Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 4032

Property Owner/Applicant: Betsey Rutledge

Parcel ID: 01-021.001

Application Number: 4032

Reason for Application: Requesting Conditional Use approval under Article 5 per Section 3.4 of the Fayston Land Use Regulations for development of an Accessory Dwelling Unit with associated infrastructure on slopes in excess of 15% in grade. Also, requesting approval and recommendation to the Selectboard for a secondary residential access per Section 3.1.

Public Hearing Attendees: Attending DRB Members: Daniel Young (Chair), Jim Donkersloot (Vice Chair), Mike Quenneville, Ky Koitzsch, Beth Eisenhowser and Eve Silverman (Alternate) **ZA:** Jason Wilson **Public:** Doug & Heather Hoffman, Betsy Rutledge and Dean Zoecklin

Introduction and Procedural History:

1. The Conditional Use application #4032 was filed on June 4th, 2026. The subject parcel is Parcel ID # 01-021.001 and is located at 311 Smith Road. The applicant requests Conditional Use approval under Article 5 per Section 3.4 of the Fayston Land Use Regulations for development of an Accessory Dwelling Unit with associated infrastructure on slopes in excess of 15% in grade. This project also requests approval and recommendation to the Selectboard for a secondary residential access per Section 3.1. 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 18th, 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 #4032 and plans were considered by the Development Review Board at a public hearing which occurred on July 7th, 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 June 4th, 2026 the applicant submitted Development Review Board Application (#4032) 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 and VT ANR Habitat Block Map.
B. On June 22nd, 2026 the applicant submitted a site plan titled "EPSC Plan Betsey Rutledge Building Envelope & Driveway Reconfiguration" C-1 by McCain Consulting Inc. dated June 19th, 2026.
C. On June 17th, 2026 the applicant submitted proof of notification of abutting landowners.

Findings of Fact:

1. The property is located at 311 Smith Road and consists of 3.63 acres. The property is owned by Betsy Rutledge. The parcel is identified as #01-021.001 in the Rural Residential District.
2. Parcel 01-021.001 is affected by the following town permits:
    a. #2639 Health (2005)
    b. #2640 Zoning (2005)
3. The applicant's parcel is adjacent to land owned by Dean & Evelyn Zoecklin, Peter Turley & Jeremiah Rutledge.
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.

10. There is an existing access at this location but it is for agricultural use. Also, there is a sugarhouse and shed at proposed location of Accessory Dwelling Unit.

11. Pursuant to Section 3.1(A)(1), *With the exception of accesses (curb-cuts) used solely for agricultural or forestry purposes, no lot in existence as of the effective date of these regulations may be served by more than one access (curb cut). The DRB may approve and recommend to the Select Board additional accesses to properties in the event that:*

    a. *the additional access is necessary to ensure vehicular and pedestrian safety; or*
    b. *the strict compliance with this standard would, due to the presence of one or more physical features (e.g., streams, steep slopes, wetlands), result in a less desirable development or subdivision design than would be possible with the allowance of an additional access; or*
    c. *Planned Unit Development (PUD) approved in accordance with Article 8, must have a traffic management plan*.

Decision:

DRB members voted as follows to approve application #4032 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. 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 July 7th, 2026 hearing. This will include the area between the well and proposed Building Envelope.
4. The driveway culvert shall be upgraded to a 24-inch culvert.

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 5th day of August 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.