Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3935

Property Owner/Applicant: Guy and Amanda Harris

Parcel ID: 11-085.005

Application Number: 3935

Reason for Application: Requesting Conditional Use Approval (Article 5) pursuant to Section 3.4 of the Fayston Land Use Regulations for development on slopes in excess of 15% for the associated infrastructure of a Single-Family Residence.

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

Introduction and Procedural History:

1. The Conditional Use application #3935 was filed on April 14th, 2025. The subject parcel is Parcel ID # 11-085.005 at 129 High Road. Applicants Guy and Amanda Harris 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 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:

A. On April 14th, 2025 the applicant submitted Development Review Board Application (#3935) 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 April 14th, 2025 the applicant submitted a site plan titled "EPSC Plan & Details Guy Harris" by Grenier Engineering dated March 13th, 2025.
C. On April 14th, 2025 the applicant submitted a site plan titled "Slope Analysis Plan Guy Harris" by Grenier Engineering dated April 9th, 2025.
D. On April 14th, 2025 the applicant submitted a site plan titled "Proposed Site Plan Guy Harris" by Grenier Engineering dated April 9th, 2025.
E. On April 21st, 2025 the applicant submitted proof of notification of abutting landowners.

Findings of Fact:

1. The property is located at 129 High Road and consists of 3.46 acres. The property is owned by Guy and Amanda Harris. The parcel is identified as #11-085.005 in the Recreation District.
2. Parcel 11-085.005 has the following town permits:
    a. #2927 Zoning (2007)
    b. #3687 Zoning (2021)
    c. #3828 Zoning (2023)
3. The applicant's parcel is adjacent to land owned by Scott Cullen, Sugarbush Mountain Resort Inc., Kevin Lambert, Charles & Paula Baldwin (trustees), Michael Perisho, Larson Living Trust, Adam Julius, Richard Atkinson and Gary A Leonard Revocable Trust.
4. The proposed project would have development on more than 1,000 square feet of land with slopes greater than 15%.
5. Application #3935 was deemed complete at the May 6th, 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.

11. At the May 6th, 2025 hearing Scott Cullen was identified as an interested party to this application.

Decision:

DRB members voted as follows to approve application #3935 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 if applicable.
3. Clearing for the driveway shall not exceed a 25ft. width between the High Road access and where the driveway crosses the drainage channel.
4. The location of where the underground power shall be moved towards the Northwestern corner of the lot along High Road. This should minimize any clearing along High Road by creating straight path from the road to the Building Envelope.
5. The clearing for sewer line should be minimized to just enough for the necessary equipment to accomplish the install of the sewer line. The clearing shall not exceed the width shown on the site plans submitted to the DRB for the May 6th, 2025 hearing.
6. 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.
7. 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
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.