

FAYSTON DEVELOPMENT REVIEW BOARD
MINUTES
TUESDAY, DECEMBER 11, 2018
Unapproved

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

The meeting opened at 6:00 p.m.

Chair Jon Shea opened the hearing for application #3505 (parcel ID #05-060.000, located off Bragg Hill Road, Fayston). Applicant Mary E. Irelan Investment Trust requests approval under Section 3.4 (C) (1) (d) of the Fayston Land Use Regulations for development on slopes between 15% - 25% in grade. 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.

Chair Shea let the applicant know that they has a right to be heard by a full board, as one member was absent this evening. Gunner McCain responded that they wished to proceed without a full board.

Chair Shea inquired as to whether any of the parties present this evening wished to receive interested party status. Abutters Toby and Deb Knapp at 51 Hobart Lane so requested. The Knapps were present via phone. Mike moved to approve interested party status for the Knapps, and Shane seconded. All were in favor and the motion passed. Abutter Helen Wybrow at 700 Bragg Hill Road also requested interested party status. Mike moved to accept Helen Wybrow as an interested party. Shane seconded. All were in favor and the motion passed.

Chair Shea inquired as to whether abutters had been properly notified of the hearing. ZA Weir stated that they had and proof was on file. Mike moved to find the application complete. Shane seconded. All were in favor and the motion passed.

Gunner McCain presented the application. The parcel is a 9-acre lot on the corner of Bragg Hill Rd. and Glen View Rd. As proposed, applicants seek to construct a single-family home with a garage and a short driveway. The best house site on the lot triggers conditional use review on account of slope gradients between 15% - 25%. Gunner provided a site plan showing existing and proposed grades with contour lines at 2-foot intervals where disturbance is proposed to occur. Also included in that site plan are the proposed erosion prevention and sediment control measures. Gunner stated that 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. Gunner stated he has a wetland biologist evaluate the site after some hydric soils shown to be present on the State website. The 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.

Chair Shea inquired as to where on the parcel steep slopes were present. Gunner stated that the entire build area is on slopes of 15% - 25%. Gunner's 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 gentle grade. A curb cut application has already been provided to and approved by the Selectboard. The leachfield has been situated farther away so as to not interfere with Knapp parcel's shallow water springs below.

Jared asked whether there were any slopes in excess of 25% on the property. Gunner responded that there are some isolated areas on the property that exceed 25% in grade. However, the build area itself is all between 15% - 25%. The point of access for the driveway is approximately 25% in grade, and it does get steeper as it climbs. That access point and driveway location was chosen because it would be level with the garage and house site.

Shane inquired as to the driveway culvert coming off from Glen View Rd. The discharge of that culvert appears to be on a fill slope. Shane asked whether the splash pad would be placed on that 3-on-1 slope. Gunner stated in the affirmative, the splash pad will carry the water off the fill slope and onto the natural ground to prevent erosion. Shane then asked whether Gunner has considered extending the culvert to get the water out and away from the fill slope. Gunner said it was considered, however it would mean a steeper pitch for the culvert and more velocity coming out.

Shane asked whether there were any plans for future development on this site. Gunner said that there is nothing else proposed at this time, but the land provides potential for other future development, including subdivision.

Shane then asked what Gunner had planned for permanent erosion control measures. Gunner stated that those would be the check dams, stone ditches and splash pads. Shane asked whether this project was below the threshold for the Low Risk Handbook. Gunner stated that it was. Shane asked whether Gunner would be amenable to nonetheless abiding by the techniques set forth in the Low Risk Handbook. Gunner stated that would be fine, as they have basically been utilized anyway on the plans.

Shane asked what the setbacks were from a spring versus a drilled well insofar as placement of leachfield. Gunner said a leachfield uphill from a spring was 500 feet, as opposed to 200 feet for a drilled well. Regarding to the sides, a leachfield must sit at least 150 feet to one side of a spring or 100 feet to the side of a drilled well.

Shane noted that, per Section 3.4 (E) (2) (c), slope classes need to be delineated on the plan. Gunner said that, while the slope classes are not shaded differently on the plans, the mere fact that contours existed on the plans means the classes are depicted. Gunner believes that the addition of his testimony should suffice.

Mike moved to find the conditional use application requirements were met, and Shane seconded. All were in favor and the motion passed.

Toby Knapp stated that they had water problems stemming from construction on a neighboring property in recent years. Water was running down the stream adjacent to their property and collecting in their pond, causing erosion along the way. Toby wanted to know what measures would be undertaken to ensure further erosion here. Gunner reiterated that, although disturbance of land is under one acre and the Low Risk Handbook measures need not be adhered to, they would be in this instance should the Board desire. Shane described to Toby what measures are proscribed in the Low Risk Handbook. Items the contractor needs to adhere to include silt fencing downstream of disturbed area to catch any runoff, limiting the amount of areas disturbed, seeding and stabilizing stockpiles of soil, and either hay or erosion control blankets installed on the bare earth to hold it in place before the grass a chance to grow. Shane raised a concern with regard to erosion as he has seen it on the slopes of the property when walking by. Shane believes an erosion control blanket instead of mulch would better serve erosion prevention and control in this instance. Gunner stated that he chose not to use a blanket there because the runoff on those fresh slopes is really limited. All the steep slope that they are creating is down below the driveway and the driveway will act as a barrier to the runoff from hitting that slope. Any water that that slope is going to see is what falls on that driveway and what falls directly on the slope. Shane stated that those soils are not very good. Shane wonders whether the soils present there are more inherently erodible than most. Gunner responded that finer soils like those in question here have a lower erodibility coefficient than more sandy materials.

