

**AGENDA FAYSTON DEVELOPMENT REVIEW BOARD TUESDAY APRIL 6, 2021**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/85025337471?pwd=eWptbW9EaklweE5BeHNDS3dYWE4xdz09>**

**Meeting ID: 850 2533 7471 Passcode: 351776 (929) 436 2866 (audio)**

6:00 p.m. – 866 North Fayston Road in Fayston Municipal Offices and via Zoom:

Attendees

**Fayston Planning Commission:** JB Weir, Pete Ludlow, Mike Quenneville, Ky Koitzsch, Shane Mullen

**Guests:** George McCain, Bob & Diane Schellack, Gunner McCain, Eve Silverman, Gene Scaperotta, Kim Phelan, J. Rice, Annika Holtan

**Minutes Taker:** Betsy Carter

Introductions

**Applicant:** John Thrailkill

**Landowner:** Karen Mitchell

**Application Number(s):** 3629

**Type of Hearing:** (*Continued from 3/9/2021*) Requesting conditional use approval under Section 3.4 (C) (1) (d) and 3.4 (E) of the Fayston Land Use Regulations for development of a driveway on slopes in excess of 15% in grade.

**Parcel ID:** 14-074.000

**Location of Property:** Maple Ridge Road, Fayston

1) Memo sent requesting revised designs and features; site visit conducted.

- a. Revise entrance of driveway and move culvert (Gunner screen sharing). Culvert moved to allow additional driveway to be constructed (shown on screen).
- b. Stormwater swale & diversion swale locations; splash pads at exit of culverts
- c. Utilities depicted (septic, sewer, leach field, drilled well).

2) Questions from board:

- a. Mike: What is the size of culvert off Maple Ridge Road? Gunner: it's an 18". Mike: will that be able to take all the water? Gunner: (showing on screen where water is flowing to where).
- b. Ky: the adjoining land owner won't have any issues putting his driveway in? Gunner: Yes, the right of way shows that as well as the easement on his property.
- c. Shane: The intersection does not look optimized. Gunner: Yes, this is the plan that was approved in the 90s and would not be how I'd design it today. It may not be optimal, but it does work. Shane: it does not seem to follow our driveway regulations. Gunner: Yes, there is steep section there, but it's still an improvement over what was previously approved. We are creating a smooth transition. Shane: that's a 15% incline at the start of the driveway and there seems to be a significant possibility of water coming down the high side swale and making a mess down below. What drainage do you expect coming down the high side swale? Gunner: It's not a huge area that's draining into that swale. (point direction on screen). Shane: The diversion swale above the house is going to discharge on 40% slope. Is this going to be an issue? Gunner: I don't have the exact answer, but it's not a tremendous amount of water. We can change a few things. Shane: But you're still discharging onto a 40% slope. Can you move it to discharge onto the 15% slope? Gunner: we can do that. Ky: But won't that discharge across the driveway? Gunner:

Yes, but we're not talking about that much water.

- d. Shane: Getting back to the driveway regulations, no driveway shall exceed a grade of 3% within 30' of the centerline of a road. If the applicant wants to build a driveway with a 15% right of the road, is that something that we can approve or does the applicant need a variance? JB: I think the regulations are clear. I think the requirements must be met. Gunner: What do you want me to do? Apply for a variance for the driveway or approval to build it on a steep slope?
  - e. Shane: The plan as shown does not meet a regulation; would we want to entertain a variance, or something else? Pete: If the 15% is the hang up at the intersection of Maple Ridge, can the intersection be modified? Gunner: It's the issue of getting to 3%; so coming down the 12% over 30' is a challenge, but then I'm interfering with septic and others.
  - f. Ky: So, looking at the end of the driveway (viewing on screen), is it measuring off the centerline or edge? Shane: The ordinance does state 30' from the centerline of the road.
  - g. Shane: Have you considered reaching out the adjoining landowner to collaborate on something different or an adjustment to the easement have the driveway on shallower slopes? Gunner: We have not, and I do not think we can do much without affecting his house site.
  - h. Ky: Can you turn off sooner? Gunner: I can move this culvert, but there's a few septic easements in the way. Shane: Is the easement or the pipes the issue? Can you cross the gravity drainage pipes in that area? Gunner: we can cross the pipes but changing the elevation of that area will impact what the adjoining owner can do. I don't know that I can meet the driveway regulation and not impact the septic easements.
  - i. Shane: The issue at hand is can this driveway be built within the regulations of the town of Fayston.
  - j. Mike: Will this create an issue with water on Maple Ridge Road? Gunner: No, we're installing a culvert to shed the water off before it gets to Maple Ridge Road.
  - k. Shane: In looking at the plain language of the driveway regulations, it seems like there is some sort of variance in this situation. JB: We've reviewed a few options that aren't advisable, so this falls into the variance space. The variance criteria are on page 125, section 9.6 of the regulations. In my opinion if these points can be addressed appropriately, this seems like a good candidate for a variance.
  - l. JB: This lot was created from an approved subdivision and should be developed in some way. This is a candidate for a variance, and we must facilitate development in some fashion.
  - m. Pete: The concept I understand of allowing this driveway grade is the runoff that's going to impact Maple Ridge. JB: Gunner's saying this is an extension of Maple Ridge and should be minimal. Pete: Can the curve be banked at all? Gunner: yes, possibly so that the water sheds south. Ky: will this be a problem for the other neighbor? Gunner: Standard crown is 2" and we're talking 4" and not 4'. So, it shouldn't be a problem.
  - n. Pete: Since this is a granted driveway, from lot B, do we have any problems with regrading that? Shane: Potentially the landowners could get together for a shared driveway.
  - o. Shane: What is the schedule for this project? Gunner: I believe the buyer recognizes that without a builder under contract, it's not going to move forward this year. The seller can't complete this without the plan in place. Shane: I think we need to continue this to memorialize what options we've considered. And the seller is going to have the same issue with a different seller. JB: For the town's interest, I think the best
- 1) *Motion to continue this hearing next month made by Pete, seconded by Mike. All in favor, none opposed, motion passes.*

