

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3277, 3278**

Applicant(s): BB & J, LLC c/o Bruce Depper and Jane Goldstein

Parcel ID: #03-088.000

Reason for Application: construction on slopes between 15-25%

Public Hearing Attendees: DRB Members: Chuck Martel, Kevin Wry, Mike Quenneville, and Leo Cohen. ZA: John Weir. Public: Gunner McCain, Nick Goldberg, Brendan O'Reilly, Colin Flavin

Introduction and Procedural History:

1. The Development Review Board applications were filed on April 14, 2014 requesting conditional use approval (Article 5) under Section 3.4(D) Standard 2 of the Fayston Land Use Regulations to construct a single family residence and a garage with attached apartment. 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 17, 2014 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 May 6, 2014. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended August 29, 2012.
5. A site visit was conducted on May 6, 2014 at 5pm.

The following exhibits were submitted to the Development Review Board:

Exhibit A. Development Review Board applications #3277, 3278

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Warning placed in the Valley Reporter on April 17, 2014. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Findings:

1. The Board found the application to be complete at a public hearing held May 6, 2014.
2. The applicant seeks conditional use approval to construct a single family residence and a garage with attached apartment. The subject property is parcel 03-088.000, located at 2789 Center Fayston Road, in the Town of Fayston, VT. Conditional use approval is requested pursuant to review under the Town of Fayston, Vermont Land Use Regulations, as amended August 29, 2012, Section 3.4(D) Standard 2.
3. The property is located in the Rural Residential District as described on the Town of Fayston Zoning Map on record at the Town of Fayston municipal office, also described under Article 2, Table 2.4 of the Town of Fayston, VT land use regulations.
4. The applicant's parcel is adjacent to land owned by John and Monica Pieper, David Frank, Andrew Dimario, Brett and Elizabeth Bellknap, Michael and Lori Rush, Douglas and Carol Wilson, Frederick and Victoria Meade, June Burr, Christopher and Margaret Freer, Richard Backus, Kevin and Tonalee Bombard, Craig Guss and Jeanne Elias, and Colin Kaminski and Karyn Hildebrandt.
5. Wetlands and streams are present on the parcel but will be protected by a 50-foot buffer zone.
6. An abandoned foundation is present which extends into the stream buffer zone. As part of the project, that foundation will be demolished, the area re-vegetated and the buffer zone re-established.
7. The slope of the land in the build area is approximately 20% in grade, give or take one percent.
8. Extensive clearing of the parcel has already taken place. No more clearing of the site is proposed.
9. Silk-fencing will be placed to control erosion.
10. Applicants have obtained a wastewater permit from the State of Vermont – WW-5-5651-1.
11. Access to the property is via an existing driveway/curb cut. The driveway will be extended and improved. The driveway will be approximately 500 feet long and will have a parking area which will serve as the emergency pull-off area per Section 3.1(B)(5).
12. Drainage at the intersection of the driveway and Center Fayston Road needs improvement. Water is not draining properly and as a result appears to be dispersing onto Center Fayston Road.
13. Under current access restrictions, the driveway must slope away from the shoulder of the town highway at not less than 1/4 inch per foot for the first ten feet, as measured from the edge of the shoulder.

Decision:

DRB members present voted unanimously to approve applications #3277 and #3278 to construct a single family residence and a garage with attached apartment with the following conditions:

Conditions:

1. Pursuant to Section 4.1(A)(1)(c), the accessory apartment attached to the garage must not be greater than 30% of the livable floor area of the house.
2. There must be an emergency pull-off area for the driveway as described by the applicant.
3. Drainage at the intersection of the driveway and Center Fayston Road must be improved pursuant to the existing curb cut. Water runoff from the driveway must not enter or affect Center Fayston Road.
4. Obtain and follow all State of Vermont permits.

Dated at Fayston, Vermont, this 12th day of May, 2014.

Chuck Martel, Development Review Board

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.