

TOWN OF FAYSTON
Development Review Board Minutes
April 5, 2022

Attendees

Fayston DRB: Ky Koitzsch, Shane Mullen (Chair), Dan Young (Co-Chair), Mike Quenneville, Pete Ludlow

Zoning Administrator: Hanna Neill

Minutes Taker: Betsy Carter

Applicants/Public: Don Simonini, Steve James, Kim Laidlaw, Leigh Williams, Howard Levin, Jim Donkersloot

Applicant: Kimberly & William Laidlaw

Application Number: 3723

Type of Hearing: Requesting Conditional Use approval under Section 3.8 of the Fayston Land Use Regulations Non-Complying Structures & Nonconforming uses for the enlargement of a preexisting camp.

Parcel ID: 01-059.00

Location of Property: 316 Dunbar Hill Road, Fayston

- 1) Interested parties:
 - a. *Motion to find Leigh Williams as an interested party by Pete, seconded by Mike. All in favor, none opposed.*
- 2) Review of application and associated documents.
 - a. Motion to find application complete by Ky, seconded by Mike. All in favor, none opposed.
- 3) Overview of project
 - a. Kim (property owner): property was purchased and are interested in replacing the current structure and would like to use existing footprint and add 50% on top to create a stair-stepped building. A 2-bedroom septic has been approved by the State. The building would replace the current slab and would be the floor of the new house. The expansion would allow for more space for a family or more than one person to live comfortably.
 - b. Steve (builder): Prior plans that were presented to DRB included a house with garage; what the owner is requesting now is different. The existing footprint will be preserved with the additional space added on a second level.
- 4) Questions and Comments from the DRB:
 - a. Despite the State of Vermont approving the septic system, the Town land use regulations are still applicable and within the jurisdiction of the Development Review Board. The State approves septic designs based on their regulations (The Environmental Protection Rule), however the Fayston Land Use Regulations govern certain aspects of wastewater system and potable water supplies as well, including adherence to setbacks, development on steep slopes, etc.
 - b. This particular parcel of land has been issued a Wastewater System and Potable Water Supply permit based on the prior design that the DRB denied due to its proximity to streams and presence on very steep slopes.
 - c. In the prior decision and application was involving development on steep slopes. In the current application, there was no plan denoting limits of work and disturbance. Shane: Steve are you willing to show and adhere to a plan and limit the disturbance around the area for demolition and construction? Steve: Yes, we will adhere to the limit of disturbance designed by Gunner McCain. We've worked with Manosh to understand what is required for access to drill the well. Then my excavator will come in and use the path created for the well drilling. Shane: The prior plan only showed a 10' wide corridor going up to the drill site, there will need to be a new site-specific plan that illustrates the new intent for the work.
 - d. If development within the stream buffer is proposed, then a written waiver request must be made.
 - e. Ky: Just to review again, the lot was not approved for building the last time was not just the stream setbacks but also there was building (septic) on steep slopes. A question for you Steve, has Manosh been to the site and seen the access required? Steve: They have not, no. I did a drive by when there were 3' snowbanks; the plan was to take Manosh up there once approved.
 - f. The stream on the property line boundary tends to wander and change path. Would there be some sort of bank remediation required? Pete: I don't think we got fully into remediation last time, but the building envelope was right on the edge of the stream buffer. Ky: Just the septic system alone is in

violation of 3 different town regulations. There's not a whole lot different from the last time other than the building itself, which I think we don't have a problem with; the issue is all the other things around the actual structure that is needed. Shane: Regardless of the remediation steps, there is still a septic system within the 50' stream buffer. Mike: Can the septic be moved up closer to the well shield? Shane: They may be able to move it up 5 ft or so. The driveway is about 50-60' long and about 16' wide. You can fit a few cars in there; the proposed plan is an improvement for parking circulation and accessibility. Pete: You could see if the state will approve or if an engineer can design closer to the well shield.

