

FAYSTON DEVELOPMENT REVIEW BOARD
MINUTES
TUESDAY, MARCH 12, 2019
Unapproved

Attending DRB Members: Jon Shea (Chair), Shane Mullen (Vice-Chair), Jared Alvord, Lindsay Browning, and Mike Quenneville; ZA: John Weir; Public: Jeff Dunham, Kip Dalury, Margo Wade, Maggie Burke, Gunner McCain, and Lisa Schermerhorn

The meeting opened at 6:05 p.m.

Chair Jon Shea re-opened the hearing for application #3510 (parcel ID #11-055.001, located at 626 Mount Ellen Road, Fayston). Applicant Vermont Adaptive Ski & Sports seeks conditional use approval pursuant to Article 2, Table 2.6 (C) (2) (21) (accessory structure to a conditional use: Ski Lift/Ski Area Operations) to construct a 9,280 square foot addition to the base lodge at Mount Ellen.

Presenting the application were Kip Dalury (Board of Vermont Adaptive), Jeff Dunham (architect) and Margo Wade (Sugarbush).

This hearing was continued from the January 8, 2019 date in order for the applicants to provide submission of revised site plans that included missing requirements of Section 5.2 (A) (4) and 5.2 (A) (5) (e). Specifically, the site plans as submitted did not include a general location map showing the location of the proposed development in relation to zoning districts, public highways, drainage and surface waters, and adjoining properties and uses. In addition, locations of utilities were absent from the original plans.

Members were satisfied that the updated plans contained the missing requirements of the previous submission.

One project new to the application was the addition of a carpet lift to bring the VT Adaptive skiers to the other side of the Green Mountain Express. Margo stated that this would be a part of the construction that is the subject of this application. It is basically a conveyor belt that is placed on the land. It would take the place of “Tommy’s Toy” – an existing tow rope. ZA Weir stated at the January meeting that “ski lift” and “ski area operation” are defined separately in the land use regulations, and that it would be best that the replacement of the tow rope with a carpet lift be sought as a conditional use. Also since the January meeting, applicants have added an additional 999 square feet to the deck as originally proposed.

Shane inquired as to whether any earth work would be required in the installation of the carpet ride. Margo stated that it is a surface lift, but there would be limited grading that would occur. Margo does anticipate the need for an Operational Stormwater Permit. The ride comes in modules approximately 5 x 10 feet, which are placed on the ground on stilts. The height of the stilts are adjusted depending on grade of the slope. Snow fills in the sides. Discussion was had to the effect on skier traffic pattern by the addition of the carpet lift.

Lindsay moved to close the hearing, and Mike seconded. All were in favor and the motion passed.

Chair Jon Shea opened the hearing for applications #3515 - #3516 (parcel ID #06-014.004, located off 73 High Country Road, Fayston). Applicant Schermerhorn requests approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of 18.16 acres into two lots of 10.12 acres and 8.04 acres (#3515). Applicant also requests 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 (#3516).

Presenting the application was applicant's engineer, Gunner McCain. This application is for the proposed subdivision of an existing 18.16-acre lot (Westhelle subdivision) into two separate lots. Lot 4A will be 10.12 acres and contain the existing residence. Lot 4B will be 8.04 acres and is proposed to be improved with a single-family residence. The proposed new lot will be served by a new drive off Rabbit Run Road. Steep slope development is triggered by the proposed new drive up to the new house site.

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

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

Gunner stated that the proposed building envelope is oddly shaped so as to meet the slope requirement. Much of the proposed new lot is comprised of slopes between 15% - 25% in grade. Access at the bottom of the driveway is flat, and the grade steepens as driveway progresses. The driveway will be cut into the slope.

Chair Shea inquired about utilities. Gunner stated that utilities would run underground, hugging the road. The power would come in down Rabbit Run and then up the drive.

Discussion was had as to the proposed new house site and whether the prospective landowner would need to return to the Board for conditional use approval. The slope at the proposed house site is just under 20% in grade. Applicant is not proposing anything other than the building envelope, meaning eventual situation of the new house is up to the buyer. Depending on the orientation and location of the home within the proposed building envelope, the driveway grade may increase. Members agreed that this should require the eventual buyer/developer to come back to the Board for conditional use approval. Gunner wishes the Board approve the proposed building envelope, thereby alleviating the need of the end user to come back to the Board for house development. Gunner's proposed site plan included a stamp of "conceptual approval." Members believed this could create a situation where the end user could develop whatever he or she so desired, i.e. change access. The Board would prefer to condition any approval on the end user/developer having to return for conditional use approval for a house. Chair Shea stated it would be best to approve the driveway up the building envelope only, and not the house footprint itself.

Shane inquired whether applicant's easement through the Westhelle land needed to be executed before the Board can issue a decision. ZA Weir stated that it does not need to be as that is a legal issue and within the Board's purview. There is an existing road approved in the original Westhelle subdivision. This road was also used for the installation of septic systems for the various Westhelle lots. It is grassed over due to lack of use, but is in good shape, 20-foot wide. It will need some gravel and grading. This existing road needs to be maintained whereas the driveway to the proposed house needs to be built. There are locations on the uphill path of the driveway that exceed 25% in grade. The driveway will cut across the slope gradually. After fill, the driveway grade will not exceed 15%. The length of the proposed driveway is approximately 300 feet.

Members reviewed Section 3.4 (E) (1) (B) (i). That subsection allows for development on slopes exceeding 25% in grade if that development consists of "limited site improvements necessary to facilitate development on contiguous land with a slope of less than 25% gradient."

Gunner referenced the proposed sediment and erosion control measures. These included: stone line ditching, stone line check dams, erosion matting, and silt-fencing.

Shane moved to close the hearing, and Lindsay seconded. All were in favor and the motion passed.

Members proceeded to discuss the Ermione appeal and permit withdrawal. Chair Shea took the requested actions per advice of Town legal counsel.

Annual reorganization of the Board was postponed until a replacement is found for Jon Shea.

The meeting adjourned at 8:00 p.m.