

MINUTES
Development Review Board
Tuesday August 2, 2022
Evening Hearing Schedule Begins at 6:00p.m.

Attendees

Fayston DRB: Shane Mullen, Ky Koitzsch, Mike Quenneville, Dan Young, Pete Ludlow

Zoning Administrator: Jason Wilson

Minutes Taker: Betsy Carter

Applicants/Public: George McCain, Abby Dreyer, Danielle Livingston, Joshua Livingston, Joy Playter, Don Devany (representing Niall)

Applicant: Danielle and Joshua Livingston

Application Number: 3750

Type of Hearing: Requesting Subdivision Preliminary Sketch Review

Parcel ID: 06-060.001

Location of Property: 246 Phen Basin, Fayston

- 1) Overview of application
 - a. 3 lot subdivision with desire to have lots 2 & 3 as deferred lots.
 - i. Lot 1 will be sold. Lots 2 & 3 will be held.
 - b. Materials: prelim subdivision plan, cover letter, application form,
 - i. No notice to abutters due to this being a sketch plan review.
 - c. Hearing will proceed as sketch plan hearing and DRB will provide memo of items required for final hearing.
- 2) Questions from the board
 - a. Shane: I'm not sure the DRB has any authority approve lots without approved septic and water. The state does include verbiage around deferred lots in its wastewater and septic regulations. Danielle: In order to have the subdivision completed, would we have to have septic designed for each? Shane: You can design a shared or separate systems designed for each, but you would need to work with your engineer on the design. Shane: I believe your lawyer and engineer are only factoring in the state requirements, but not accounting for the local requirements. At the end of this process the Town needs to have a plan of what the lot would look like once it is built. If you want to subdivide the property that you have to show us a plan demonstrating that it can be buildable.
 - b. Ky: So you are redoing the septic on lot 1? Danielle: The buyers would be installing the septic. Shane: What's the reason for the new septic? Is it failing? Danielle: It's going from a 1 bedroom to 2-3 bedrooms. We also have no documentation on the existing septic.
 - c. Shane: I looked back into the history of this lot, in that application it was subdivided into 2 lots. Danielle: My surveyor said it was incorrect as he resurveyed the entire lot.
 - d. Shane: A few other things to note: On the plans, in addition to the water & sewer,

- you need to show development setbacks. You will also need to state that the house will be built in a specific area. Another item to be shown in presence of steep slopes; if there are more than 1000 sq ft of land disturbance on slopes > 15%, you'll need to apply for development on steep slopes. I encourage you to review article 6 for what needs to be shown in the plans with your engineer. You'll need to show wetlands and access (driveways) for lots 2 & 3. Danielle: Can my attorney call you to review the requirements for the deferred lots? Shane: I recommend she connect with Jason to discuss.
- e. Ky: Is there an option for them to continue with just the lot 1 sale? Shane: No, they'd have to sell the whole lot. Danielle: Can we amend to go to two lots rather than 3? Shane: You can, but the work still has to be done and the difference in work between 1 and 2 designs is not drastic.
 - f. George: Would it possible for a waiver be applied here? Shane: In 6.7.e states (reading from LUR). Danielle: Beth (lawyer) stated that if we chose to transfer or sell the land in the future, we would have to bring it up to a saleable lot at that time. George: When the deed is written upon sale, it has to include language that the land cannot be developed. Dan: Some of the other towns do include stipulations for change in use or deferral. Shane: I think it is worth the discussion with the attorney as we could go in 2 different ways: Do water/WW on the 2 lots, or align with attorneys on the language for deferral and waiver.
 - g. Eliza (realtor): When can we expect a response from the Town attorney and DRB? Shane: I think a few weeks; we've been without a ZA for some time, but we will do what we can to keep things moving forward.