- g. Kim: Would it be possible to get some sort of inclination of what could get approved by the board? I don't want to go through all this with the State only to get denied by the board. Dan: Have you talked to George at all since the last application was denied? Kim: Yes. Dan: You best bet is to go back and work with the engineer of what can be redesigned based on the interpretation of last application and denial. Shane: We can provide a punch list of the items required to complete the application. We can provide a written record of what information is required.
 - h. Howard: As a member of the public and a resident of the town, I think development of this site should be considered as we do have a housing shortage in this area. And Kim if you work with a good engineer/designer, they can work within the existing regulations and present options to the board.
 - i. Kim: Can I present two scenarios? Shane: The board cannot pick and choose; you have to design the best option that has been designed with your engineer and meets your needs. We cannot advise on your design, only whether it conforms or doesn't with the land use regulations.
 - j. Leigh: I have no questions and I'm supportive, but my concern is getting access to dig the well given the slopes and softness of the ground in the area.
 - k. Shane: One thing that is helpful is to have electronic copies submitted in addition to the hard copies submitted with the application.
- 5) *Motion to continue application to May by Pete, seconded by Ky. All in favor, none opposed. Motion carries.*

Applicant: Carol Chamberlin

Application Number: 3724

Type of Hearing: Requesting approval under Article 7 of the Fayston Land Use Regulations for a minor subdivision of 2.1+/- acres into two 1+/- acre lots.

Parcel ID: 03-038.00

Location of Property: 21 Randell Road, Fayston

- 1) Interested parties
 - a. *Motion to find Dan Young as an interested party by Mike, seconded by Pete. All in favor, none opposed.*
 - i. Note: Dan will recuse himself from voting on this application.
 - b. *Motion to find Tim Flynn as an interested party by Pete, seconded by Ky. All in favor, none opposed.*
- 2) Overview of application
 - a. In reviewing submission, the application is missing documents, including a full-size survey or plat of the proposed subdivision. Tonight, will be sketch plan review.
 - b. Review of hardcopy plan. Electronic version shows a piece of overall plan.
 - c. Carol presented the application, stating that the intent of this subdivision is to maintain access to the agricultural uses currently present on that portion of the land. No site development is proposed associated with a building, or water/sewer infrastructure.
 - d. The narrative describes a residential lot and an agricultural lot. The Fayston Land Use Regulations do not have a particular definition of an "agricultural lot". Agricultural lot is really a deferred lot that would require engineering and development review later. Owner wishes to maintain access to the mulberry trees should they move from the residence.
 - e. In the Fayston LURs, Section 6.7 states "In the event that the applicant is proposing the creation of a lot(s) not requiring water or wastewater system, the DRB may waive the provisions of these regulations pertaining to water and wastewater disposal, providing that the plat recorded with the Town Clerk clearly indicates that the intended use of the lot(s) will not require water or wastewater disposal system, and the applicant submits an affidavit to the DRB stating his/her intent that will be incorporated as a condition of subdivision approval." The applicant must provide written intent that these provisions of Section 6.7 (Water Supply & Wastewater Disposal).

- f. Deed restrictions or covenants for this new lot will be needed in order to make it clear to any future buyer that this parcel cannot have a structure on it.
- 3) Questions from the public
- a. Tim: Concerns I have is that there's a wetland in the front. My wellhead is within 100' of the property line and I just want to make sure my well is safe. I don't quite understand what an agricultural lot means and what does that mean for the future? I'm looking for water protection and we are in a residential area. Shane: There isn't anything in the LUR that defines an agricultural lot. If we issue a decision, we would not use that term. It would just be a subdivision. From the application, there is no earthwork or utilities involved with this application. If she was to do more development, there would have to be a subsequent application and review with the DRB. Tim: The term "deferred" confuses me. Shane: Deferred is a term used in the State's wastewater regulation and that language would not be in our decision. Carol would have to state in her plan that there is no water or wastewater design associated with it. There would have to be something included in the deed stating that the land is not developable or does not have any permits associated with it. Shane: It sets a precedent for future decisions. Ky: There is a precedent on deferral from Bethel, VT with language and statement in the deed. Dan: 6.3.a in the LUR discusses the character of land and ability to subdivide based on natural features and ability to subdivide. Shane: I think having language on the plan will help. We can put together a punch list for an application.
- 4) *Motion to continue hearing by Ky, seconded by Mike. All in favor, none opposed. Motion carries.*

Other Business:

- 1) Organizational Meeting
 - b. There is still an open slot for an alternate on the DRB. Don Simonini and Jim Donkersloot expressed interest, Howard Levin (attending via Zoom), expressed some interest. This will be discussed in deliberative session.
 - i. Jim has prior experience from his time in NJ and has been a property owner for 25 years here and a landlord for 23 years. He is now a permanent resident.
 - ii. Don Simonini has been a member of the Fayston Planning Commission for almost 6 years and also a representative of the Town for the Mad River Valley Planning District. He expressed how he would like to pursue other ways to serve the town, including being an alternate on the DRB.