Deb Knapp reiterated the water issues that arose from development of the Thomas property. Gunner noted that the culverts which feed the Knapps' pond are directly related to the Thomas site. With regard to the parcel in question, if a perpendicular line were drawn from the westernmost edge of disturbance on the Irelan site down the contours that line would still be approximately 500 feet from the edge of the Knapp pond. Gunner stated that 500 feet is too far off to the side to cause sediment infiltration of the pond.

Helen Wybrow wanted to know why that house site was chosen, as it is one of the steeper locations on the lot. Gunner said that it was a prime location for the view. Additionally, lower locations would be subject to water runoff and would lose the view.

Shane did a quick review of the soil type on the soils erodibility map. The soils present are fine sandy loam with an erodibility factor of 0.37 which is higher than average.

Chair Shea then proceeded with review under Section 5.4 (A) (1-5) – General Review standards. Finding no undue adverse effect created by the proposed project, Shane moved to close the hearing. Mike seconded. All were in favor and the motion passed.

Chair Jon Shea opened the hearing for applications #3506 - #3507 (parcel ID #03-095.002, located off 2186 Center Fayston Road, Fayston). Applicants Jane O'Donnell and Andrew Baer 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).

Chair Shea inquired as to waiver of preliminary sketch review. Peter noted that preliminary review was had back in September.

Chair Shea inquired as to whether abutters had been properly notified of the hearing. ZA Weir stated that they had and proof was on file. Mike moved to find the application complete. Shane seconded. All were in favor and the motion passed.

As an abutting landowner to the subject property, Shane moved to find Paul Sipple an interested party. Mike Seconded. All were in favor and the motion passed.

Peter Lazorchak presented the application. Applicants' proposed subdivision would keep the existing house on the 4-acre parcel. Applicants would seek to build on the 27.24-acre parcel. Applicants are seeking 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. The other option would have been to come off the existing driveway, but that would trigger wetland issues. The finished grade of the proposed new driveway would not that be that steep, as it would be benched into the slope.

Chair Shea asked about how you would control water runoff from the hillside if cutting into the bank. Peter responded that the project proposes to maintain a pattern of ditches on the uphill side. The project purports to maintain as much of the current flow as possible. Peter stated that the goal is to divert as much water as possible away from the town road. Peter said that the plan was for an 18-inch culvert down by the town road. Mike stated that it had to be a 2-foot culvert per the land use regulations. Mike added that he would like to see an additional culvert as well. Peter agreed.

Chair Shea asked whether the house site is on a slope. Peter stated that it is on slopes less than 15% in grade. Chair Shea asked how long the driveway was. Peter stated about 1,100 feet. With regard to the grade of the driveway, the steepest portion 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 not be much different than currently. Peter stated that there should be additional culverts which are not shown on the site plans. The idea is to keep the natural flow of the water going into the wetland.

Peter is in the process of getting a State Wastewater permit. Board members would still like to see a septic design on the plans, as well as the additional culverts.

Shane asked how deep of a cut will be made into the native material on the uphill side of the driveway. Peter stated not too large. Shane asked about the culvert discharge onto the fill slope. Specifically, Shane inquired as to what measures would be taken for keeping that flow path stable. Peter stated that it would be a stone line ditch until you get off the steeper slopes and fill. There is a small stream on the property. Shane asked whether there was any stream permitting implications. Peter said no as it is a pretty small drainage area at the area of crossing. Peter said that this project falls under Act 250 jurisdiction. The State has been out to the site and did not

find any impact on the stream. Peter stated that, based upon the stepping of the wetlands, there are times when the stream carries a good deal of flow. Accordingly, Peter is proposing a square culvert (49in x 33in). Shane stated that the swale bank is essentially being reshaped. Shane asked Peter about measures to stabilize the slopes. Peter said that one thing that should be changed is 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.

Chair Shea asked how far setback a driveway must be from the property line. Shane referred to Section 3.1 (B) (2), noting that the edge of the driveway must be at least 10 feet from a property line. ZA Weir asked whether Section 3.1 (D) is applicable (stream crossing structures may be permitted subject to DRB approval and shall require certification by licensed engineer). Peter stated that he was prepared to do so. Chair Shea asked whether Peter would be amenable to certifying that the driveway was built according to plans when finished. Peter stated that he could do so.

Shane inquired as to the discussed changes to the plans in addition to the missing requirements noted earlier. Shane wondered whether a continuance would be best in order to let Peter revise the plans rather than closing the hearing tonight. Peter was amenable to a continuance. The Board would like to see the following on a revised set of plans: septic design, initial culvert (24 inch) for driveway, driveway cross-section, stone line outlets of culverts, ten-foot setback to driveway, and underground power on downhill side of driveway.

Mike moved to continue the hearing until the January 8, 2019 hearing date. Jared seconded. All were in favor and the motion passed.

Chair Shea opened the preliminary sketch plan review for Lisa Williams off Dunbar Hill Road. Lisa Williams is seeking to purchase a 30-acre parcel toward the top of Dunbar Hill Road. The building site sits well within the parcel, and traversing a dog-leg section is required. There is only one possible access off a shared driveway. The slopes within that dog-leg section are between 15% - 25% in grade. Development would necessitate cutting into the slope and fill. Peter believes he can improve the existing drainage as it exists now. Peter wanted to know if the Board had any initial concern over driveway which, in certain finished sections, may exceed 15% in grade. It is the only way to access the building site. Shane believes that it should be fine so long as it is engineered correctly, i.e. controlling the velocity of the water coming down the hill and clearly delineating where it will go.

Peter intends to put a formal conditional use application for Lisa Williams for the February 12, 2019 hearing date.

Members then reviewed the minutes of November 13, 2018. Shane moved to accept and Jared seconded. All were in favor and the motion passed.

The meeting adjourned at 8:30 p.m.