

MINUTES
Fayston Development Review Board
Tuesday October 4, 2022

Attendees

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

Zoning Administrator: Jason Wilson

Minutes Taker: Betsy Carter

Applicants/Public: Tasha Urbanowski, Alexandra Urbanowski, Gunner McCain, Molly Bagnato, Todd Sirak, Doug Mosle, Rudy Polwin Todd Sirak

Applicant: Urbanowski (*Re-Opened from 7/5/21*)

Application Number: 3745

Type of Hearing: Requesting approval under Article 6 & 7 of the Fayston Land Use Regulations for a minor subdivision of 43.5+/- acres to a 32.61+/- acre lot and a 10.9+/- acre lot. Also requesting approval under Article 3.4(E) for development on slopes in excess of 15% grade.

Parcel ID: 01-022

Location of Property: East side of Smith RD, Fayston

- 1) Application overview
 - a. Hearing reopened due to revised lot line and a few missing items on application.
 - b. Application for Subdivision and Application for DRB review.
 - c. Application materials were resubmitted.
 - d. Abutters have been re-notified.
 - e. (Review of hard copy of plot) The lot line of lot #4 has been moved to create a 10.9-acre lot where it was previously about 8 acres. The building envelope is 55' off the stream.
- 2) Questions from the Board
 - a. Ky: Is there a difference between the top of bank and the high-water mark? Gunner: It's barely a stream, it does have water but it originates on the property.
 - b. Shane: I noticed that there are two building envelopes? Gunner: The lower is for a shed and the house on the upper due to the steep slopes.
 - c. Ky: Because you're applying for development on steep slopes, shouldn't you show the service areas? Gunner: We have not shown the limits of disturbance as we don't know what the end user will want to build.
 - d. Shane: There are two building envelopes. Envelope 1 is almost an acre in size; the second is about 17,000 square feet. In the rural residential regulations, it dictates a house size no larger than 25,000 sq ft. Shane: The building envelope is showing on steep slopes. It's basically just giving the potential landowners the opportunity to sharpen their pencils and some flexibility on the site.
 - e. Jim: So, for envelope 1, there's no plan for a house site? Gunner: We have no idea what will go there as it will be up to the buyers to determine. Shane: Circling back to members of the board, what are your thoughts on the size of the building envelope vs what is stated in article 2 vs what Gunner is stating that the updated plan would be provided prior to construction. Gunner: Sure, and I'm assuming this would be an administrative review.
 - f. Shane: So right now, these building envelopes are here for flexibility of placement, but at some point, a decision will be made. Would you be open to a condition to have the building envelope settled on? Gunner: Yes. I would seriously doubt anyone would build a half-acre house.
 - g. Jim: I think we addressed a culvert in the prior meeting that isn't shown here. Gunner: (Pointing to plot) I won't speak to say that that access is limited to logging, but it's not developable for a residential driveway.
 - h. Ky: Has the septic been designed and permitted by the state? Gunner: Yes, it's a replacement system as the current is failing. Ky: As per the state regulations you have to be at less than 30% and have notes to add fill. Is that normal? Gunner: Yes, it's in the rules. (More discussion about septic and infill on steep slopes)
- 3) *Motion to close hearing by Jim, seconded by Pete. All in favor, none opposed. Hearing closed.*

Applicant : Roman Kostrubiak

Application Number : 3762

Type of Hearing: Requesting a Conditional Use Permit per 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: 14-041.001

Location of Property: 1923 German Flats RD

1) Overview of application

- a. Cover letter, project narrative, DRB application, abutter notification, waivers of opposition, site plan.
- b. *Motion to find application complete by Mike, seconded by Jim. All in favor, none opposed.*
- c. Gunner: Prior owners created a subdivision and envisioned a family compound and their plans changed in 2019 and created lot 1 where the existing house. The current owners then purchased lot 1A and we're requesting a change to the building envelope and where the driveway comes in. The expanded building envelope resulted in modifying the leach field and the permit is with the state for approval.

2) Questions from the Board

- a. Jim: what is the square footage of the house? Gunner: Under 2000 square feet including the garage.
- b. Ky: It looks about 25' to that 25% slope. Gunner: But we're concerned with 30% and downhill. I don't see that as an issue. The east is downhill from that. (Additional discussion around plot)
- c. Ky: I'm a little concerned with the proximity to the wetland. Gunner: Here's the original placement (pointing at plan) and here's the new. Shane: That was one of my questions as what was proposed? (More pointing and gesturing at plan). Shane: Is this your limit of disturbance? Gunner: Yes. Ky: So, the development is on the edge of the wetland? Shane: It's close, here (on plan) is about 19' and here about 10' or 12'. Ky: What is the slope from here to here (pointing on plan)? Gunner: Oh it's more than 25%.
- d. Ky: Another concern is the well on the wetland buffer. You know how much sludge is created when a well is drilled. Gunner: It's a 6" bore hole it's not that much in terms of cubic foot. It's 130' drilled for 1 cubic yard of silt. There will be a silt fence along the wetland buffer. Shane: It seems it would be important to have the silt fencing up prior to any land disturbance. Gunner: Yes. Shane: Noting that the well is close to the limits of disturbance, it would likely be a good idea to have Jason go out and confirm. Is there any opportunity to pull in the limit of disturbance here due to the 40% steep slope here (on plan)? Gunner: I have no issue with that.
- e. Ky: There's no clearing in that 50' wetland buffer? Gunner: correct, we cannot cut trees in a wetland buffer.

