the required setback; or

   b. is necessitated by building constraints caused by geologic, topographic, or hydrologic conditions.

6. Slide Brook runs through the center of Parcel 14-040 with the corresponding stream buffer per Section 3.14.
7. Pursuant to Section 3.14 (A), To prevent soil erosion, protect wildlife habitat and maintain water quality, an undisturbed vegetated buffer strip shall be maintained for a minimum of 50 feet from the banks of streams and rivers, and the shores of ponds formed by in-stream impoundments in streams and rivers. The width of the buffer strip shall be measured from the top of the streambank or stream slope, or, where no streambank is discernable, from the regular high-water mark.

8. Pursuant to Section 3.14 (C), Any development within 100 feet from the banks of streams and rivers, and the shores of ponds formed by in-stream impoundments in streams and rivers must go through Conditional Use Review.
9. Pursuant to Section 3.8 (A)(3), if residential, may be structurally enlarged, expanded or moved, upon approval of the Administrative Officer, provided the enlargement, expansion or relocation would otherwise be conforming. All other residential non-complying structures may be enlarged or expanded with the approval of the DRB as a conditional use in accordance with Section 5.3, provided the expansion or enlargement:
    a. does not increase the total volume or area of the non-complying portion of the structure in existence prior to the effective date of these regulations by more than 50%, and
    b. does not extend the non-complying feature/element of a structure beyond the point that constitutes the greatest pre-existing encroachment.
10. The current home sits within the 100 ft. stream buffer and small portion of the proposed expansion sits within 100-foot stream buffer but is not closer to the stream than the existing structure.
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.

Decision:

DRB members voted as follows to approve application #3932 with the following conditions:

1. Site work shall be conducted in accordance with the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.
2. 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.
3. Applicant shall submit a site plan showing the driveway and turn around being no closer than 10 feet from the side property line pursuant to Section 3.1 (B)(3)

4. Applicant shall submit a site plan showing the location of the leach field pursuant to Section 5.2 (A)(5)(e)
5. Any outdoor lighting shall be down cast pursuant to Section 3.9

Jim Donkersloot: yes/ no/ abstain / **ABSENT** / recuse
Daniel Young: **YES** / no/ abstain / absent /recuse
Ky Koitzsch: **YES** / no / abstain / absent / recuse
VACANT: yes / no/ abstain /**ABSENT**/ recuse
Mike Quinneville: **YES** /no / abstain / absent / recuse

Dated at Fayston, Vermont, this 20th day of June 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.