

**FAYSTON DEVELOPMENT REVIEW BOARD  
MINUTES**

**TUESDAY, SEPTEMBER 8, 2020**

**Unapproved**

Via ZOOM and Fayston Town Office

Attending DRB Members: Shane Mullen (Chair), Pete Ludlow, Mike Quenneville, Ky Koitzsch;  
ZA: JB Weir; Public: Joshua Bewlay

The meeting opened at 6:09 p.m.

Chair Mullen re-opened the hearing for application #3586 (parcel ID# 07-078.000, located at 73 Harris Hill Road, Fayston). The hearing for this application was continued from August 11, 2020. Applicant Joshua Bewlay requests approval under Section 2, Table 2.4 (C) (18), (E) (3) to construct a platform tennis court. Conditional use approval for this type of outdoor recreation facility is required under Section 5 of the Fayston Land Use Regulations.

Chair Mullen noted that, since the last hearing, the applicant has staked out the court and provided additional materials as requested by the Board. The plans were updated to show the topography of the site, planned utilities, placement of the court, as well as the photometric data for the lighting overlaid on the site plan for context with regard to the roadway.

Since the last hearing, applicant has met with abutter Adam Beard in order for Adam to get a better understanding of the lighting and placement of the court in relation to the Beard home. Adam was not present for the continued hearing but did provide written testimony submitted to the Zoning Administrator. Adam's email stated that "I met with Josh and walked his property. I think where he is planning to locate the court is fine. There is plenty of distance between our homes and there is a natural barrier with some pine trees. The lights will also be facing a direction where they will be parallel to the road, which is also a good thing. Can't speak to the potential noise but should be ok. All in all I'm comfortable."

Interested parties Richard and Elaine Ruback were also not present. Applicant did say he took measurement of the rear setback from the proposed court to the Ruback property line on Marble Hill. Applicant said that the nearest part of the court to the Ruback property line was 165 feet.

Chair Mullen visited the site prior to the meeting to view the court as staked out by the applicant. Shane measured about 55 feet from the front edge to the ditch in front of the house. The ditch is approximately 10 feet and, with addition of the 12-foot traveled lane, the court meets the 65-foot minimum front setback to Harris Hill Road. Shane also had a question about the ponds on the property and whether those ponds were in-stream and as such required a 50-foot buffer from the court. Shane noted that the ornamental pond had no stream feeding into it. It did appear that the other pond did have some flow into it but it was dried up at the moment and in any event it would be questionable to call it a stream at all.

Looking at the photometric chart provided by the applicant, it does appear that there would not be any foot candle on the road itself.

Ky visited the site and had no concerns.

Pete questioned what the contour intervals were on the ANR atlas map provided by the applicant. The default contours on the ANR atlas website are 10-foot contours. Accordingly, the slope in the area of the court is approximately 2.8%.

Pete moved to close the hearing, and Mike seconded. All were in favor and the motion carried.

The Board entered into deliberative session at 6:25 p.m.

The Board exited deliberative session at 6:58 p.m.

Mike moved to approve the Minutes of the August 11, 2020 meeting. Ky seconded. All in favor and the motion carried.

The meeting adjourned at 7:05 p.m.