

MINUTES

FAYSTON DEVELOPMENT REVIEW BOARD

TUESDAY MAY 11, 2021

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

Introductions

Attendees: John Weir, Pete Hammond, Mike, Jared Alvord, Shane

Minutes Taker: Betsy Carter

Public: Peter Forbes, Doug & Heather Hoffman, Ginny L, Ky Koitzsch, George McCain, Karen Derrick, Joyce Rogan, Stevie Allen, Jeff Coy, Chuck Derrick, Leigh Williams, Monica Callan, Anna

Call to order: 6:02

Motion to continue below two (Thraikill and Brosnahan) items to next meeting by Pete, seconded by Mike; all in favor, none opposed.

POSTPONED

Applicant: John Thraikill

Landowner: Karen Mitchell

Application Number(s): 3629

Type of Hearing: *(Continued from 3/9/2021 and 4/6/2021)* 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

Applicant: Peter Forbes

Application Number(s): 3640

Type of Hearing: Requesting conditional use approval under Section 2.4, Table 2.4 (C) (2) (5) of the Fayston Land Use Regulations for construction of a pavilion (accessory structure) for a camp/refuge/retreat (conditional use).

Parcel ID: 05-063.000

Location of Property: 700 Bragg Hill Road, Fayston

- 1) For this application, Ky Koitzsch is recusing himself as he is involved with construction of structure.
- 2) Missing items: general location map, site plan not drawn to scale and missing directional arrow; does the board feel the application is complete?
 - a. Generally, it feels complete enough for board to review tonight.
 - b. *Motion to find application complete by Jared, seconded by Mike. All in favor, none opposed.*
- 3) Presentation by Applicant Peter Forbes, co-owner of Knoll Farm.
 - a. Requesting construction of a pavilion (accessory structure)
 - b. (Screen sharing showing location of pavilion)
 - c. No wastewater requirements. Purpose is for outdoor meeting space for picnicking, meetings, events. Size will be 15' x 30' and 400' from nearest boundary and not visible from Bragg Hill Road.

- d. Questions
 - i. Pete: Will structure have solid roof? How will you control water shed from roof? Peter: Runoff will go into existing pasture. We could collect rainwater off roof like what we do from our other structures.
 - ii. Shane: Are there planned utilities? Peter: We have no plans water, sewer, or lighting. We will have an outlet for electricity. Shane: With this structure, do you anticipate an increase in traffic or activity once completed? Peter: No, we're pretty regulated by the state and the Land Trust, we're just looking to add to what we already do; today we have circus tents for people to sit under and those wear out. We received a grant and we'd like to use it for this structure. Shane: do you anticipate any additional parking needs? Peter: No, no parking outside of what we already provide.
 - iii. JB: I think we need just some more details on the mappings to complete the application for the record. Peter: I will email John with the map I shared with the north arrow that is from Vermont Land Trust.
- e. Public questions: none at this time.
- f. *Motion to close hearing by Pete, seconded by Mike. All in favor, none opposed. Hearing closed.*

Applicant: Leigh Williams

Application Number(s): 3641-3642

Type of Hearing: Requesting approval under Articles 6 -7 of the Fayston Land Use Regulations for a minor subdivision of one 10.4-acre lot into three lots of 6 acres, 1.5 acres and 2.9 acres (#3641).

Conditional use review is also required pursuant to Section 3.4 (E) and Section 3.4 (C) (1) (d) of the Fayston Land Use Regulations for development on slopes in excess of 15% in grade (#3642).

Parcel ID: 01-063.000

Location of Property: 360 Dunbar Hill Road, Fayston

- 1) Are there members of the public wishing to be interested parties?
 - a. Doug and Heather Hoffman; Live across the street from the property and wish to be interested party. General concerns: The Hoffman's property overlooks the property and can see the house of Leigh. The primary concern is that if the property is subdivided, what is the impact to the property values in the area and would this incentivize neighbors to subdivide their properties.
 - i. *Motion to list Doug and Heather Hoffman as interested parties by Pete, seconded by Mike. All in favor, none opposed. Motion passes.*
 - b. Ginny Lasage, for Trustees; property line is the boundary line between her property and the one in question.
 - i. *Motion to list Virginia L as an interested party by Ky, seconded by Mike. All in favor, none opposed. Motion passes.*
 - c. Marian Wilson and Jeff Coy. There are several concerns regarding the potential development of the property in terms of residential homes vs. short term rentals. Also concerned with environmental impact of development as there has already been some erosion on her property.
 - i. *Motion to list Marian and Jeff as interested parties by Jared, seconded by Ky. All in favor, none opposed.*
 - d. Joyce and Tom Rogan. Property abuts land in question. Concerned with brooks on property with runoff from property and impact to brooks. Concerned with development on Dunbar Hill Road.
 - i. *Motion to list Joyce and Tom as interested parties by Jared, seconded by Mike. All in favor, none opposed.*