3) *Motion to close hearing by Mike, seconded by Ky. All in favor, none opposed. Motion carries.*

Applicant: Jason Morel

Application Number: 3763 & 3764

Type of Hearing: Requesting a Conditional Use Permit per 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. Also, requesting approval under Article 7 of the Fayston Land Use Regulations for a lot-line adjustment

Parcel ID: 11-043

Location of Property: 174 Lockwood Brook RD, Fayston

1) Interested Parties

- a. *Motion for the Lockwood Brook HOA be an interested party for this application by Ky, seconded by Jim. All in favor, none opposed. Motion carries.*
- b. *Motion for Todd Sirak and Molly Bagnato be interested parties for this application by Ky, seconded by Jim. All in favor, none opposed. Motion carries.*

2) Overview of application

- a. Discussion around if the HOA needed to be included in the list of abutters/notified parties. Gunner stated that the understanding of the notification is for actual landowners; the HOA would not show up on the resource documents that would be used for notification information. There is no common land in this instance.

- b. Doug Mosle: The Lockwood Brook HOA is a 10-unit subdivision and the only interest the HOA has in this is the road costs. The interest the HOA has in this is understanding if the subdivision will impact the road costs for the other members. Whether the HOA was notified doesn't really matter to us. There is no common ownership, it's just about road maintenance.
- c. Review of application materials (reference recording)
- d. *Motion to find application complete by Ky, seconded by Mike. All in favor, none opposed. Motion carries.*
- e. Narrative (Gunner): This is a lot line adjustment and we are adding 1 acre of land to one lot and taking land away from the other lot, both owned by Mr. Morel. We are not requesting revision to that site. We are asking for the subdivision lot line adjustment, and we can show more information regarding land disturbance. The site has been designed by the architect hired by Jason. This property also falls within the jurisdiction of Act 250.
- f. Rudy Pollard: We do want to pull the house back a little bit; the concept is to have an off the grid house and moving the house site further down on the lot would allow for more solar exposure. Access would remain the same.

3) Questions from board

- a. Ky: Is the rectangle the house footprint? Rudy: Yes, it's one structure with the garage. It's represented by 32'x62' all inclusive. Ky: And that's the orientation? Rudy: We may rotate it ever so slightly once we understand the means and methods of construction especially when we're trying to have it be off grid. Ky: You're close to the limits of disturbance on the east there. Rudy: The setbacks are such that we'd be excluding the sloped area there. Gunner: It's close, but it can move 2' to the north without that house hanging over the steep slopes.
- b. Shane: Speaking to the same as the prior application, this is not a final design and open to adjustments. Gunner: There is no end user on the prior application and there is an end user for this one who is working with an architect. Moving 2' here and there shouldn't warrant discussion. Shane: The concern here is that the house is sticking out over a steep slope and the building envelope is on under 15%, but if this is the proposal for the limit of disturbance and that the contractor can do the work, he needs to do without hanging out over the bank. On the 3.8-acre lot, there is the stream there and would you have any objections to trimming the building envelope to meet the 50' setback for the stream. (Talking to plot regarding top of bank as it relates to elevation) Shane: would you object to have the building envelope be truncated so it's not encroaching on the setback. (Not audible discussion and pointing to plot). Gunner: The stream is down 75' feet in elevation.
- c. Jim: How would you access the other lot? Gunner: There's a right of way (pointing to plot) here. There's no feasible access otherwise.
- d. Ky: The erosion control appears to be silt fences. Is there anything else that can be used? Gunner: the silt fence not only contains debris but also limits where the equipment can go. Shane: The key to this is to keep the limits of disturbance as defined and that would be the best strategy to limit erosion. Would you be amenable to a site visit prior to construction starting to have the Town Zoning Administrator verify? Gunner: sure.
- e. Ky: The limit of tree cutting, you said it's open? Gunner: we are cutting, but there is that clearing. We do show the tree line around the limit of disturbance there.
- f. Jim: Can you speak to the septic and driveway? Gunner: the septic permit was acquired a few years ago and there was an area provided where the applicant should put a leach field. We'll need 2 trenches about 50' long and there's more than enough room in that area to accommodate. The driveway could wiggle a little bit if needed. Jim: Is that an existing driveway? Gunner: This plan doesn't show where the driveway stops but it's here (pointing on plot).
- g. *Motion to find that this application is a minor subdivision by Ky, seconded by Dan. All in favor, none opposed. Motion carries.*

4) Questions from Public

- a. Doug Mosle: Speaking as the HOA representative, my role is to understand how this will impact the HOA and from what I'm hearing the lot will conform to the HOA standards. As neighbor I've met Jason and we're looking forward to having a new neighbor. I do not believe the added area to the lot doesn't require any additional information from the HOA at this time.

b. Todd Sirak (Molly's husband): No questions at this time.

5) *Motion to close hearing by Jim, seconded by Dan. All in favor, none opposed. Hearing closed.*

Applicant: Robert Grandfield (*Continued from 9/6/22*)

Application Number: 3761

Type of Hearing: Requesting a Conditional Use Permit per 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. Also, requesting approval under Article 7 of the Fayston Land Use Regulations for an amendment to a previous subdivision.

Parcel ID: 03-020.002

Location of Property: Airport RD, Fayston

1) *Motion to continue Grandfield application at November hearing by Pete, seconded by Mike. All in favor, none opposed.*

Motion to approve minutes from August by Pete, seconded by Mike. All in favor, none opposed. August minutes approved.

Motion to approve minutes from September by Pete, seconded by Mike. All in favor, none opposed. September minutes approved.

Motion to enter deliberative session by Ky, seconded by Mike. All in favor, none opposed. Deliberative session entered at 7:45pm.