

MINUTES
FAYSTON PLANNING COMMISSION
February 5, 2018
Unapproved

Members Present: Polly McMurtry, Carol Chamberlin, Shane Mullen, Don Simonini, Doug Day; ZA; John Weir.

The meeting was called to order at 5:15 pm

Members reviewed the minutes of December 18, 2017. Shane moved to accept and Doug seconded. All were in favor and the motion passed. Members then reviewed the minutes of January 29, 2018. Don moved to accept the minutes and Doug seconded. All were in favor and the motion passed.

Members briefly discussed the pending vacancy on the Planning Commission. Shane will stay on the Board until the revised land use regulations are adopted. John Weir will publish more ads on Front Porch Forum.

Shane was absent last meeting but wanted to follow up with regard to Don's concerns with the regulations as proposed. Shane feels that the discussion last week should be saved for the Selectboard hearing on February 18, 2018.

Members then proceeded to review Joshua Schwartz's comments to the proposed regulations as well as Polly's responses. As to the 500 foot driveway prohibition in the Forest Reserve District, Joshua inquired as to the rationale for 500 feet. Polly responded that 500 feet is already set forth in Section 3.1 (B) with regard to emergency pull-offs. Members decided to use 500 feet to reduce fragmentation of natural areas and wildlife habitat in that district, because it is the same number as already in the regulations, but also because it is in the same range that other plans and ecologists use. Members added that a variance approval could be utilized if this regulation triggers a hardship for a developer. Members will further look into the rationale for this 500 feet maximum.

Joshua also questioned why biking and horseback riding trails were removed from the Forest Reserve District. According to Joshua, current bike trails standards go well beyond those previous. This was highlighted in the MRV Moves Plan. Polly responded that the MRV Moves Plan came into fruition after this regulation was drafted. Members could reference the standards in the regulation. Don said that the standards are somewhat granular. Members agreed that this was essentially alpine area, and are concerned about erosion and other damage. Regarding the Natural Resource Overlay (NRO) District, Joshua stated that the '1700 foot elevation line is not clear. Members agreed that the NRO map should be linked off the website as the 8.5 x 11 map is not clear enough. Joshua also inquired as to the rationale for the '1700 feet elevation restriction. Polly responded that the Town Plan utilizes a '1500 foot elevation restriction in Chapter 3, and a '1700 foot restriction in Section 8.8.3' Community Standards. Polly said that both elevations are used as standards to avoid fragmentation and minimize other impacts.

Regarding the prohibition of telecommunication facilities and wind turbines on publicly-owned land, Joshua wondered whether this could constitute ‘spot zoning.’ The Planning Commission had not been concerned about that, since this section had been vetted by the Town’s Attorney, and he had not raised concerns about spot zoning. Also, this concerns publicly-owned land, not affecting individual landowners.

Joshua also questioned that clarity of criteria regarding Visual Impact Statement (VIS). Polly pointed to the fact that VIS is indeed defined in the back of the regulations. A VIS may be required by the DRB, and the DRB will decide its role.

As to driveway development, Joshua wondered whether this applies to all driveway development, including mere access when development may be far off. Polly responded that this regulation was done in coordination with the Selectboard. This regulation would require the developer to check in with the Zoning Administrator in any case to ensure the proposed driveway meets all the standards.

Joshua also questioned that clarity of criteria regarding Visual Impact Statement (VIS). Polly pointed to the fact that VIS is indeed defined in the back of the regulations. A VIS **may** be required by the DRB, but not necessarily if they think it not needed.

Regarding the proposed revisions concerning stream and wetland buffers, Joshua believes the change from ordinary high water mark to top of bank is a good one. Regarding the suitability of land for subdivision, Joshua wondered whether the VIS and Wildlife Impact Statement should be more clearly delineated in this section as in previous sections. Members agreed this should be more clearly set forth in Section 6.3.

Members then discussed preparation for the Selectboard hearing on the proposed land use regulations, scheduled for February 19, 2018. Members should all attend. Don believes an ad for Front Porch Forum should be published. The ad should be more tailored to the realities of the new regulations. Don will work on such an ad and get it to John for review. For the hearing, members should be prepared with bullet points of the changes, the Board’s comments in response to issues raised at the Planning Commission’s own public hearing as well as a summary of the land use revisions.

The meeting adjourned at 6:30 p.m. and members of the Planning Commission all attended the Selectboard meeting next door to discuss the pending revisions to the land use regulations