

**Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3505**

Applicant(s): Mary E. & Alfred E. Ireland Investment Trusts (c/o Mary Ireland)

Parcel ID: #05-060

Reason for Application: Development on Steep Slopes

Public Hearing Attendees: 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

Introduction and Procedural History:

1. The Development Review Board application was filed on November 19, 2018. Applicant Mary Ireland (parcel ID# 05-060.000, located off the intersection of Bragg Hill Road and Glen View Road) requests: (1) approval under Article 3, Section 3.4(D) of the Fayston Land Use Regulations for a development of a driveway on slopes between 15-20% grade. 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. The application and plans were considered by the Development Review Board at a public hearing which occurred on December 11, 2018. 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. Conditional Use application #3505

Exhibit B. Site plan with contour lines at 2-foot intervals

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.

Findings:

1. The Board found the application to be complete at a public hearing held December 11, 2018.
2. Applicant waived right to be heard by a full five-member Board.
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 Bruce Hyde, Tobias and Deborah Knapp, Brian and Jill Maynard Nolan, Judith Castan, Trustee, Catherine and Carl Naden, Culley Thomas, and Peter Forbes and Helen Wybrow.
5. This project involves the development of a residential access and other residential infrastructure associated with a single-family home that will impact steep slopes between 15% - 25% in grade.
6. Abutting landowners Tobias and Deborah Knapp at 51 Hobart Lane were deemed interested parties to the application.
7. Abutting landowner Helen Wybrow at 700 Bragg Hill Road was deemed an interested party to the application.
8. With proof of abutter notification on file, the application was found to be complete at the December 11, 2018 hearing.
9. Applicant seeks to construct a single-family home with a garage and a short driveway. The chosen house site sits entirely upon slopes of 15% - 25% in grade.
10. A site plan was provided showing existing and proposed grades with contour lines at 2-foot intervals where disturbance is proposed to occur. The proposed erosion prevention and sediment control measures were also denoted on the site plans.
11. Although not required in this instance, responsible construction techniques as outlined in the Low Risk Handbook of Erosion Prevention and Sediment Control will be utilized. These will include silt fencing, stone ditches and check dams.
12. A State biologist delineated wetlands down at the lower edge of the property adjacent to the Knapp's land, as well as some wetland adjacent to a nearby stream. No wetlands are present anywhere near the proposed build site.
13. The site plan depicts a "house and garage disturbance envelope" as well as a driveway envelope. The driveway will be situated on slopes in excess of 15% in grade. The finished driveway will have a gentler grade.

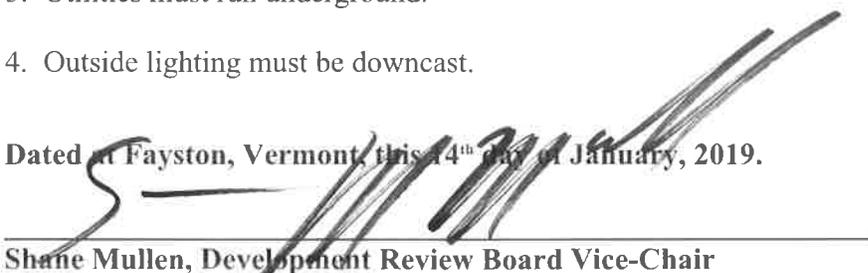
14. Pertaining to the driveway culvert coming off from Glen View Rd, the discharge of that culvert is on a fill slope. Applicant proposed a splash pad to be placed on that 3-on-1 slope to carry the water off the fill slope and onto the natural ground to prevent erosion.
15. According to the soils erodibility map, the soils present at this site are fine sandy loam with an erodibility factor of 0.37, which is higher than average.
16. A curb cut application has already been provided to and approved by the Selectboard.
17. There are some isolated areas on the property that exceed 25% in grade. The point of access for the driveway is approximately 25% in grade, getting steeper as it climbs.
18. The leachfield has been situated farther away so as to not interfere with Knapp parcel's shallow water springs below.
19. The Board found the conditional use application requirements set forth in Section 5.2 to have been met.
20. Pursuant to Section 5.4 (A) (1-5) (General Review standards) the Board found no undue adverse effect created by the proposed project.

Decision:

DRB members voted unanimously to approve conditional use application #3505 with the following conditions:

1. Applicant must adhere to the provisions of the Low-Risk Site Handbook.
2. All disturbed surfaces equal to or steeper than a 3-on-1 slope must be stabilized with erosion control blankets.
3. Utilities must run underground.
4. Outside lighting must be downcast.

Dated at Fayston, Vermont, this 14th day of January, 2019.


Shane Mullen, 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.

