Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 4016

Property Owner: Kramarczyk-O'Connor Revocable Trust

Applicant: Jack Kramarczyk

Parcel ID: 03-145.005

Application Number: 4016

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), Mike Quenneville, Ky Koitzsch and Beth Eisenhowser **Public:** Jack Kramarczyk (Zoom), John Cresap (Zoom), George McCain and Michael Duell.

Introduction and Procedural History:

1. The Conditional Use application #4016 was filed on April 17th, 2026. The subject parcel is Parcel ID # 13-145.005 and is located at Lot 5 on Terrafay Road. 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 April 16th, 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 #4016 and plans were considered by the Development Review Board at a public hearing which occurred on May 5th, 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 April 16th, 2026 the applicant submitted Development Review Board Application (#4016) and Zoning Permit Application #4017 including, project narrative, responses to General Review Standards of Section 5.4, list of abutting land owners, sample abutting land owner letter, VT ANR Steep Slopes Map, VT ANR Deer Wintering Area Map and VT ANR Habitat Block Map.

B. On April 16th, 2026 the applicant submitted a site plan titled "Kramarczyk-O'Connor Revocable Tr. Slope Analysis & Building Envelope Plan" C-1 by McCain Consulting Inc. dated April 9th, 2026.

C. On April 16th, 2026 the applicant s submitted a Project Plan Set titled "O'Connor-Kramarczyk" by Huntington Homes Inc. dated 12/12/2025.

D. On April 17th, 2026 the applicant submitted proof of notification of abutting landowners.

Findings of Fact:

1. The property is located at Lot 5 on Terrafay Road and consists of 13.11 acres. The property is owned by Kramarczyk-O'Connor Revocable Trust. The parcel is identified as #03-145.005 in the Rural Residential District.

2. Parcel 13-145.005 is affected by the following town permits:

    a. #2777 Subdivision (2007)
    b. #2957 Conditional Use (2008)

3. The applicant's parcel is adjacent to land owned Michael Duell (Trustee), Terrafay Limited, Thomas & Jamie Linstroth and Julia Robertson.

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 (B)(5)(b), Pre-development site clearing and site preparation shall be reviewed by the Development Review Board in accordance with these regulations. Where a landowner fails to submit pre-development plans for review, the Board may require the site be restored or re-vegetated.
10. Pursuant to Section 10.2, the definition of Pre-development Site Preparation states Activities undertaken on a property or lot in order to prepare land for development, including site clearing, excavation, grading, tree removal, vegetation removal, road construction, driveway construction, and/or grading for house sites, accessory structure sites, and septic systems or related work.
11. Prior to application #4016 being submitted, unapproved Pre-development site clearing had taken place.
12. 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 #4016 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. To mitigate the Pre-Site Clearing, 30 native trees will be planted per acre in the areas outside the Limits of Disturbance shown on the site plan presented to the Development Review Board at the May 5th, 2026 hearing. This is in accordance with Section 5.4 (B)(5)(b) and Section 5.4 (B)(5)(c)(i) of the Fayston Land Use Regulations. As this is a condition of approval, this condition will need to be met prior to being issued a Certificate of Occupancy in accordance with Section 9.4 (A)(2) of the Fayston Land use Regulations.
4. There will shall be no more clearing in the areas outside of Limits of Disturbance shown on the site plan presented to the Development Review Board at the May 5th, 2026 hearing.

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 18th day of June, 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.