**Applicant: Robert & Diane Schellack**

**Application Number(s): 3630**

**Type of Hearing:** (*Continued from 3/9/2021*) Requesting conditional use approval under Section 3.4 (C) (1) (d) and 3.4 (E) of the Fayston Land Use Regulations for development of a driveway on slopes in excess of 15% in grade.

**Parcel ID: 03-119.000**

**Location of Property: off Stony Hill Road, Fayston**

2) Site visit completed and route of site walked.

3) Review of submitted items

- a. Review of drainage plan
  - i. Drainage pattern designed to follow its predeveloped state.
- b. Revised plan showing existing culvert at base of driveway.
- c. Plan showing new culverts to be installed with driveway to continue with exiting drainage patterns.
- d. Driveway was flagged for site visit. Driveway layout slightly changed and did not impact slope of driveway up to building envelope.

4) Questions from the board:

- a. Ky: What is the purple line coming from the left. George: this is an existing drainage pattern.
- b. Shane: Can we get some detail on some of the structures to be built. This map doesn't show the drainage to the structures to be built. George: I do not have that right now; we intended to show the pre and post drainage state. Shane: Can you provide any more detail on the structures these are intended to be? George: This area (shown on screen) is intended to be a gravel wetland. (need more detail from recording)
- c. Mike: Will the power be buried along the edge of the road? George: Yes, it'll come up along the side of the road.

5) Questions from the public

- a. Eve: Have you decided if the stormwater permit will be an addendum to the exiting or a new permit? Where on the map would the pump station be located? George: We would be getting a new permit for just the Shellacks for the new impervious surface. (Sharing screen) We'd likely be using a flout tank vs a pump since we can use gravity and head differential to dose everything into the leach field. Eve: Will it be out of view of the intersection (Holton/Shellack) driveway? George: Yes, it will be out of sight.
- b. Shane: note that the board only has jurisdiction over the stormwater plan.
- c. Eve: Also I'd like to add a thank you to everyone for the site walk; it was very helpful in understanding the issues/questions as to what we're looking at.

6) Is any additional information needed to make a decision?

- a. Ky: When you contract the excavator to install the driveway, will more tweaking be needed to avoid any obstacles or find a better path? George: Everything will be marked and there may be minor deviations to get around a piece of ledge, but nothing that would change the length of driveway.
- b. Shane: I know there is already a stormwater permit for the whole subdivision. What is the town's interest here and what would be the impact of the subsequent permit? JB: This would have no bearing on the town's interest.
- c. Kim: We were not able to attend the walkthrough. When we walked up the driveway, some of it seemed higher and harder when walking up. George: We rerouted around that ledge without affecting too much elsewhere.

7) *Motion to close this hearing by Pete, seconded by Mike. All in favor, none opposed. Motion passed.*

**Applicant: Jeff Tobrocke & Elizabeth Deutsch Application Number(s): 3633 Type of Hearing:** Requesting conditional use approval under Section 3.4 (C) (1) (d) and 3.4 (E) of the Fayston Land Use Regulations for development of a driveway, single-family home and accessory structures on slopes in excess of 15% in grade.

**Parcel ID: 03-026.000 Location of Property: off Rankin Road, Fayston**

1) This discussion will be pushed to the May meeting.

Minutes of March 9, 2021

1) *Motion to approve minutes from March 9 by Pete, seconded by Mike. All in favor, none opposed. Motion passes.*

Review board moved to deliberative session at 7:23pm.