

Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3471

Applicant(s): Mavis, LLC

Parcel ID: #01-008.000

Reason for Application: Contractor's Yard

Public Hearing Attendees: Attending: DRB Members: Jon Shea (Chair), Shane Mullen, Lindsay Browning, Mike Quenneville, and Jared Alvord; ZA: John Weir; Public: TJ Kingsbury, Laura Kingsbury

Introduction and Procedural History:

1. The Development Review Board application was filed on May 21, 2018. Applicant Mavis, LLC (parcel ID# 01-008.000, located off Airport Road) requests conditional use approval under Article 2, Section 2.4, Table 2.8 (C) (7) of the Fayston Land Use Regulations for a contractor's yard in the Industrial District. 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 May 24, 2018 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 June 12, 2018. The Development Review Board reviewed the application and plans under the pending Town of Fayston, VT Land Use Regulations, as revised June, 2018.

The following exhibits were submitted to the Development Review Board:

Exhibit A. Conditional Use application #3471

Exhibit B. Letter to adjoining landowners with project description and proof of notice to abutting landowners via certified mail

Exhibit C. Warning placed in the Valley Reporter on May 24, 2018. 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 June 12, 2018.
2. In October of 2008, the Town of Fayston approved an Industrial District within its limits. This land is adjacent to Mad River Park (Waitsfield's Industrial Zone).
3. This approximately 5-acre parcel which is the subject of this application is the Fayston Industrial 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 2.8 of the Town of Fayston, VT Land Use Regulations.
4. The applicant's parcel is adjacent to land owned by Jordan DeFreest, Bob Fuoco, Richard Astheimer, TYMD Ventures, LLC, Michael Hankins, and Michael Brooks.
5. Applicant seeks approval for a contractor's yard for the storage of materials, including piping and culverts. There is no structure proposed and no extraction of resources.
6. No materials will be placed within 100 feet of Shepard Brook.
7. Runoff drains to a master ditch at the edge of the yard. There are also stormwater ponds.
8. No fuel will be stored on site.
9. No new impervious surfaces will be provided to the site.
10. No clearing will occur.
11. Access will continue to be from the Airport Road side of the property (within Waitsfield).
12. Pursuant to Section 5.4 (A), the Board found the proposed contractor's yard would have no effect on the capacity of existing or planned community facilities or services (Section 5.4 (A) (1)).
13. Pursuant to Section 5.4 (A), the Board found the proposed contractor's yard would have no effect on the character of the area as it is already zoned industrial (Section 5.4 (A) (2)).
14. Pursuant to Section 5.4 (A), the Board found the proposed contractor's yard would have no effect on traffic on the roads in the vicinity (Section 5.4 (A) (3)).
15. Pursuant to Section 5.4 (A), the Board found that the proposed contractor's yard is otherwise in conformance with all other existing bylaws in effect (Section 5.4 (A) (4)).
16. Pursuant to Section 5.4 (A), the Board found that the proposed contractor's yard would not interfere with the sustainable use of renewable energy resources, especially given applicant's plans to erect a solar array at the site (Section 5.4 (A) (5)).
17. Pursuant to Undue Adverse Effect analysis (Table 5.1), the Board shall determine if the proposed contractor's yard would create an adverse effect upon the resource, issue and/or facility

in question. Members unanimously agreed that the proposed contractor's yard had no adverse impact, as the project is entirely contained within an industrial district the purpose of which is to include these types of uses.

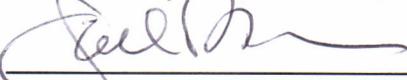
Decision:

DRB members voted unanimously to approve conditional use application #3471 with the following conditions:

Conditions:

1. All materials stored in the contractor's yard shall be stored at least 100 feet from Shepard's Brook.
2. Obtain and comply with all necessary State and Federal permits.

Dated at Fayston, Vermont, this 11th day of July, 2018.



Jon Shea 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.