- e. Chuck Derrick – Concerns similar to other parties, especially with short term rentals.
 - i. Motion to list Chuck Derrick as interested party by Ky, seconded by Jared. All in favor, none opposed.
 - f. Anna Stagemoller – concerned with subdividing and short-term rental potential.
 - i. *Motion to list anna as interested party by Pete, seconded by Mike. All in favor, none opposed.*
 - g. Karen Derrick – Echo same concerns around intended usage and environmental impacts.
 - i. *Motion to list Karen Derrick as an interested party by by Pete, seconded by Mike. All in favor, none opposed.*
 - h. Stevie Allen – seeking to become a permanent resident on Dunbar Hill Road and interested in purchasing land with partner. Currently caretakers of the property (have garden and live on property). No particular concerns.
 - i. No further interested parties.
- 2) This is a preliminary hearing; this hearing should focus on sketch plan requirements.
- a. This will not be a finding on if the application is complete. Reference section 7.2.c.1-4.
 - b. George McCain to provide project overview.
 - i. Existing 10.4 acre lot owned by Leigh Williams with proposal to subdivide into 3 lots: Lot 1 with existing homestead of 6 acres; Lot 2 with proposed building envelope on 1.5 acres; lot 3 coming off of Dunbar Hill of 2.9 acres with a building envelope taking into consideration building on steep slopes.
 - ii. Proposed development does take into account easements, existing brooks and runoff.
 - c. Questions:
 - i. Pete: Will the three structures use existing leach field? George: What is on the map services the existing house, but there will be 3 separate systems in that common area.
 - ii. Pete: It would be helpful to understand locations of interested parties. Shane: yes it would be helpful to have a map that shows the entire parcel or overall site plan with abutters. JB: Yes I spoke with George today and that is one of the requirements and there's additional structures, a sugarhouse, that's not included on the map.
 - iii. Ky: The additional information that George would provide would go in the second column of the Table in the application. This would come in the next round.
 - iv. Ky: That proposed drilled well above the house as we see it, is that the current well that's servicing the existing house? George: Yes, that's a glitch; we had done a WW amendment in 2013 and we used the same map but didn't update the label of the well. Ky: Would each of the two other proposed lots have their own wells or would the lots be sharing wells? George: Lot 3 would have its own, but Lot 2 could share depending upon well capacity.
 - v. Ky: In regards to the proposed houses and the stream setback, you measure from the center of the stream but then there's also verbiage within the town regs that talk about the top of the stream slope as well as to where that setback would start; obviously the purpose of a stream setback is to limit runoff into the stream. This is a steep stream that runs into a creek; it's possible that the setback should go from the top of the steep slope as opposed to the center of the stream. George: I don't think we'd be going to the top of the steep bank, it's about 20-30' up above the top of that stream bed, so we'd provide a 5-10' buffer of the edge of the 50' stream buffer as measured, so we're looking at the stream bank for more of where it's going to meander within its course so the bank is much closer to the stream than the top of the 30' bank up above. Ky: I understand that, but the

purpose of a setback is to limit runoff into the stream. If I'm looking at section 3.1.3, of streams and wetlands, the buffer should be measured from the top of the stream bank or slope or where no stream is discernable, from the high water mark. George: It talks about a major change of 10% or more on page 48. Shane: New proposed structures are within that 50' setback. George: we can go in and more accurately map that in. General feeling is that setback goes from top of bank.

