

**MINUTES**  
**FAYSTON DEVELOPMENT REVIEW BOARD**  
**TUESDAY JUNE 8, 2021**

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

Attendees

**Development Review Board:** Shane Mullen, Jared Alvord, Pete Ludlow, Ky Koitzsch,

**Zoning Administrator:** JB Weir

**Visitors:** George McCain, Leigh Williams, Joseph Lokjo, Gunner McCain, John Thrailkill, Virginia L

**Applicant:** John Thrailkill

**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

- 1) Rerouting of driveway
  - a. Gunner presented 2 different analyses and at this point qualifies waiver under the prior subdivision approval.
  - b. Gunner: Until the adjoining lot has a house layout, there's no way to tell what to do regarding the neighbor's access. John T: The adjoining landowner did agree that the current plan won't impact his ability to access his land.
  - c. Shane: Because you did ask about the waiver to the subdivision approval versus the variance against the current regulations, this lot still has the steep slopes that require it to be part of the conditional use standards. Gunner: Yes, you still need the conditional use permit in addition to anything else in there. Shane: Yes, I don't see how simply modifying the subdivision approval is going to get you over this still having the driveway standards being address and requiring a variance. (subsequent discussion around subdivision standards and waivers).
  - d. Shane: What is difference between a waiver and variance? JB: Variance is a totally different animal. Something like this should have been included the original subdivision rather than 30 years later. Shane: What are the drawbacks to issuing a variance? JB: there are none. Shane: When was the last time we issued a variance? JB: Brooks Clark's driveway about 6-7 years ago. Pete: Seems to be that the variance is a bit more official whereas the waiver is more of a dismissal. The variance is more along the lines with the current rules, not what was proposed back with subdivision. It seems to me to be a more official process.
  - e. Shane: Most of the framework is in place to treat this as a variance. Gunner did present a memo on that that would likely apply. On that memo on item #4 that states that this is going to the variance criteria and would not alter the character of the neighborhood or impair appropriate use to the adjacent property. In your response I don't see anything stating that. Gunner: This variance, if authorized, will not impair the development of the adjoining property. Shane: The other thing is that this a design plan; would you object to having conditions in the permits for as-builts or certifications that everything is built in a good manner and not causing erosion? Since this is developing on slopes in excess of 40 percent and because granting a variance because of it, having something professional to hang out hat on. We had conditions in a prior driveway on Old Mansfield Road. Would you have any objections to that and a certification that everything was built to plans? Gunner: No.
  - f. Shane: You're showing erosion control measures on here. Would you object to a condition agreeing that you will abide by standard erosion control measures? Gunner: Absolutely we can do that.
- 2) *Motion to close the 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) Site visit conducted and preliminary plan revisions submitted since first hearing.
  - a. Shane: According subdivision regulations, revised application materials should be provided 15 days in advance of final hearing. There has been clearly been a lot of work done and request to George to continue discussion with the idea that we can walk away with clear picture for the final application. George: Yes, this is preliminary plan review as we're more than month out from survey completion.
  - b. The discussion from the site visit is not on the record. George to highlight what has changed.
    1. Sheet C-1 updated top of stream bank buffer.
      - a. Updated building envelopes.
      - b. Proposed water and waste water infrastructure
      - c. Show greater definition of tree line.
      - d. Updated culverts and curb cuts to 24".
      - e. Revised aversion swales.
    2. Sheet C-2 has same changes as C-1.
    3. Sheet C-3
      - a. New detail for splash pad.
    4. Sheet C-4 overview plan
      - a. Includes entire property and locations of adjoining landowners.
    5. Resource map including areas of wildlife habitat, natural communities, wetland advisory areas.
- 2) Board discussion
  - a. Pete: What are the take aways from the site visit? Ky: Setbacks from top of steep slope versus center of stream. Pete: Are there material issues along this bank that we need to consider for the future? Shane: That's the intent of the 50' buffer. George: Yes the buffer allows the stream to meander and change over time.
  - b. Mike: The septic is all in that one area? George: Yes, it's where we found a spot for a ground system. The existing house system is already in that area.
  - c. Ky: The septic is proposed to pump up from the lower houses between the house and the stream buffer? That's not a big concern? George: Yes it keeps us from running through the driveway.
  - d. Shane: What is the schedule for development of these houses? George: Short term goal is to develop lot 2 for a small single-family residence. There is no timeline for lot 3. Shane: Are you proposing any covenants or deed restrictions? George: We do not have any of those proposed at this time.
  - e. Shane: Regarding stormwater, I did notice that this area was part of the brook trout waters and stormwater mitigation will be important to maintaining water quality. Would you be amenable to showing the locations of downspouts and showing that they are not at risk of going down that steep bank? George: It's possible we won't use downspouts and target sheet flow but will note if downspouts are needed it will stay away from the stream bank and add a splash pad detail.
  - f. Ky: Following up on stormwater and diversion, the culvert down below the lower proposed driveway is already eroding. Putting 2 24" culverts in to divert water as fast as is can, we may be compounding the issue of that existing culvert. George: I don't think we're adding to the runoff and 24" culverts isn't speeding up the water, but I don't think the measures we're proposing are contributing the to the runoff that's already there. It's mostly sheet flow coming off the driveway. Shane: Do you expect much change to the drainage area? George: Nope. The only area that will be directed there is the small triangle between proposed lot 2 and Schoolhouse Road. Lot 3 we're

- starting the driveway at the high point, so we're not directing anything back to Dunbar Hill.
- g. Shane: Any statement regarding current and proposed traffic rates? George: No, this is keeping in the current traffic of the area, especially since Lot 2 will be the only one developed. Shane: Are you requesting any waivers on this? George: No I don't think we need any. We're addressing the steep slope criteria, driveway criteria, and stream setback requirements. No waivers should be required. Shane: The building envelopes you have show the limits of disturbance of grading. George: Yes.
  - h. Shane: Would you be amenable to having a condition that you wouldn't be cutting into the southern or eastern tree line? George: Given the proposed development I don't think that will even be an issue. Leigh: Should be fine as I don't have any intention of cutting into that part.
  - i. Shane: Jared as the resident fire/rescue expert, do you have any concerns? Jared: No, thank you for adding the driveway turnarounds.
  - j. Shane: Question for Leigh, is this the ultimate use of this parcel as you see it or are you preserving rights to further subdivide in the future? Leigh: No, I don't.
  - k. Virginia: Regarding lot 3 that is closest to my brother's revocable trust piece, that's really listed as a 0.5 acre lot, not 0.3 as listed in Leigh's narrative. Also what are the plans for the sugar shack that's there as there are a lot of line there? Leigh: I would like to continue sugaring and if I stop I'll take the lines down. In regard to the .3 vs .5, I looked it up in the town clerk's office, it was shown as .3 even though it's listed as .5. JB: Virginia please reach out to me tomorrow and I'll check on that for you.

3) *Motion to continue this hearing by Pete, seconded by Mike. All in favor, none opposed. Motion passes.*

*Motion to approve the minutes from May 11 by Ky, seconded by Pete. All in favor, none opposed. Minutes approved.*