

FAYSTON Selectboard Minutes

8/13/19

Selectboard Present: Chuck Martel (Chuck) and Michael Jordan (Mike)

Selectboard Assistant: Patti Lewis (Patti)

Minute-Taker: JB Weir (JB)

Guests: Vincent Yasi (c44), Stuart Hallstrom (Stuart), Don Simonini (Don), Ward Smyth (Ward), Muriel Griffin (Muriel), Dennis Griffin (Dennis)

1. Mike made a motion to approve Selectboard (SB) minutes of July 23, 2019. Chuck seconded, no further discussion, all in favor, motion carried.

2. Don and Ward were present on behalf of the Mad River Valley Housing Coalition. The Coalition is seeking a Memorandum of Understanding (MOU) with the Town, allowing the entity to purchase at no-cost the Town-owned land formerly known as the Fayston Country Store. The coalition would seek to develop this land with affordable housing units. Don had reached out to John (Zoning Administrator) months prior to understand how many units might be able to be constructed at the 1-acre site. John had stated to Don that, with conditional use approval from the Development Review Board, a Planned Unit Development could be created on the site which would allow for greater density, smaller setbacks, etc. Don stated that the site, which was at one time had gasoline pumps, has been cleared from any contamination. Don believes this site is a good location for affordable housing, as it is within walking distance to Waitsfield village and is in proximity to the Waitsfield water system. Don has ~~gotten~~ obtained pricing for pre-fabricated homes and believes those prices are reasonable. Don and Ward are requesting that, before the coalition expends any effort and associated costs to obtain legal and engineering assistance in pursuit of developing the site with affordable housing, the Town would enter into an MOU allowing the coalition to purchase the land at no cost for an affordable housing project that would be subject to final Town-approval (i.e. design, layout, number of units, cost, etc.). Don stated that the coalition would seek to put deed restrictions on the units such that they would remain affordable in the future. Essentially, the coalition is asking for the SB to agree to make the land available should all other aspects to the project come together. Stuart mentioned that the leach field for the neighboring property is actually on this parcel. Ward responded that he just discovered that fact today. Ward reiterated that, before the coalition went too far with effort and expenditures in legal and engineering, the Town would enter into an MOU should the SB find the proposal worth pursuing. Ward added that he is not coming in to this individually, as his business would not be involved in the development. Ward stated that the donation of the land would be made to an as-yet to be determined entity, which would not be the housing coalition. Ward does not believe the housing coalition should get into the development business, but should instead focus on putting things together to enable such affordable development in the valley. Don added that he believes the whole area around this parcel holds potential for more affordable housing, including the old store sight, the two neighboring properties which hold vacant mobile homes, as well as the 10-acre parcel for sale up the road. Mike asked if Don had spoken to any of the abutters. Don said not yet. Chuck asked how the Town obtained the old country store parcel. Patti stated via tax sale. Patti stated that the Town demolished the store and took care of the remediation of the parcel after removal of the gas tanks, ~~with~~ along with State

~~approval~~ ~~coordination~~. Stuart himself dug out the gasoline tanks. There was no contaminated soils found. Chuck asked if the coalition was under any timeline here. Don stated in the negative. Chuck stated that the Town would undoubtedly incur legal costs associated with drafting the MOU as well as the actual sale of the property. Chuck noted that, on the other hand, once dwelling units are placed on the parcel, the Town would receive property taxes off the parcel. This would be more beneficial than the Town holding onto vacant land. Don added some of the numbers he received from Huntington Homes. For a 900 sq. foot unit, the estimate is \$170,000. For a 1,200 sq. foot unit, the estimate is \$184,000. Chuck added that this parcel might make sense considering the hurdles to affordable housing in the valley.

Don asked about a tree on Center Fayston Road that is rotting and in danger of falling down onto the road. Don made a request that the Town take the tree down as soon as possible because it presents a danger.

