

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3427**

Applicant(s): Mad River Path Association

Landowner(s): Kevin Begin (dba Tucker Hill Inn)

Parcel ID: #07-066.000

Reason for Application: Footbridge reconstruction

Public Hearing Attendees: DRB Members: Jon Shea (chair), Kevin Wry, Mike Quenneville, Shane Mullen, Jim Halavonich. ZA: John Weir. Public: Charlie Hosford, Laura Brines

Introduction and Procedural History:

1. The Development Review Board application was filed on May 12, 2017 requesting a conditional use approval under Article 3, Section 3.1 (D) of the Fayston Land Use Regulations (LURs) to replace a footbridge on the Mill Brook trail (on the land belonging to Kevin Begin). 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 25, 2017 the legal warning for a public hearing for review of this application was published in the Valley Reporter. These warnings were 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 held on June 13, 2017.
4. The application and plans were considered by the Development Review Board at a public hearing which occurred on June 13, 2017. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended August 29, 2012.

The following exhibits were submitted to the Development Review Board:

Exhibit A. Development Review Board applications #3427

Exhibit B. Warning placed in the Valley Reporter on May 25, 2017. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit C. Application and Reporting Form for coverage under the Stream Alteration Permit

Exhibit D. Vermont Stream Alteration General Permit – Authorization to Conduct Stream Alteration Activities: Project No. SA-253

Exhibit E. Letter and certified notice of the application and hearing to all abutting landowners.

Findings:

1. The Board found the application to be complete at a public hearing held June 13, 2017.
2. The applicant seeks conditional use approval to reconstruct a footbridge on the Mill Brook Trail. The subject property is parcel ID #07-066.000, located off 65 Marble Hill 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, Article 3, Section 3.1(D).
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 landowner's (Kevin Begin dba Tucker Hill Inn) parcel is adjacent to land owned by Calvin Smith, Thomas Hamill, William Lee, Kris Colvin, and Alan and Sarah Walker.
5. Pursuant to Section 3.1(D) of the Fayston Land Use Regulations, stream crossing structures may be permitted subject to approval of the DRB in accordance with Section 5.3 conditional use review. In granting such approval, the DRB shall require certification of the bridge design by a licensed professional engineer.
6. The existing pedestrian footbridge over an unnamed brook behind the Tucker Hill Inn has failed.
7. The proposal is for a 32-foot timber deck and stringer footbridge (three girders and stringed along the sides). The bridge will be made with pressure-treated wood and all materials will be brought in by hand.
8. No heavy machinery will be used and there will be no excavation.
9. The proposed footbridge will be slightly higher than the existing failed bridge, specifically six (6) – seven (7) feet above the brook.
10. The applicant has secured a VT ANR Stream Alteration General Permit from the State of Vermont. That general permit authorizes applicant to “conduct stream alteration activities.”
11. No site plan had been provided with the design specifications.
12. Pursuant to Section 5.2 (B), the Board has the authority to waive certain application requirements, including site plans, if deemed unnecessary to approval.

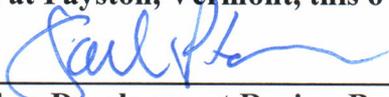
Decision:

DRB members present voted unanimously to approve application #3427 to reconstruct a failed footbridge along the Mill Brook Trail with the following condition:

1. Certification of the bridge design by a licensed professional engineer must be received and submitted to the Zoning Administrator prior to the issuance of the permit.

2. Obtain and follow all necessary State permits.

Dated at Fayston, Vermont, this 6th day of July, 2017.


_____,
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.