

**Development Review Board, Town of Fayston, VT  
Notice of Decision for Application No. 3545**

**Applicant(s): Green Mountain Valley School**

**Landowner(s): Summit Ventures, LLC**

**Parcel ID: #11-085.001**

**Reason for Application: Replace and lengthen T-Bar lift**

**Public Hearing Attendees:** Attending DRB Members: Shane Mullen (Chair), Lindsay Browning (Vice-Chair), Mike Quenneville, Ky Koitzsch, and Pete Ludlow; ZA: John Weir; Public: Tim Harris, David Frothingham

**Introduction and Procedural History:**

1. The Development Review Board application was filed on August 17, 2019 requesting conditional use approval under Section 2.4, Table 2.3 (C) (28) of the Fayston Land Use Regulations to replace and lengthen GMVS T-Bar lift on Mt. Ellen. Conditional use approval is also required pursuant to Article 3.4 (E) of the pending Fayston Land Use Regulations for development on slopes in excess of 15% in 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 August 22, 2019 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 September 10, 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. Conditional use application #3545

Exhibit B. Letter to adjoining landowners with project description

Exhibit C. Proof of abutter notification via certified mail receipts

Exhibit D. Warning placed in the Valley Reporter on August 22, 2019. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.

Exhibit E. EPSC drawings GMVS T-Bar Lift Replacement Location Plan, dated 8/2019

Exhibit F. EPSC drawings GMVS T-Bar Lift Replacement Existing Conditions Plan, dated 8/2019

Exhibit G. EPSC drawings GMVS T-Bar Lift Replacement Erosion Control Plan Context Plan, dated 8/2019

Exhibit H. EPSC drawings GMVS T-Bar Lift Replacement Erosion Control Plan Top Terminal, dated 8/2019

Exhibit I. EPSC drawings GMVS T-Bar Lift Replacement Erosion Control Plan Bottom Terminal, dated 8/2019

Exhibit J. EPSC drawings GMVS T-Bar Lift Replacement Erosion Control Plan Notes and Details, dated 8/2019

Exhibit K. Erosion Prevention and Sediment Control Plan Narrative, dated August 16, 2019

Exhibit L. Riparian Management Plan, Arrowwood Environmental, dated August 14, 2019

Exhibit M. Wetlands Assessment, Arrowwood Environmental, dated August 12, 2019

Exhibit N. Schedule G, Notice of Initial Act 250 Filing, dated August 31, 2019

**Findings:**

1. The Board found the application to be complete at a public hearing held September 10, 2019
2. The property is owned by Summit Ventures, LLC, d/b/a Sugarbush Resort.
3. The property is located in the Recreation 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 2.3 of the Town of Fayston, VT land use regulations.
4. The subject parcel is adjacent to land owned by Mad River Cooperative, Mad River Corporation, State of Vermont, Bear Cobble Tree Farm LLC, Megan Gadd, Michael Trahan, Thomas and Cari Papp, Sterling Ski Club, Inc., Glenn Corso, Seth Henry, Scott Sneath, and Debora Manchester.
5. Applicant Green Mountain Valley School seeks to replace and lengthen the GMVS T-Bar lift on Mt. Ellen.

6. Specific project components include: removal of the existing 50-year old surface (poma) lift including associated towers, terminals and infrastructure and installation of a new fixed-grip T-Bar surface lift, towers, top and bottom terminals and associated infrastructure. The project includes limited tree removal to re-establish the ski trail edges and provide for appropriate clearance for the ski lift components as well as grading typically associated with the construction of the lift components. The top and bottom terminals will be relocated along the same line as the existing lift.

7. The existing poma lift is more than 50 years old and the State Tramway Association has requested its retirement.

8. There is also an existing T-Bar lift. The project proposes to remove the poma lift and extend the top terminal of the T-Bar lift about 400 feet uphill, and the bottom terminal about 1,300 feet downhill.

