

FAYSTON DEVELOPMENT REVIEW BOARD
MINUTES
TUESDAY JANUARY 10, 2017
Unapproved

Attending: DRB Members: Jon Shea (Chair), Kevin Wry, Leo Cohen, Mike Quenneville, Jim Halavonich. ZA: John Weir. Public: Gunner McCain, Milfred Cushman, Marie Saylor, Carol Chamberlin, Corrie Miller, Ben Bridgewater, Wendy Bridgewater, and Martha Bisbee

The meeting opened at 6:07 pm.

Jon Shea opened the hearing for applications #3403-3404 (parcel ID #01-103.000, located off Boyce Road, Fayston). Applicant Ermione, LLC seeks approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of one 93.3-acre lot into four lots of 29.7 acres, 16.5 acres, 31.4 acres, and 15.7 acres. Conditional use review under Article 5 is also necessary due to the application's proposed development on slopes in excess of 15% in grade.

Chair Shea first inquired as to which members of the public desire to have interested party status. Ben and Wendy Bridgewater requested interested party status. The Bridgewaters live at the end of Boyce Road, but do not abut the parcel in question. Ben Bridgewater has been maintaining the road for many years and both are worried about erosion and stormwater runoff. Having found the Bridgewaters to own property in the immediate vicinity of the subject property and having demonstrated an environmental impact on their interests, the Board found the Bridgewaters to have met the standard for interested party status.

On behalf of the Friends of the Mad River (FMR), Corrie Miller requested interested party status. Gunner McCain requested that FMR not be given interested party designation, as the organization is not an abutter nor does it own property in the immediate vicinity of the subject parcel. Leo moved to find FMR not an interested party, and Kevin seconded. All were in favor and the motion passed.

Marie Saylor requested interested party status. Marie is an abutter and is present at the hearing. She voiced concerns over the road and erosion and stormwater runoff. Marie is automatically an interested party.

Gunner McCain presented the applications on behalf of the landowner applicant, Christina Castegren. This project involves amending the previously approved 8-lot subdivision (applicant Bob Newis, application #1943, approved 11/7/2000, issued 2/06/2001). Applicant Ermione, LLC obo Christina Castegren, seeks to abandon the previous permit for an 8-lot subdivision, and instead have a 4-lot configuration. The new lots would be configured as follows: Lot 1 will be 29.7 acres, Lot 2 will be 16.5 acres, Lot 3 will be 31.4 acres, and Lot 4 will be 15.7 acres. Each lot will contain a proposed single-family home with associated infrastructure. The previously approved development road has already been constructed, although it would need further development in order to access the far lot. Boyce Road is a Class III town road until just after the house owned by Ben and Wendy Bridgewater, wherein it becomes a Class IV road up to the gate on applicant's property.

Chair Shea inquired as to the elevation of the parcel. Gunner responded that it was about 1850 feet at the top, and 1500 feet for the remainder.

Chair Shea inquired about the need for amending the prior Act 250 permit from the original (Newis) 8-lot subdivision. Gunner McCain responded that the original Act 250 permit for the Newis subdivision actually expired because the permit was never acted upon. For the current proposed subdivision, there is no Act 250 jurisdiction.

Chair Shea then inquired about the grade of the road. Gunner responded that the grade never exceeds 15%.

Chair Shea then inquired whether the shared drive that accesses three (3) of the four (4) lots meet the current driveway standards. This section had been developed by Bob Newis subsequent to the approval for the original eight (8) lot subdivision. Gunner responded that he wasn't sure, but as far as he knows that portion had not been damaged over recent years. Gunner believes that the road was built adequately to serve either project. However, the rest of the road will take work to get up to standards, as the portion that goes down the hill to access applicant's lot needs to be developed.

Gunner then stated that the lots already have approved septic designs. However, the applicant may wish to return to this Board for a site plan amendment once the new steep slope regulations are enacted.

Chair Shea then stated that, since approval of the original Newis subdivision, the driveway regulations have changed. Specifically, the applicant will need to include pull-offs every 500 feet. Gunner responded that this will be done.

Gunner then continued with other permitting for the project. Specifically, a Construction General Permit will need to be obtained on account of runoff. In addition, an Operational Stormwater Permit will need to be obtained. This is triggered by one acre of impervious surface. This permit will be required to treat runoff from impervious surfaces due to the expansion of the road to access applicant's lots.

Marie Saylor stated that she has drainage concerns near her house should the road be developed further. Gunner responded that the applicant would be required to manage additional runoff stemming from the development.

Gunner continued on stating that the applicant's house site will be off the grid. Without the need to run electricity to the site, there is no need for ditching etc.

Kevin then asked whether, upon the applicant upgrading the class IV portion of Boyce Road, she expects the Town to maintain it. Gunner responded "No", the applicant will not ask the Town to maintain that section of Boyce Road upon its development to standards.

Both Marie Saylor and the Bridgewaters again voiced concern over runoff. The top portion of the road that road would be further developed, and the concern is that runoff runs back down the hill and collects at the corner of the class III portion. Gunner responded that the key is getting the runoff to disperse at the top of the road before it runs down to the class III portion.

Carol Chamberlin stated that the land use regulations require that a homeowners association be formed in a subdivision such as this where road maintenance should be shared by those landowners using the road.

Chair Shea then asked whether the hearing should be continued so that the applicant could address the need for pull-offs (every 500 feet) and the need to form a homeowners association. Gunner responded that he would like to finish exploring the remainder of the application in case there were other issues that needed to be addressed.

Gunner continued on stating that, for any development on those slopes in excess of 15% in grade, proper erosion control measures such as silt fencing will be utilized.

Corrie Miller then stated that the site plan lacked any sort of designation of slopes between 15% and 25% in grade, including for the proposed house site on lot 3.

Carol Chamberlin stated that no attention was paid to requirements of the subdivision regulations pertaining to open space and common land (Section 6.10).

Wendy Bridgewater then asked about downcast lighting for the house site(s). Wendy wondered whether the Town can require downcast lighting, even if the home is off the grid. Chair Shea responded that downcast lighting is often a condition, and an off the grid structure would be no different for those purposes.

Corrie Miller asked that the Board review Act 64 concerning water quality, and the new mandate concerning towns taking care of class IV roads.

Wendy Bridgewater asked Gunner whether the applicant would consider an easement through her land for public recreation. Gunner responded no she would not consider such a request but might be amenable in the future for informal permissions.

The Board agreed that the issues that need to be addressed for the continued hearing include: driveway pull-offs, designating slopes between 15% - 25% in grade, homeowners' association language (road maintenance) and erosion control measures and minimum standards.

Per the applicant's request in writing, Leo moved to waive preliminary sketch plan review. Kevin seconded. All were in favor and the motion passed.

Mike moved to find the application complete, and Leo seconded. As all were in favor and the motion passed.

Kevin moved to declare the application one for a minor subdivision, and Mike seconded. All were in favor and the motion passed.

Leo moved to continue the hearing to the date of February 14, 2017, and Mike seconded. All were in favor and the motion passed.

Members then reviewed the minutes of November 9, 2016. Leo moved to approve and Kevin seconded. All were in favor and the motion passed.

The meeting adjourned at 7:55 p.m.