

**Development Review Board, Town of Fayston, VT**  
**Notice of Decision for Application No. 3506-3507**

**Applicant(s): Jane O'Donnell and Andy Baer**

**Parcel ID: #03-095.002**

**Reason for Application: Minor Subdivision & Development on Steep Slopes**

**Public Hearing Attendees:** 12/11/2018 - Attending DRB Members: Jon Shea (Chair), Shane Mullen (Vice-Chair), and Jared Alvord (via phone); ZA: John Weir; Public: Gunner McCain, Peter Lazorchak, Jane O'Donnell, Helen Wybrow, Jane Austin, Jane Hobart, Lisa Williams, and Paul Sipple; 1-8-2019 - Jon Shea (Chair), Shane Mullen (Vice-Chair), Jared Alvord, Lindsay Browning, and Mike Quenneville; ZA: John Weir; Public: Andy Cook, Jeff Dunham, Kip Dalury, Margo Wade, Peter Lazorchak, Andy Baer (via phone)

**Introduction and Procedural History:**

1. The Development Review Board application was filed on November 19, 2018. Applicants Jane O'Donnell and Andy Baer (parcel ID# 03-095.002, located off 2186 Center Fayston Road, Fayston) request approval under Article 7 of the pending Fayston Land Use Regulations for a minor subdivision of 31.24 acres into two lots of 27.24 acres and 4 acres (#3506). Applicants further request conditional use approval under Section 3.4 (C) (1) (d) of the Fayston Land Use Regulations for development on slopes between 15% - 25% in grade (#3507). 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 November 22, 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. Preliminary Sketch plan review was held on September 11, 2018.
5. The application and plans were considered by the Development Review Board at public hearings which occurred on December 11, 2018 and January 8, 2019. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended June, 2018.

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

Exhibit A. Subdivision application #3506

Exhibit B. Conditional Use application #3507

Exhibit C. Letter to adjoining landowners with project description

Exhibit D. Warning placed in the Valley Reporter on November 22, 2018. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit E. Subdivision Plan

Exhibit F. Driveway Plan

Exhibit G. Erosion Control Plan

**Findings:**

1. The Board found the application to be complete at a public hearing held December 11, 2018.
2. Applicants waived their right to be heard by a full five-member Board at the December 11, 2018 hearing.
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 Christopher and Rosemary Conrad, Colin Lindberg, Joan Rae and Paul Sipple, Robert Gertner and Linda Landrum, Peter and Pamela Conrad, William and Susan Jeffreys, and Jane Brodwyn.
5. Applicants' proposed subdivision would keep the existing house on the 4-acre parcel, and build a new house on the 27.24-acre parcel.
6. Applicants seek a second curb cut with a second driveway in order to avoid a significant wetland that comes down and behind the existing house. The proposed new curb cut is near the west-northwestern boundary line. A new 12-foot gravel drive is proposed along the western property boundary.
7. The crossing of a section of slopes greater than 25% in grade is required to access the development area and minimize the impact to the adjacent wetland and wetland buffer.
7. The project proposes to maintain a pattern of ditches on the uphill side to control runoff.
8. The house site is on slopes less than 15% in grade.
9. The driveway is about 1,100 feet. The steepest portion of the driveway grade is about 13% for the first 200 feet. From there on the driveway is less than 10% finished grade. Once the disturbed area is stabilized, the finished grades will be similar to the natural state. The proposed

driveway grade does not exceed 15% in any 50' section. The driveway is proposed with two pull-off areas along its length.

10. During construction silt fence, erosion control matting, stone matting, and check dams will be utilized for erosion control measures. Erosion control matting will be utilized on slopes greater than 15% disturbed during construction to stabilize soils until vegetative growth is established. All other disturbed areas will be seeded and mulched in accordance with VT Low Risk Erosion Control Handbook. Silt fence will be placed down gradient of all disturbed areas to prevent sediment from leaving the construction areas and to demarcate limits of disturbance. Swales and culverts along the driveway will be constructed for stormwater management to help control surface runoff and prevent sedimentation

11. Per the land use regulations, a two-foot culvert is required at the access point of Center Fayston Road.

12. Per the Board's request, two additional culverts will be added on the uphill section of the driveway

13. With regard to the culvert discharge on the fill slope, a stone line ditch will be utilized to keep the water flow stable.

14. A squash culvert (49in x 33in) is proposed where the driveway will cross the stream.

15. With regard to slope stabilization, there will be a small (1-2 feet) stone wall to stop the flow and allow for the bank to remain similar to what it currently is.

16. Per Section 3.1 (B) (2), the edge of the driveway must be at least 10 feet from a property line.

17. Applicants' engineer would be amenable to certifying that the driveway was built according to plans when finished.

18. A site visit was conducted with the VT Department of Fish and Wildlife to review the potential impacts to Wildlife Habitat. During the site visit it was determined that the proposed driveway alignment and development envelope will not have an adverse impact to wildlife habitat.

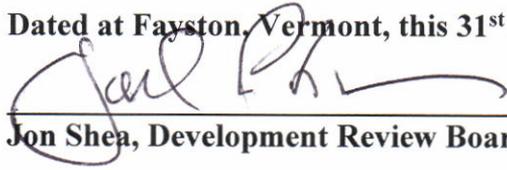
19. A site visit was also conducted with the VT Department of Environmental Conservation wetlands division to review the proposed impacts to the wetland and wetland buffer as a result of the driveway construction. During the site visit the proposed impacts were reviewed and it was indicated that a permit would be issued for the project.

**Decision:**

DRB members voted unanimously to approve subdivision application #3506 and conditional use application #3507 with the following conditions:

1. File final mylar within 180 days of the date of this decision.
2. Obtain and follow all State and Federal permits.

**Dated at Fayston, Vermont, this 31<sup>st</sup> day of January, 2019.**



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**Jon Shea, Development Review Board Vice-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.