

MINUTES
FAYSTON PLANNING COMMISSION
November 9, 2020
Unapproved

Members Present: Doug Day (Doug), Don Simonini (Don), Pete Ludlow (Pete), Jen Hammond (Jen); Carol Chamberlin (Carol), Karen Sauther (Karen); ZA: John Weir (JB); Public: None

1. Call to Order: The meeting was called to order at 5:30 p.m.
2. Announcements and Agenda Modification: None
3. Approval of Minutes of Last Meeting on October 12, 2020: Pete moved to accept the minutes of October 12, 2020 and Don seconded. There being no discussion, all in favor, the motion carried.
4. Liason Reports: Don asked about any updates with the Boyce Hill Town Forest. JB said that there will be meetings in the short-term future where public input will be the focus.
5. Welcome to Russ Bowen who has expressed interest in serving as Fayston's representative to the CVRPC. Russ was not present but this is a Selectboard appointment. JB had sent Russ the link to the CVRPC Board of Commissioners agendas and meeting minutes. JB will follow up with the SB regarding their need to appoint Russ to be our representative.
6. Land Use Regulations: Continued review and discussion of revisions: Section 4.1 (B) – Accessory Dwellings and allowable size: Carol noted that Warren is revising its regulations and she believes the consultant it hired recommended the allowable accessory dwelling size not exceed the 30% threshold. JB noted the recent legislation passed by the legislature and signed by the Governor. Act 179 is a housing bill that included required provisions for municipal bylaws. Local regulations must allow ADUs of at least 30% of the size of the principal single-family dwelling or 900 square feet, whichever is greater. Each of the three MRV towns currently permit ADUs up to 30%. Waitsfield is the only town that has a square foot threshold for treating such as a permitted use (800 square feet, which was moved to 900 square feet after this bill). The bill prohibits a conditional use requirement in districts where a single-family home is a permitted use. This seemingly pertains to other towns, such as Moretown, in which an ADU is proposed in a new (as opposed to existing) structure. Karen believes that the 30% threshold unfairly limits owners with smaller homes. Karen pointed to the fact that in 2019 the median size of homes for sale in Fayston was about 2,200 square feet. But if you have a 1,500 square feet home, the allowed ADU size would be about 450 square feet. On the other hand, Karen believes it a good idea to perhaps put in place a maximum square footage requirement for ADUs. JB noted that our accessory dwelling regulations necessarily need to be revised to reflect the Act's alternative sizing standard of 900 square feet. If the Act allows for a cap on ADU square footage, we should consider it. JB will reach out to Joshua Schwartz to further discuss Act 179's changes to ADUs and get a better idea as to what is and is not allowed. At the very least, language referencing the alternative of 900 square feet or less needs to be added to the

regulation. Don and Carol will check with Warren to get an update on what it's doing with regard to this change in ADU requirements. JB will draft a revised Section 4.1 (B) for next meeting for discussion.

Land Use Regulations: Continued review and discussion of revisions: Section 3.1 (B) (4) vs Section 3.4 (E) (3) (d) – conflicting driveway language: There has been discussion as to whether these two sections actually conflict or just appear to. Section 3.1 (B) (4) reads: “Driveway that, in any 50-foot section, exceed an average grade of 15% shall use best construction practices and submit an erosion control plan in accordance with Section 3.4.” This in essence allows for driveways to exceed 15% in grade so long as the conditions are met. Whereas Section 3.4 (E) (3) (d) reads: “Driveways and roads will follow the natural contours of the land, and shall not exceed an average finished grade of 15% over any 50-foot section (see also Section 3.1).” This section appears to prohibit driveway in excess of 15% in grade no matter what. At last meeting, Shane believed he resolved the conflict although the language was still a bit muddy. Shane would like to see some sort of table in the LURs that lays out the driveway standards in a clearer and consolidated fashion so it is easier for applicants and the DRB to reference. Karen added that the language of Section 3.4 (E) (3) (d) could be revised to make this clearer as well. Karen suggested, and Shane has agreed, that the words “Driveways and” and “See also Section 3.1” be removed from this subsection. As a result, Section 3.4 (E) (3) (d) would read “Roads will follow the natural contours of the land, and shall not exceed an average finished grade of 15% over any 50-foot section.” Discussion then ensued as to whether use of the word “finished” was determinative of the difference between the two sections. Whereas Section 3.1 (B) (4) allows for driveway construction on land that exceeds 15% in grade in its *natural* undisturbed state (so long as best practices are used and an erosion control plan is submitted), it could be that Section 3.4 (E) (3) (d)’s use of the word “finished” means that the driveway cannot exceed 15% in grade at completion of construction, or *finished* grade. JB wondered whether italicizing the word “finished” would help, even perhaps italicizing the word “average” to Section 3.1 (B) (4) for distinction purposes. JB will prepare a draft revising Section 3.4 (E) (3) (d) as well as a table for driveway and private roads that lay out the standards for each.

Land Use Regulations: Continued review and discussion of revisions: Section 5.2 (create checklist for conditional use application requirements): JB noted that Section 5.2 lists those application requirements. Carol noted that there used to be a conditional use form that used to have these requirements. JB found that recently off an old computer and will incorporate those into a new checklist that would accompany DRB applications for conditional use review. This checklist would not be a part of the LURs.

JB will prepare draft revisions of the above sections as well as a conditional use checklist for review at the next meeting. A discussion on the changes to the regulation of short term rentals as passed by the Vermont legislature should be placed on the next agenda.

The next meeting of the Fayston Planning Commission will be December 14, 2020 at 5:30 p.m.

The meeting adjourned at 6:19 p.m.