

FAYSTON DEVELOPMENT REVIEW BOARD
MINUTES
TUESDAY, MAY 12, 2020
Unapproved

Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow (by phone), Ky Koitzsch (by phone), and Lindsay Browning (by phone); ZA: John Weir; Public: David Albrecht (by phone), Craig Oshkello (by phone) and Laetitia Henry (by phone)

The meeting opened at 6:00 p.m.

Chair Mullen opened the hearing for application #3564 (parcel ID# 10-004.000, located at 3948 Mill Brook Road, Fayston). Applicants David and Jacqueline Albrecht request approval under Section 3.6 (D) (1) of the Fayston Land Use Regulations for a side setback waiver down to ten (10) feet for a deck.

Chair Mullen asked whether proof of abutter notice had been provided. ZA Weir affirmed. Lindsay moved to find the application complete, and Mike seconded. All were in favor and the motion passed.

Craig Oshkello introduced the application and explained the materials submitted. Shane asked Craig and Davis how the proposed layout came to be and any efforts made to site the proposed deck outside the 15-foot setback. Craig stated that he was hired as a landscape architect. Generally speaking, Craig noted that the Albrechts were seeking a more private entertainment setting that was amenable to late-afternoon sun and was sheltered from Route 17 traffic. Craig noted that the proposed location was chosen given the constraints of retaining walls and the slope to the north, the fence along the eastern property line, the general topography of the property, snow storage, and the front setback constraint to the south.

Ky asked whether the structure could move to the west or whether doing so would hinder the desired view and sunlight exposure. Craig responded in the affirmative. Pete asked whether the property to the east was occupied or forest. David said just to the east was the Hamm property, with a home about 150 to the east of the property line. Hamm has cleared trees and relocated the driveway. Pete asked how that development hindered the Albrecht privacy. David responded that the removal of about 80 trees lessened the privacy on that side of the house. Accordingly, the applicant erected a fence to help alleviate the loss of privacy after the tree clearing.

Shane asked about the site plan as submitted. Specifically, Shane was curious as to how the site plan came to be. Craig and David stated that it was generated by using a CAD file with an old survey including the older home, and dropped that information on an orthophoto, and then adding the architecture block from the new home onto the orthophoto. Shane stressed that the Board usually receives more information for these types of applications. Per Section 5.2 of the land use regulations, there are application requirements for a conditional use application that have not been met here. In addition, Shane turned attention to Section 3.6 and the criteria which need to be met in order for approval of a setback waiver. Either the setback waiver is

necessitated because it accomplishes the preservation of a scenic feature (s) not otherwise protected by the required setback or it is necessitated by building constraints caused by geologic, topographic or hydrologic conditions. Given the discussion as to desired viewscape and sunlight, Shane asked Craig about the rationale for seeking the waiver as it pertains to the Section 3.6 criteria. David responded that the request could be considered necessitated by both geologic and topographic constraints. Geologically speaking, to the north of the home there is all ledge. Topographically, to the south of the proposed project area there is a steep drop-off of about 30-40 feet. In addition, per the narrative, the goal is to preserve the view of the Lower Antelope trail and other associated views. Lindsay asked whether the deck could be moved in another five feet in order to meet the required 15-foot setback while preserving the desired views. Craig responded in the negative on account of the steep slopes in that location.

Pete asked what contour intervals were used in the plans provided. David stated that Shane also asked whether the contour intervals used are reflective of what is true today given that the original house was torn down. David responded that the delineated contours are not reflective of what is there today because of the grading done when the new home was constructed.

Pete asked how the deck would be set. Craig stated that the plan was to use concrete footings dug below the frost line. Ky asked whether a longer and more narrow deck was considered such that it could fit outside the 15-foot setback. Craig stated that it was considered but was not workable due to the layout of the walkway and slope issues. Pete asked if it was possible to get an overlay of the deck and walkway onto the topo. Craig stated in the affirmative but that it might be misleading given the existing topo has changed since the new house was constructed.

Shane asked whether perhaps the hearing should be continued so as to allow the Board to discuss and ask for more specific information from the applicant. Otherwise the hearing would be closed to further evidence. Ky wondered about having a site visit and whether the Board might get a better idea of the slopes and grade surrounding the proposed project. Members all agreed that a site visit would be very helpful. The Board and the applicants agreed on a date of May 19, 2020 at 6:00 p.m. at the applicant's home. Ky asked that the proposed project be staked out. Craig and David agreed to do so.

Pete moved to continue the hearing for application #3564 until the May 19, 2020 site visit. Mike seconded. All were in favor and the motion passed.

Chair Mullen opened the hearing for application #3565 (parcel IDs #11-085.000 and 11-085.008, located at 402 Fiddlehead Road, Fayston and 394 Fiddlehead Road, Fayston). Applicants Shawn and Laetitia Henry request approval under Article 7 of the Fayston Land Use Regulations for a lot-line adjustment (minor subdivision) of 0.08 acres. The other property owners who are deeding the 0.08 acres are Seth Henry and Heidi Spear.

Chair Mullen asked whether proof of abutter notice was on files. ZA Weir so affirmed. Pete moved to find the application complete, and Lindsay seconded. All were in favor and the motion passed. Mike moved to declare the application as a minor subdivision, and Lindsay seconded. All were in favor and the motion passed.

Laetitia Henry explained the need for the lot-line adjustment was to rectify a construction error. Her home was built closer to the rear property line than both what her permit delineated and what the regulations allow for. The to-be-deeded 0.08 acres from family will allow for the house to remain where it is and still conform to the regulations and her building permit.

Pete moved to close the hearing, and Ky seconded. All were in favor and the motion passed.

Chair Mullen opened the hearing for application #3558 (parcel ID# 07-057.000, located at 755 Mill Brook Road, Fayston). Applicant Downstream Enterprises, LLC requests to construct two double-occupancy auxiliary cabins on existing inn property. Conditional use review is required pursuant to Article 2, Table 2.4 (C) (2), (14) of the Fayston Land Use Regulations as accessory structures to a conditional use (inn). Applicant is still in the process of removing the site from the FEMA floodway maps. Pete moved to continue the hearing for application #3558. Mike seconded. All were in favor and the motion carried.

Members then the Board's annual organizational meeting. Ky moved to re-appoint Shane as Chair, and Mike seconded. All were in favor and the motion passed. Ky moved to re-appoint Lindsay as Vice-Chair, and Mike seconded. All were in favor and the motion passed. Members agreed to keep the meeting date as the second Tuesday of each month at 6:00 p.m. Members agreed on the same places of publication of notice as the Valley Reporter, the Times-Argus as needed, the Fayston municipal offices, the Fayston municipal website, and the Waitsfield and Moretown post offices.

The Board reviewed the Minutes of March 10, 2020. Shane moved to approve the minutes, and Mike seconded. All were in favor and the motion passed.

The meeting adjourned at 7:30 p.m.