9. One objective is for the skiers to be able to load on the base area as opposed to taking two different lifts to the top of the race hill. In addition, lengthening the T-Bar lift uphill will provide better access to the beginning of the race hill. These improvements will also enhance the ski race training venue and skier safety while improving access to terrain for all skiers.

10. There will be approximately 0.2 acres of disturbance, mainly attributed to the terminal bases and the tower bases.

11. There are 16 towers proposed and two terminal bases. The bases of the towers are 6 feet x 7 feet. The bases for the top and bottom terminals are 9 feet x 16 feet.

12. The project proposes typical erosion control procedures be put in place, water bar improvements on the trail, silt fencing, wattle-type features at each tower, and revegetation.

13. Applicant has applied for both an Act 250 permit as well as a Stormwater permit under the low-risk criteria.

14. There is an intermittent tributary near the proposed new lift. There is an area within the buffer zone in which the project proposes to cut down 11 trees. The State has proposed that the applicant abandon a failed culvert within the tributary and improve the conditions on top of that culvert instead. The goal would be to bring back as much of this area to its original state as possible. There would be some excavation in order to rebuild the stream bottom. There is an area of existing ski terrain that the applicant proposes to restore in hopes to offset the tree cutting below.

15. The project proposes to put half culverts over the stream in the section where the lift runs over so that snow can be groomed over it for skiing in the winter. The culverts would be removed in mid-May and placed back in mid-October.

16. There will be some excavation on the edge of the buffer for the towers. The foundations of the tower bases will be dug about 4-5 feet into the ground, or below the frost line.

17. Although the EPSC narrative calls for double-netted straw with plastic netting, the State of Vermont requires use of two natural fiber nettings of processed natural yarn such as jute to hold the straw together (e.g. North American Green S150 BN).

18. No new work roads are proposed. Applicant proposes to utilize the existing two roads for construction vehicles. Concrete for the structures will be airlifted onto the site.

19. Applicant proffers that the proposed layout of the towers is a worst-case scenario. The second tower near Station 6+00 is on steeper slopes.

20. Pursuant to Section 3.4 (E), ski/lift area development is allowed as a conditional use on slopes in excess of 15% in grade so long as the proper stormwater and erosion control measures are practiced.

21. In addition, there is one pylon which is proposed approximately 20 feet inside the stream buffer.

22. Applicant is amenable to conditions of added stream protection and erosion control measures in the buffer area, such as straw wattles.

23. Pursuant to Figure 5.1 of the Fayston Land Use Regulations, while the Board found that the project may pose an adverse impact to the intermittent tributary, the Board did not conclude that impact to be "undue."

**Decision:**

DRB members voted unanimously to approve application #3545 to replace and lengthen GMVS T-Bar lift on Mt. Ellen and for development on slopes in excess of 15% in grade with the following conditions:

**Conditions:**

1. Provide additional sediment protection along the stream (e.g. straw wattles) where work will occur inside the stream buffers.

2. Erosion control measures such as erosion control blankets and straw wattles shall use biodegradable netting.

3. Make all **reasonable efforts** to locate pylons outside of the 50-foot stream buffer.

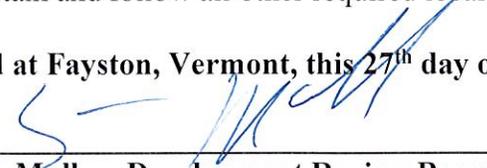
4. Applicant shall make all reasonable efforts during construction to minimize the extent and duration of work inside the stream buffer.

4. Should any of the tower locations deviate from the approved plans, send a copy of the revised plans to the Zoning Administrator.

5. Send plans with regard to power and sourcing thereof to the Zoning Administrator.

6. Obtain and follow all other required local, state and federal permits.

Dated at Fayston, Vermont, this 27<sup>th</sup> day of September, 2019.

  
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Shane Mullen, 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.