3. Muriel Griffin and Dennis Griffin were present to discuss the drainage problems at Muriel's home off Airport Road. Mike and Stuart had visited the site prior. Mike stated that the ditch on the Griffin property is filled in with gravel and is pretty much level with the surrounding lands. The water flow down North Fayston Road is occurring properly, but when it gets to the Griffin property it sheds onto her land because their ditch needs to be cleared out. Neither Stuart nor Mike Quenneville has ever worked on the Griffin ditch. The ditch that needs clearing is on the Griffin land and outside the Town right-of-way (ROW). Chuck noted that the precedent has always been that the Town does not get involved in repairing issues on private land which is outside the Town ROW, unless the Town has somehow caused the drainage issue. Muriel stated that none of the water that is coming into her basement is from her property. Rather, Muriel contends, the water is coming from the ditches along North Fayston Road. Stuart responded that Muriel is getting some water from the property above hers, and very little from North Fayston Road. Muriel believes there was a prior road foreman who used to clear out the ditch on the Griffin property. Muriel asked whether this means the Town would not clear out her ditch. Stuart cautioned that liability becomes high when the Town does work outside the ROW. In addition, it sets a bad precedent as other landowners will come to expect the Town to do work on private land outside the Town ROW. Dennis stated that the water starts to run in the Town ROW. Stuart replied that the water actually starts to run above the Town ROW. Muriel asked about the changing of the culvert on North Fayston Road. Stuart responded that it is to be replaced, but the size will be the same and the water flow will not be changed. Muriel contends that the ditch along her property belongs to the Town. Stuart responded that there are no records reflecting such. Chuck reiterated that it is not the Town's responsibility to make repairs on private land. Chuck asked whether Muriel couldn't hire a contractor to clear the ditch for you. Muriel stated she could have Chris Griffin come do that, but she shouldn't have to. Dennis contends that the Griffin family gave the Town the rights to work on that ditch long ago and that the Town should take care of it now. Mike added that, looking at the five road issues on the agenda, towns are beginning to see the real effects of climate change as more and more heavy rains occur. Mike added that this is a very steep town with heavy water flow after these rains. These are tough issues and when the problem is on private land, and not due to Town actions, it is not incumbent upon the Town to repair the problem.

4. Stuart was present to provide an update on the roads. Stuart noted that the crusher for the winter sand should arrive by end of the week. Currently, the crew is working on Phen Road, changing culverts and ditching. In addition, Tony ran into ~~a~~ ~~another~~ car this morning with the Town truck at the Moretown

Store. The other car had bumper and headlight damage. All information was collected and no one was hurt.

Patti wanted to know whether the front decking of the office building could be done first as part of the impending ADA renovations. The front decking should be done first so that the walkway can be prepped properly prior to being paved. There will be a poured concrete slab right up to the threshold of the front doorway. Mike said he would bring this up to the builder and that it shouldn't be a problem.

5. Discussion was had as to replacing the Lockwood Brook and Chase Brook culverts. There was a meeting two weeks back with Corrie Miller (Friends of the Mad River) to discuss the Lockwood culvert. Mike stated that the design for the Lockwood culvert has been completed. There is potential funding for the Lockwood culvert on account of fish passage issues. The Chase Brook culvert does not have fish passage issues and therefore cannot be lumped in with any funding for the Lockwood Brook culvert. Mike said that there may be emergency funds available for the Chase Brook culvert. John is working on a Hazard Mitigation Grant with State in order to procure funding for the Chase Brook culvert replacement. John needs to meet with Stuart to gather information for the HGMP application. Chuck agreed that the Town should continue to work with FOTMR to replace the Lockwood Brook culvert, while John works on the HMGP for the Chase Brook culvert. Under the HGMP, funding is \$300,000 – \$600,000, with a local match of 25%. Patti stated that there is some money in the reserve funds. Patti added that, during the meeting with Corrie, Corrie wanted an answer as whether the Town would match any funds and in-kind. Patti asked about what the number was and Corrie could not answer. Corrie did mention that Warren had put in \$15,000 into a similar grant project recently. There appears to be no fixed amount of funds that the Town would need to match, although some match is necessary. Stuart added that it could come out the bridge fund because anything larger than a 4-foot culvert is considered a bridge. There is now approximately \$153,000 in the bridge reserve fund. The engineer's estimate to complete replacement of the Lockwood Brook culvert was about \$400,000. Chuck asked what amount the Town should match. Mike stated that the Town could offer \$4,000, or 1% of the estimated total cost to replace, plus in-kind. Mike added that Corrie may be able to move funding leftover from the current Warren project to the Lockwood Brook project. Chuck agreed that the \$4,000 match contribution sounded good and that it can come out of the \$153,000 in the bridge reserve fund.

