Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3996

Property Owner: 2972 North Fayston Road Realty Trust

Applicant: Thomas & Penny Grandy

Parcel ID: 01-084b

Application Number: 3996

Reason for Application: Requesting a Conditional Use approval under Article 5 per Section 3.4 of the Fayston Land Use Regulations for development of a single-family residence with associated infrastructure on slopes in excess of 15% in grade.

Public Hearing Attendees: Attending DRB Members: Daniel Young (Chair), Jim Donkersloot (Vice Chair). Mike Quenneville, Ky Koitzsch and Jim Donkersloot, Eve Silverman (Alt.) **ZA**: Jason Wilson (Zoom) **Public:** Jessie Reed (Zoom), Tom Grandy (Zoom), Langford Davidson (Zoom), Chris Ann Bauer, George McCain, William Norton and Lynda Mischler.

Introduction and Procedural History:

1. The Conditional Use application #3996 was filed on February 5th, 2026. The subject parcel is Parcel ID # 01-084b and is located at North Fayston Road at Dunbar Hill RD. The applicant a Conditional Use approval under Article 5 per Section 3.4 of the Fayston Land Use Regulations for development of a single-family residence with associated infrastructure on slopes in excess of 15% in grade. 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 February 12th, 2026 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. Application #3997 and plans were considered by the Development Review Board at a public hearing which occurred on March 3rd, 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:

A. On February 5th, 2026 the applicant submitted Development Review Board Application (#3997) including, project narrative, Steep Slopes Map, Agricultural Soils Map, Responses to General Review Standards of Section 5.4, list of abutting land owners and sample abutting land owner letter.
B. On February 5th, 2025 the applicant submitted a site plan titled "2792 North Fayston RD Realty Trust" DC-1 by McCain Consulting Inc. dated January 20th, 2026.
C. On February 10th, 2026 the applicant submitted proof of notification of abutting landowners.
D. On March 3rd, 2026 the applicant submitted a site plan titled "2792 North Fayston RD Realty Trust" DC-1 by McCain Consulting Inc. dated January 20th, 2026 with a revision date of 3/2/2026

Findings of Fact:

1. The property is located on North Fayston Road at Dunbar Hill Road and consists of 1.6 acres. The property is owned by 2972 North Fayston Road Realty Trust. The parcel is identified as #01-084b in the Rural Residential District.

2. Parcel 11-079 has the following town permits:

    a. #72-115 Zoning Permit (1972)
    b. #580 Zoning Permit (1981)
    c. #907 Zoning Permit (1987)
    d. #1360 Zoning Permit (1995)
    e. #1818 Zoning Permit (1999)
    f. #3774 Zoning Permit (2022)

3. The applicant's parcel is adjacent to land owned by 2972 North Fayston Road Realty Trust, Eric & Chris Ann Bauer, Richard Levey & Cathrine Eliopoulos and Albert Jr. & Zelda Lavanway.

4. The proposed project would have development on more than 1,000 square feet of land with slopes greater than 15%.

5. 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."

6. 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.

7. 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.
8. Pursuant to Section 3.4(E)(3)(g) Cut and fill slopes will be rounded off to eliminate any sharp angles at the tops, bottoms and sides of regarded slopes, and shall not exceed a slope of one vertical to two horizontal (1:2), except where retaining walls, structural stabilization or other accepted engineering methods are proposed. Structures will be set back from the tops and bottoms of such slopes an adequate distance (generally six (6) feet plus one-half the height of the cut or fill) to ensure structural safety in the event of slope collapse.
9. 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 #3996 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 Agency of Natural Resources "The Vermont Standards and Specifications for Erosion Prevention and Sediment Control including winter measures if applicable.
3. An updated site plan will be submitted showing names and parcel numbers of abutting lots, how the power will be run to the building envelope, and changes to the driveway discussed at the March 3rd, 2026 hearing.
4. Cut and fill slopes will be rounded off to eliminate any sharp angles at the tops, bottoms and sides of regarded slopes, and shall not exceed a slope of one vertical to two horizontal (1:2), except where retaining walls, structural stabilization or other accepted

engineering methods are proposed. Structures will be set back from the tops and bottoms of such slopes an adequate distance (generally six (6) feet plus one-half the height of the cut or fill) to ensure structural safety in the event of slope collapse.

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

Dated at Fayston, Vermont, this 8th day of April, 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.