

MINUTES

FAYSTON DEVELOPMENT REVIEW BOARD
Thursday December 7th, 2021
6:00 p.m. at the Fayston Town Offices & via Zoom

Attendees

Fayston DRB: Shane Mullen, Mike Quennville, Pete Ludlow, Ky Koitzch,

Zoning Administrator: Hanna Neill

Minutes Taker: Betsy Carter

Applicants/Public: Rick Smyers (Fiddlehead HOA), Jeremy Rathbun (Dubois & King), Shawn Henry (abutting landowner), Beau Wright (abutting landowner)

Applicant: Fiddlehead Condos Inc.

Application Number(s): 3696

Type of Hearing: Requesting approval under Article 7 of the Fayston Land Use Regulations for a lot-line adjustment (minor subdivision) of 1 acre.

Parcel ID: 011-049

Location of Property: 325 Fiddlehead Road, Fayston

- 1) Interested parties:
 - a. Shawn Henry (motion to make Shawn Henry at 394 Fiddlehead Road to be an interested party by Ky, seconded by Mike).
 - b. Beau Wright: motion for Beau wright to be an interested party by Pete, seconded by Ky.
- 2) Review of application materials.
 - a. Abutters list complete
 - b. Motion to find application complete by Mike, seconded by Pete; all in favor, none opposed. Motion passes.
- 3) Overview of project
 - a. Review of act 21 in relation to PFAS testing. Fiddlehead samples were determined to contain PFAS (29ppt) and "do not drink" order issued. Dubois & King solicited to determine source of PFAS around the property. Source permit applied for new well and drilled in 2020; well test determined that no impact to nearby wells and new well contained no PFAS.
 - b. Legal agreement required for all properties within 200ft of new well. Those properties are Megan Gadd and Henry & Heidi Spear. Megan concerned with easement and offered to give the land to Fiddlehead.
 - c. This is a lot line adjustment and a minor subdivision; typical minor subdivision is a 2 step process, but if the board determines that this is a lot line adjustment, the board can waive the 2 step process.
 - d. Motion to deem this application a lot line adjustment by Ky, seconded by Pete. All in favor, none opposed. Motion passes.
 - e. Motion to waive the sketch and prelim requirements and treat this as a single hearing for lot line adjustment by Ky, seconded by Pete. All in favor, none opposed. Motion passes.
- 4) Questions:
 - a. Ky: What is the source of the PFAS? Jeremy: We're not sure; after all the tests we're not sure if it's leaching from a building material or is it the underdrain pipe that changes from solid to perforated pipe about 60-70ft out. As of now we don't know what the contamination is caused by. The national standard for 70ppt. Vermont level is 20ppt (level of concern in infants).
 - b. Ky: How does PFAS affect health at higher levels? Jeremy: I don't know for sure, but at a higher level it's a carcinogen. Shane: It's also been suspected to cause kidney and urinary tract issues.
 - c. Shawn: Can the abutters be kept abreast of the ongoing findings? I drilled a well 2 years ago and wonder if I should be testing. Jeremy: Absolutely we can keep the abutters informed. When you drill a new well you typically cap off and close the old well; we asked to keep it open in case any remediation is required.

- d. Beau: What is the site of the contaminated well vs. the site of the new well? Which way did it move? It moved in 200f radius in one direction. Jeremy: The new well is about 800 ft deep and old was only 220 ft.
- e. Shane: Just to note that what the DRB is issuing a decision on is the lot line adjustment for the well isolation area; PFAS-related concerns are not part of this application or the DRB's jurisdiction.
- f. Shane: In looking at the survey that was provided (electronic version), if we do approve this and there is a recordable MYLAR issued, we'd need a 24x36 copy.
- g. Ky: So the plan is just be a lot owned by Fiddlehead? Jeremy: That is the plan. Ky: Wouldn't this have to be absorbed into the Fiddlehead lot? Shane: Rick, is this something that will be deeded to the Fiddlehead HOA? Or Jeremy can you comment? Jeremy: We're just adding land ownership to the deed of the HOA. Rick: I think it's typical of other condos in the area: The individual owners own the interiors and the HOA owns the land and exterior. Shane: So Megan Gadd loses one acre and that is absorbed into the Fiddlehead HOA.
- h. Motion to close hearing by Pete, seconded by Mike. All in favor, none opposed. Motion passes.
- i. Shane: Is this a time sensitive request? Jeremy: Yes as we'd like to get the contractor to finish the drilling before the ground freezes, but we cannot connect to the water source until the DRB approves and all other requirements cleared. Rick: Yes as the condo owners have been drinking bottled water or just drinking tap water at risk.