Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3997

Property Owner(s): Lynda Mischler

Applicant(s): Bill Norton

Parcel ID: 08-070

Reason for Application: Requesting a Conditional Use approval under Article 5 per Section 3.14 and Section 3.8 of the Fayston Land Use Regulations for the enlargement of a single-family residence that a portion would be inside the 100ft stream buffer but outside the 50 ft. stream buffer.

Application Number(s): 3997

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. Conditional Use Application #3997 was filed on February 5th, 2026. Applicant Bill Norton requests approval under Article 5 of the Fayston Land Use Regulations per Section 3.14 and Section 3.8 of the Fayston Land Use Regulations for the enlargement of a single-family residence that a portion would be inside the 100ft stream buffer but outside the 50 ft. stream buffer. 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 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:

1. Development Review Board Application (#3997) for Conditional Use approval of development that a portion would be inside the 100ft stream buffer but outside the 50 ft. stream buffer.

2. Project Narrative, sample notification letter, list of abutters and responses to the review standards in Sections 5.4.

3. A site plan titled "Norton Asset Management, Inc. Proposed Addition for Lynda Mischler" by, McCain Consulting, Inc., dated February 4, 2026.

4. A build plan titled "Lynda Mischler Vermont Home Addition" by Warren Street Architects, dated January 23, 2026.

5. Proof of notification of adjoining land owners.

Findings of Fact:

1. The property is located at 2712 Mill Brook Road and consists of 1.7 acres. The property is owned by Lynda Mischler. The parcel is identified as 08-070 in the Rural Residential District.

2. The parcels have the following town permits:
   a. #585 Subdivision (1981)
   b. #586 (1981)

3. The Property is adjacent to land owned by Robin Robinson, SV Reserve VT LLC, Margaret Shea, Double J LLC and Mad River Corporation.

4. Pursuant to Section 3.4(C) **Development Outside Buffer Strip.** 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. 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. The Development Review Board may approve such development after a determination that the proposed modification meets the following standards:

   (1) Reasonable measures are undertaken to protect water quality, such as, but not limited to, the planting of shade trees adjacent to streambanks, the protection of existing or establishment of new vegetated buffer areas along streambanks, and/or stormwater management provisions to collect and disperse stormwater away from the stream or river; see Appendix A for suggested Best Management Practices that can be employed; and

   (2) The development will not result in degradation of adjacent surface waters. Specifically, the Board shall find the proposed development will not adversely affect:

-the ability of the stream to carry floodwaters;
-stream channel stability;
-the water quality of the stream due to potential erosion and runoff; or
-the natural beauty of the stream.

5. Pursuant to Section 3.14 (E), The expansion or enlargement of any structure in existence prior to the effective date of these regulations and not in compliance with subsections (B) may be permitted with the approval of the Development Review Board in accordance with Article 5.

6. Pursuant to Section 3.8 (A)(3), (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.

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.

Decision:

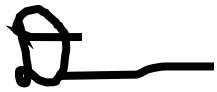
DRB members voted as follows to approve Conditional Use Application #3997 with the following conditions:

1. 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.
2. Site work shall be conducted in accordance with the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control.

3. Submit an updated site plan showing the abutter parcel number and names per Section 5.2 (A)(5)(j).

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 13th day of April 2026.



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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.