- vi. Shane: Any proposed development with existing house on Lot 1? George: No proposed changed. Shane: I don't see any parking locations. Will the houses have garages? George: that will follow up with detailed access and house plans. Shane: I think it would be good to see that. Jared: And emergency access and turn arounds.
 - vii. Shane: are there any wetlands within the development area? Shane: No, not within the proposed building envelopes.
 - viii. Shane: How do you propose to deal with stormwater runoff? George: standard practices for residential development utilizing existing flow, swales, and culverts at each curb cut. There are two culverts proposed for lot 3.
 - ix. Shane: Does the applicant have a phasing plan or timeline for building the subdivisions? George: I think that depends on if the applicant sells the lots of decides to build.
 - x. Shane: Do you know the applicant's intentions for rentals vs residences? George: The request is for single family residences.
- d. Questions from interested parties:
- i. Tom: Can you help us understand in laymen's terms what the easement is for lot 3. George: There will be a right of way through lot 1 to provide for driveway access into lot 3. There will also be an easement for a leach field. Tom: Where does this leach into? George: into Leigh's existing property. We dug a few test pits and confirmed there is adequate space to accommodate additional leach fields to support the other properties.
 - ii. Joyce: When you go back and add the existing sugarhouse, will you also include the exiting stone walls? George: Yes, when we complete the survey we will include existing structures.
 - iii. Joyce: Where does the water go from the leach field? Downhill? George: we do have to follow regulations as set by the state for leach field development. Shane: Please note the development review board has no jurisdiction over potable water or waste water runoff. That falls under the state regulations. The Town DRB can only comment on the steep slope development.
 - iv. Doug & Heather Hoffman: There are two properties adjacent to this that are for sale that haven't sold. What is the incentive to subdivide if the adjacent properties haven't sold? Also we'd like to note that we'd love to have Stevie as permanent resident and keep the property whole.
 - v. Ginny: No questions.
 - vi. Marianne Wilson: I do not feel that this has relayed my fears of what's happening in this area. I am very concerned with the discussion around the stream setbacks. I will appeal any decision to develop this property.
 - vii. Chuck: My plea to the DRB is to recognize that if this happens, it's a commercial entity.
 - viii. Anna: I appreciate everybody's comments so far. I would like to add that I think Stevie would be a great neighbor and would like to see the lot kept whole.
 - ix. Karen: I echo what our neighbors have said. We've love to see Stevie and her partner continue to be residents and keep the property whole. The stream setbacks do concern me, especially the 30' high bank. I'm concerned with

greater traffic and the maintenance on Dunbar Hill Road. I think we're all aware of HB 200 that addresses short term rentals and we should be thinking about how we support affordable housing to support the community.

- x. Leigh: When Stevie and Kayla approached me about potentially building here on the farm, we spoke with George to see where we could build. I have no intention of selling the second lot at this time and it's cost effective and made sense for future considerations. The best location for Kayla and Stevie would be the uphill lot. We share everyone's consideration and respect for the historic properties of the land. Part of the history of this property is that it used to be a dump and we need to clean up the area of old water heaters and cars that are there.

- xi. Karen Sauther (member of general public and planning commission member): How would the runoff that was discussed going into the meadow, would this be a channel flow or more of a broad flow into the meadow? One of the concerns in Fayston is the loss of agricultural land. George: The general waterflow is parallel to Dunbar Hill Road and the general water flow direction is down along the meadow. As far as stormwater runoff goes, we promote sheet flow as much as possible. There are some areas where runoff gets channelized like on the uphill side of a driveway to prevent erosion. We do not want to propose any changes to the existing water flow that is there now. Karen: JB is this zoned agricultural? JB: It's zoned as rural residential district but could be used as agricultural. Karen: I understand there is no plan to develop the third house? George: There are no short-term plans to develop there. Karen: So the septic would have to be pumped up to the leach field? George: Yes, there would be a second tank and septic pumped up. Karen: Lot 1 across the stream, because of the steepness of the stream bank and the hill itself, I'm wondering if any of the state fluvial erosion standards apply. George: Not that I'm aware of, no. Karen: Are the existing structures and leach field meeting the setback requirements? George: Yes, it would have been permitted with the applicable requirements and setbacks. Karen: Do you depict the mean high-water line on the map, is that possible? George: It would be possible, it's not depicted now. Karen: Were there any conversations with Vermont Land Trust? Leigh: No as I don't intend on selling anything other than the private sale already mentioned.

- 3) All interested parties please send an email to Faystonzoning@madriver.com so that June meeting information and meeting minutes can be distributed.
- 4) *Motion to declare this as a minor subdivision of three lots by Jared, seconded by Pete. No discussion, all in favor, none opposed. Motion passes.*
- 5) Recommendations for supporting documentation or recommended changes.
 - a. Stream buffer 50' from top of bank.
 - b. Site plan overview of all three lots, abutting land owners, and missing sugarhouse, completion of table 7.2, show parking, emergency access, turnarounds, and utilities.
- 6) Conditional use review: Does the board want to dig into this now or wait until we see the revised plan showing the stream buffers and missing structures?
- 7) *Motion to continue this hear to next meeting by Pete, seconded by Jared, all in favor and none opposed.*
- 8) The next meeting date is June 8.

POSTPONED: Applicant: Gary Brosnahan

Application Number(s): 3643

Type of Hearing: Requesting conditional use approval under Section 3.6 (D) (1) of the Fayston Land Use Regulations for a rear setback waiver down to 11 feet and side setback waiver down to 16 feet.

Conditional use review is also required pursuant to Section 3.4 (E) and Section 3.4 (C) (1) (d) of the Fayston Land Use Regulations for development on slopes in excess of 15% in grade.

Parcel ID: 11-089.000

Location of Property: 236 Fayston Hollow, Fayston

Minutes of April 6, 2021

Motion to approve minutes as amended with latest comments by Pete, seconded by Ky. All in favor, none opposed, motion passes.

Adjourn