Applicant: Robert and Joy Playter

Application Number: 3751

Type of Hearing: Requesting Development on Steep Slopes

Parcel ID: 06-051.001

Location of Property: 1058 Stagecoach Road, Fayston

- 1) Overview of application
 - a. Site plan showing water & waste water, slopes, cover letter, narrative, list of abutting landowners & receipts,
 - b. Motion to find application complete by Mike, seconded by Pete. All in favor, none opposed. Motion carries.
 - c. Ky abstains due to conflict of interest.
 - d. George provides overview: Barn will be built with bonus room/workshop space. There are no bedrooms but will have water and wastewater service. It is 100' away from the existing house with a small driveway extension.
- 2) Board Questions:
 - a. Shane: To confirm, the intent of this barn is not an ADU. George: Correct, accessory structure but not a dwelling.
 - b. Mike: Will the existing driveway be used? George: Yes.
 - c. *Motion to close hearing by Dan, seconded by Mike. All in favor, none opposed.*

Motion carries.

Applicant: Abby Dreyer

Application Number: 3752

Type of Hearing: Conditional Use. Setback Waiver

Parcel ID: 01-026

Location of Property: 288 Abby Road, Fayston

- 1) Overview of application
 - a. Application form, letter dated June 27 from Abby, site plans for barn, elevation views of barn, notice and receipts to adjoining landowners.
 - b. Motion to find application complete by Ky, seconded by Pete. All in favor, none opposed. Motion carries.
 - c. George: Abby is hoping to make this barn as useful as possible, but it is on steep slopes and is near the tiny house parcel. This area is Abby's driveway. Placing the barn in this place creates a better use of the land. Having it close to the driveway keeps it off of steeper slopes. (Reviewing of hard copy plan) Shane: A 65' setback splits the centerline of the barn. Would you need additional grading? George: Yes; the high side is about 6' underground. If the barn is moved, we're doing more earthwork.
- 2) Questions from board:
 - a. Shane: In looking at the regulations, 6.3.d (reads from LUR). DRB may allow waivers for setbacks from 65' to no less than 45' allowing for certain geographic or topographic conditions. Does this proposal disturb less earth than a 65' setback? George: Yes, it creates a much longer driveway and more earthwork required to ready the site. Ky makes recommendation gesturing on plan.
 - b. Shane: So by moving to meet the setback, it would be on steeper slopes? Abby: Yes. Shane: Are you open to conditions for biodegradable erosion control and other stipulations? George: Yes.
 - c. Shane: Any tree clearing? Abby: We've already done that when we did the septic system. There were trees cut to make space for the barn.
 - d. *Motion to close hearing by Dan, seconded by Mike. All in favor, none opposed, Motion carries.*

Applicant: Niall Devaney

Application Number: 3753

Type of Hearing: Conditional Use. Setback Waiver

Parcel ID: 06-097

Location of Property: 966 Phen Basin Road, Fayston

- 1) Overview of application
 - a. Survey, wastewater site plan, project description, application form, notification of abutters.
 - b. *Motion to find application complete by Pete, seconded by Ky. All in favor, none opposed. Motion carries.*
 - c. The house will stay where it is, but may require some movement of a few feet due

to ledge. We've also had to raise the house a few feet so we're requesting some changes to the deck design to reduce the number of risers required.

2) Questions from Board:

- a. Shane: has construction started? Don: Yes, excavation work has been done and we're pouring the foundation this week.
- b. Pete: Where is the actual deck? (Don points to drawing) Don: The original would result in a greater descent.
- c. Shane: The alternative is the stairs going in the other direction chasing grade? If you were to do that, would more earth disturbance be required? Don: Not really, but more than 16 stairs requires a landing and makes the stairs that much longer.
- d. Pete: So this structure encroaches on the existing setback by 4'? Don: Yes. Shane: and no more earthwork required? Don: It was already part of the earthwork required for the foundation.
- e. Pete: How is the driveway for electrical service and turnaround for emergency vehicles? Don: Yes. The driveway is in and all utilities are underground.
- f. *Motion to close hearing by Dan, seconded by Mike. All in favor, none opposed. Motion carries.*