6. Discussion was had as to Boyce Road. Paul Eardensohn had reached out to the Town to see if the Town could do anything to improve Boyce Road. There will be heavy equipment traveling up and down the road as the new Eardensohn house is constructed. Stuart reminded Chuck that it is a class 4 road above the Bridgewater and it is not the Town's responsibility to improve or maintain such a road. Chuck reached back out to Paul and left him a message and has not heard back. Chuck did say that, per Jared, there is the possibility that the Town will purchase the Ermione parcel at the top of Boyce Road – in which case the Town may choose to improve the road. Nonetheless, the Town does not own that parcel yet. Accordingly, it is the responsibility of the Boyce Road landowners to improve and maintain the class 4 road above the Bridgewater.

7. Discussion was had as to Mark Savino and Farm Road. Stuart mentioned that this has been fixed by the landowners. It was dug out, stone-lined, changed the culvert and paved the driveway. Stuart will do a couple more little things while already up there, but this has been resolved.

8. Discussion was had as to Mansfield Road after an email sent to the Town by Ted Sheehan and Noele Carnivale. Ted and Noele stated that there is erosion on the road due to frequent reckless driving such

as wheelies, peeling out, etc. Stuart visited the road and found only common erosion due to rain events but nothing that required vigorous attention. Stuart could not determine any erosion that might have been caused by reckless driving. Also mentioned in the email was the Town's permitting of wedding events at the Mad River Barn. Per Chuck's conversation with John, if landowners have complaints about the noise then they should contact John. Should landowners have renewed complaints about the Mad River Barn then they have avenues via the Environmental Court and Act 250, although much of that has already been adjudicated. Nonetheless, issues or complaints should be addressed to both the zoning administrator and Susan Baird at Act 250. The email also asked whether anyone from the Town who was privy to the email shared its information with people outside the office. No one has. Chuck did say that, once an email comes to the Town in any capacity, it becomes public record and can be seen by anyone via the proper records request. Chuck added that much of the contents of the letter are properly addressed to law enforcement rather than the Town. Patti and John will draft an email response to Ted and Noele addressing their concerns as best as the Town can.

Stuart asked about the status of replacing the culvert on Horseshoe Road. John has been working with Peter Richart on this. Peter has been coordinating with the landowners on the road to both form and association and collect shares to fix the road and replace the culvert. The SB had decided a few meetings back to give the landowners 30 days to replace the culvert or risk the Town shutting down that entrance to the road. Mike asked about how long we should give them considering the ball is moving and 30 days was an unrealistic time frame to reach out mostly out-of-state homeowners, collect monies and then have the work performed. Stuart stated that we can give them until the middle of October. It just needs to be addressed by winter snow. The Board moved to give Horseshoe landowners until October 15 to replace the culvert and fix the entrance, or the Town will close off that entrance and repair the guardrail. John will reach out to Peter to let him know.

Chuck brought up Slide Brook Road. Chuck said that the Town got an email from Bob Crean today. Bob stated that he had contacted Fish & Wildlife with regard to replacing and upsizing the culvert. Bob also said that he did not recall any obligation after the appeal and settlement which required him to maintain access for skiers down to the road. Nonetheless, having had to put power in up the road recently, that path was essentially created. Bob continues to work with Margo from Sugarbush and this access should be resolved.

Stuart asked what should be done with the firewood in the gravel pit. The wood originated after the camp was taken down and the area clear cut. Mike wondered whether we should just offer the wood up on Front Porch Forum and have an auction for it. Patti said we can also put out an email on mail chimp. Stuart estimated there is between 8-10 cords. Takers will have to make an offer for it and haul it away themselves if the offer is accepted. The whole pile must be removed. Offers should be sent either via email or letter, with a deadline of the next meeting on August 27. The wood would then would have to be picked up before the first snowfall.

9. The SB signed excess weight permits for Josh Sherman.

10. There is a request to cater by Farmers & Foragers, LLC at the Knoll Farm on September 14, 2019. Chuck moved to allow Patti to sign and Mike seconded. No further discussion, all in favor, motion carried.

11. Members read the mail and signed orders.

6:07 p.m. – Chuck made the motion to adjourn. Mike seconded. No further discussion. All in favor. The motion carried.

The next SB meeting is **August 27, 2019 at 5:00 p.m.** at the municipal building.

Respectfully Submitted:

JB Weir

Approved: Chuck Martel