

**Town of Fayston, Vermont**  
**Planning Commission Minutes**  
**Monday February 13<sup>th</sup>, 2023**  
**Fayston Town Hall**

**Attendees: Planning Commission:** Doug Day (Vice Chair), Pete Ludlow (Zoom), Rebecca Baruzzi (Chair) and Don Simonini **Zoning Administrator:** Jason Wilson

1. Call to Order at 5:30 PM
2. **Agenda Modifications & Announcements:** None
3. **Approval of January 9<sup>th</sup>, 2023 Minutes:** Don motioned to approve the minutes; Doug seconded. All approved.
4. **Review & Respond to Selectboard LUR feedback:**

*Lighting Sections 3.9 (A) and 5.4 (B)(2)(f)*

*Selectboard expressed that the language “Unnecessary Use of Power” is undefined and they are therefore unsure how it could be enforceable.*

-The PC agreed to remove the term “Unnecessary Use of Power”

*PUD Section 8.6(3)*

*Select Board expressed that Fayston is not in the business of buying conserved land. Bylaw should be written to leave options open, and not written to imply the Town is interested in taking on conservation deeds, as the Selectboard expressed they are not at this time.*

-The PC agrees to change the language in this section to remove Town of Fayston being responsible for conserved land.

*Typos*

*Section 8.4 Paragraph 2 Line 1 should state “At the time of PUD approval”*

*Section 5.2 (A)(6)(c) Delete the word landscaping that has a line through it*

*Section 8.6 (A)(3)(a) Replace Board of Selectmen with Selectboard*

-PC agrees to fix these typos

*DRB CU Mitigation of Unapproved Pre-development Site Preparation Section 5.4(B)(5)(b)*

*Mike Jordan had inquired about whether a time limit should be considered for the amount of time passed between pre-site development preparation and actual development (in relation to DRB’s ability to set conditions of approval for vegetation mitigation). Mike provided the example of what if a landowner did pre-site development preparation, does not develop, then sells the land, and the new landowner doesn’t actually build for a period of time (5, 10, 20 years). Should the DRB still have the ability to condition mitigation in such circumstance indefinitely, or should there be a time limit set?*

-PC agrees that this is a subject to review in future LUR updates. As this would be adding or re-writing a section of the warned LURs. This subject would require legal advice from Town Attorney.

*ADU Section 4.1*

*Select Board wondered if it's possible to be less restrictive by increasing the maximum allowable square footage of an ADU. With current housing crisis, the Select Board thought the less restrictive we are for ADUs, the more chances of increasing our housing stock/variety (while still abiding by statute requirements). Statute reference 24 V.S.A. § 4412 (E)*

-PC agreed to the language in our LURs matching with the State Statute. stating that it be "on an owner-occupied lot" and that the ADU could be "within or appurtenant of the primary structure"

The PC also agreed to let ADUs that are 30% of primary dwelling's livable floor space or 900 sq. feet, whichever is larger be subject to Administrative Review. Then anything larger up to 90% of livable floor of the primary dwelling would be subject to Conditional Use.

Rebecca made motion to accept the LUR edits agreed to this evening based off the Selectboard's recommendations and send back to the Selectboard for approval; Don seconded. All approved.

**5. Liaison Reports:**

Don believes that the Waitsfield Water/Wastewater project should be MRVPD's top task at this time and Josh will be contributing 50% of his time on that project. As it could be an important step in the fixing the housing issue in the area. Don also stated that the MRVPD will holding leadership elections for the Steering Committee after Meeting Day.

**6. Community Engagement Around Housing:**

Rebecca asked to table this subject to a future meeting due to time constraints. All agreed

**7. Other Business:**

There was some discussion on how to get candidates for the empty seats on the Commission. Also, having someone step and speak on Town Meeting Day. Rebecca thanked Don for his service to the Commission. This was Don's last meeting on the Commission as his term has expired.

**8. Adjourn:**

Rebecca made a motion to adjourn; Doug seconded. All approve. Meeting adjourned at 6:49PM