Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3990 & 3991

Property Owner(s): Eastman Long, Donald Terry and Anthony & Judy Long

Applicant(s): Eastman Long and Donald Terry

Parcel ID: 07-027, 07-032, 07-026 and 07-027.001

Reason for Application: Requesting approval of a Three Lot Subdivision of a 43.1-acre lot along with a Boundary Line Adjustment 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): 3990 and 3991

Public Hearing Attendees: Attending DRB Members: Daniel Young (Chair), Jim Donkersloot (Vice Chair). Mike Quenneville, Ky Koitzsch and Jim Donkersloot **ZA**: Jason Wilson (Zoom) **Public:** Howard Wynne, Gunner McCain (Zoom), Andy Lee (Zoom), Tom McCarthy (Zoom), Tom & Judy Long (Zoom), Eastman Long (Zoom) and Ryan Morrison (Zoom)

Introduction and Procedural History:

1. The Subdivision application #3990 was filed on December 15th, 2025. The subject parcels are parcel IDs # 07-027, 07-032, 07-026 and 07-027.001, located at 1188 Tucker Hill Road. Applicants Eastman Long and Donald Terry requests approval under Articles 6 and 7 of the Fayston Land Use Regulations Minor Subdivision with a Boundary Line Adjustment. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.

2. Conditional Use Application #3991 was filed on December 15th, 2025. Applicants Eastman Long and Donald Terry requests approval under Article 5 of the Fayston Land Use Regulations for development of steep slopes on an existing driveway for Single Family Residence. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.

3. Notice of the hearing was properly published. On December 18th, 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.

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

5. Applications #3990 & #3991 and plans were considered by the Development Review Board at public hearing which occurred on January 6th, 2026. The Development Review

Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended December, 2025.

The following exhibits were submitted to the Development Review Board:

1. Subdivision Application (#3990) and Development Review Board Application (#3991) 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 Sections 5.4 and 6.2, Site Location Map and a Habitat Map via Vermont Agency of Natural Resources Natural Resources Atlas.

3. A site plan titled "Driveway Plan Eastman Long Et Al" by, McCain Consulting, Inc., dated October 1, 2025.

4. A site plan titled "Existing/ Proposed plan for Subdivision + Boundary Line Adjustment Eastman Long Et Al" by, McCain Consulting, Inc., dated September 11, 2025 with a revision date of 11/25/2025.

5. Proof of notification of adjoining land owners.

Findings of Fact:

1. The property is located at 1188 Tucker Hill Road and consists of 43.1 acres. The property is owned by Eastman Long, Donald Terry and Anthony & Judy Long. The parcels are identified as 07-027, 07-032, 07-026 and 07-027.001 in the Rural Residential District.

2. The parcels have the following town permits:

07-027
a. # 903 Zoning (1987)
b. #1016 Zoning (1988)
b. #1016-01 Health Permit (1988)

07-027.001
a. #3205 Zoning (2013)
b. #3688 Home Occupation (2021)
c. #3768 Zoning (2022)
d. # Cert. of Occupancy (2024)

07-026
a. #74-186 Zoning (1974)
b. #171 Zoning (1976)
c. #1100 Zoning (1990)
d. #1200 Zoning (1992)
e. #1881 Subdivision (2000)
f. #2065 Zoning (2002)
g. #2563 Zoning (2004)

07-032
a. #2643 Health (2005)
b. #2644 Zoning (2005)
c. #2658 Conditional Use (2005)
d. #2711 Conditional Use (2005)
e. #3140 Conditional Use (2012)
f. #3141 Zoning (2012)

3. The Property is adjacent to land owned by Andrew Lee, Lisa Anne Loomis, Christopher Mayone & Kaiya Korb, Thomas McCarthy & Marie Macleod, LD Waters, Warren & Teresa Uzzle Life Estate, Timothy & Melissa Greenwood, Howard & Lynda Wynne and Marble Hill Farm LLC.

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. The driveway is an existing driveway and is for the same use as before. This driveway also predates the man-made pond (Permit #2563).

11. At the time of the Development Review Board hearing Vermont Agency of Natural Resources has a Class II delineated near the proposed Lot 3. If the applicants can get this area re-delineated, either shrinking or eliminating this wetland the applicants can apply for a Subdivision Amendment to increase the size of the Building Envelope.

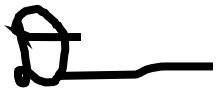
Decision:

DRB members voted as follows to approve subdivision application #3990 and Conditional Use Application #3991 with the following conditions:

1. Submit to the Development Review Board the required mylar plat for approval and then to be recorded in the Fayston Land Records 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. Site work shall be conducted in accordance with the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.
4. This approval is for Option B found on site plan titled "Existing/ Proposed plan for Subdivision + Boundary Line Adjustment Eastman Long Et Al" by, McCain Consulting, Inc., dated September 11, 2025 with a revision date of 11/25/2025.

Jim Donkersloot: **YES**/no/abstain/absent/recuse
Beth Eisenhower: **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 20th day of February 2026.



_____,
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.