Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3951

Property Owner: The Bachleda 2013 Family Trust

Applicant: McCain Consulting, Inc.

Parcel ID: 05-027

Application Number: 3951

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 a concrete patio and associated infrastructure of a Single-Family Residence.

Public Hearing Attendees: **Attending DRB Members:** Daniel Young (Chair), Jim Donkersloot, (Vice Chair), Mike Quenneville, Beth Eisenhower, Ky Koitzsch and Eve Silverman (Alternate & Minutes Taker) **Zoning Administrator:** Jason Wilson; **Public:** George McCain, Chad Forcier, Chris Quinn, Terry Gregory, Milford Cushman, Jared Cadwell and Dale King

Introduction and Procedural History:

1. The Conditional Use application #3951 was filed on June 6th, 2025. The subject parcel is Parcel ID # 05-027 at 589 Glen View Road. Applicant McCain Consulting, Inc. 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 June 12th, 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 July 1st, 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 June 6th, 2025 the applicant submitted Development Review Board Application (#3951) including a project narrative, response to General Review Standards of Section 5.4, list of abutting land owners and sample abutting land owner letter.

B. On June 11th, 2025 the applicant submitted a site plan titled "Bachleda 2013 Family Trust Pre-Existing Slopes" DC-1 by McCain Consulting Inc. dated June 5th, 2025.

C. On June 11th, 2025 the applicant submitted a site plan titled "Bachleda 2013 Family Trust Existing/Proposed Conditions" DC-2 by McCain Consulting Inc. dated June 5th, 2025 with revision date of June 11th, 2025.

D. On June 11th, 2025 the applicant submitted a site plan titled "Bachleda 2013 Family Trust Erosion Prevention & Sediment Control" DC-3 by McCain Consulting Inc. dated June 5th, 2025.

E. On June 11th, 2025 the applicant submitted a site plan titled "Bachleda Residence Proposed Landscape Plan A" LS.1 by Cushman Design Group. dated June 5th, 2025.

F. On June 11th, 2025 the applicant submitted a site plan titled "Bachleda Residence Proposed Landscape Plan B" LS.2 by Cushman Design Group. dated June 5th, 2025.

G. On June 16th, 2025 the applicant submitted proof of notification of abutting landowners.

Findings of Fact:

1. The property is located at 589 Glen View Road and consists of 2.2 acres. The property is owned by The Bachleda 2013 Family Trust. The parcel is identified as #05-027 in the Rural Residential District.
2. Parcel 05-027 has the following town permits:
    a. #72-102 Zoning Permit (1972)
    b. #1119 Zoning Permit (1990)
    c. #1178 Zoning Permit (1991)
    d. #3809 Zoning Permit (2023)
3. The applicant's parcel is adjacent to land owned Green Mountain Valley School, Norma F. Watts Family Trust, Carolina Lopez-Trevino and The Jared Marshall Cadwell 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 #3951 was deemed complete at the July 1st, 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. Construction of the patio had already begun when the applicant realized it wasn't included with initial Zoning Permit #3809. Construction was halted and they contacted the Zoning Administrator for the next steps.
12. When the initial Zoning Permit #3809 was applied for they were going to use the existing Water/Wastewater system. During development the received permit WW-5-9578 and this would also need Conditional Use Approval from the Development Review Board for development on slopes greater than 15%. Construction on the system had not already begun

Decision:

DRB members voted as follows to approve application #3951 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. Site work performed will follow all items shown the site and landscaping plans provided to the Development Review Board for the July 1st, 2025 hearing.

Daniel Young: **YES** / no / abstain / absent / recuse
Jim Donkersloot: **YES** / no/ abstain / absent /recuse
Ky Koitzsch: **YES** / no / abstain / absent / recuse
Beth Eisenhower: **YE**S /no / abstain / absent/ recuse
Mike Quinneville: **YES** /no / abstain / absent / recuse

Dated at Fayston, Vermont, this the 15th day of August 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.