# Development Review Board, Town of Fayston, VT
# Notice of Decision for Application No. 3957

**Property Owner:** Michael and Jeremy Perisho

**Applicant:** Kate Jackson

**Parcel ID:** 11-079b

**Application Number:** 3957

**Reason for Application:** Requesting Conditional Use Approval (Article 5) pursuant to Section 3.4 of the Fayston Land Use Regulations for development on slopes in excess of 15% for the associated infrastructure of a Single-Family Residence. Applicants are also seeking Front and Side Setback Waivers pursuant to Section 3.6 of the Fayston Land Use Regulations for the same project.

**Public Hearing Attendees:** **Attending DRB Members:** Daniel Young (Chair), Mike Quenneville, Jim Donkersloot and Beth Eisenhower **Zoning Administrator:** Jason Wilson **Public:** Jeremy Perisho, Ryan Perisho, Kate Jackson, Todd Hill, Mary Beth Childs and Troy Hubbard

**Introduction and Procedural History:**

1. The Conditional Use application #3957 was filed on July 11th, 2025. The subject parcel is Parcel ID # 11-079b on Village Road. The applicants request approval under Article 5 of the 2023 Fayston Land Use Regulations for approval of development on slopes greater than 15% along with Front and Side Setback waivers pursuant to Section 3.6. 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 July 17th, 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.

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

4. The application and plans were considered by the Development Review Board at a public hearing which occurred on August 5th, 2025. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended May 2023.

**The following exhibits were submitted to the Development Review Board:**

A. On July 11th, 2025 the applicant submitted Development Review Board Application (#3957) including, site location map, and list of abutting land owners.
B. On July 11th, 2025 the applicant submitted a site plan titled "Michael & Jeremy Perisho Site Plan Water & Wastewater Plans" by Todd Hill Environmental Consulting & Design dated June 10th, 2025 with a revision date of July 11th, 2025.
C. On July 18th, 2025 the applicant submitted a project narrative, sample abutter letter, proof of notification of abutters and responses to Review Standards in Section 5.4.
D. On July 18th, 2025 the applicant submitted a site plan titled "Michael & Jeremy Perisho Site Plan Water & Wastewater Plans" by Todd Hill Environmental Consulting & Design dated June 10th, 2025 with a revision date of July 11th, 2025 and July 17th, 2025.
E. On July 18th, 2025 the applicant submitted proof of notification of abutting landowners.

**Findings of Fact:**

1. The property is located next to 461 Village Road and consists of 10.1 acres. The property is owned by Michael and Jeremy Perisho. The parcel is identified as #11-079b in the Recreation District.
2. Parcel 11-079 has the following town permits: None
3. The applicant's parcel is adjacent to land owned by Sugarbush Mountain Resort Inc., Douglas & Kathleen Keith, Mark Blair Bigelow, Larson Living Trust, Norman Rainville Revocable Trust, Loraine Wargo, The Taric Group 265 & 267 Inc., Kevin Lambert, Charles & Paula Baldwin Trustees and Guy and Amanda Harris.
4. The proposed project would have development on more than 1,000 square feet of land with slopes greater than 15%.
5. Application #3957 was deemed complete at the August 5th, 2025 Development Review Board Meeting.
6. 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."
7. 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.

8. 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.

9. Pursuant to Section 3.14 (B)(1), "Road, driveway, and utility crossings, provided such crossings comply with the standards and specifications of the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites and Vermont Agency of Transportation's B71 Road Standards [http://www.faystonvt.com/wp-content/uploads/2017/08/Vtrans_B-71_driveway_standard_2005.pdf]. If a road, driveway, utility corridor, or stream crossing related to an approved use crosses a headwater stream, then minimal clearing and associated site development to allow for the development and maintenance of these crossings shall receive prior approval of the Development Review Board pursuant to Section 5.03.

10. The applicant is seeking a Front setback waiver reduced from 65 feet to 45 feet and Side Setback Waiver from 25 feet to 10 feet for the house site. The setbacks overlap due to the shape of the abutting lot.

11. Pursuant Section 3.6(D), The DRB may allow for a reduction of the front setbacks from sixty-five (65) to not less than forty-five (45) feet, and side/rear setback reduction from twenty-five (25) to not less than ten (10) feet from the side or rear property line and:

    a. accomplishes the preservation of a scenic feature (s) not otherwise protected by the required setback; or

    b. is necessitated by building constraints caused by geologic, topographic, or hydrologic conditions.

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.

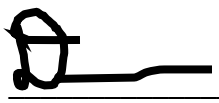
**Decision:**

DRB members voted as follows to approve application #3957 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. The driveway and the temporary parking area will have 18" culverts as mentioned in the hearing on August 5th, 2025.
4. The property lines in the immediate area of the house site and the footprint shall be staked prior to any type construction and the Zoning Administrator will be called to confirm that all approved setbacks are met.
5. The temporary parking area will be reseeded after initial construction is complete.

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 September, 2025.**



_____ _____,
**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.