

Proposed Amendments to the Fayston Land Use Regulations

Planning Commission Report

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments..... The report shall provide:(:) (A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title,(A)nd shall include findings regarding how the proposal:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing;*
- 2. Is compatible with the proposed future land uses and densities of the municipal plan; and*
- 3. Carries out, as applicable, any specific proposals for any planned community facilities.”*

The Fayston Planning Commission (PC) started the development of the proposed amendments to the Fayston Land Use Regulations immediately following the adoption of the amended Town Plan in 2020. The PC’s goals are to:

- Streamline And Clarify Permit Process: Produce clarity for applicants and review boards around requirements for conditional use permit applications, definitions that were previously lacking, and provide for electronic submission requirement to accommodate for less paper waste, ease of meeting and hearing preparation, and remote meeting participation.
- Allow For Creative Housing Opportunities: Update Accessory Dwelling Unit (ADU) to reflect less restrictive statutory reference, and consolidate Planned Residential Unit (PRD) and Planned Unit Development (PUD) sections.
- Preserve Natural Resources: incorporate conservation strategies to preserve Fayston’s forest resources, scenic views, climate resiliency, and wildlife habitat.

Clare Rock, Senior Planner at the Central Vermont Regional Planning Commission, provided advice and technical support as we proceeded. Jamey Fidel, General Counsel/Forest and Wildlife Program Director at the Vermont Natural Resources Council, was consulted for proposed regulations regarding natural resource preservation. Throughout we were guided by the Fayston Town Plan, as approved by the Selectboard in February 2020.

Streamline The Permit Process

The following revisions are intended to add clarity to the land use regulations and make the permitting process more efficient:

1. In Article 5 Conditional Use:
 - a. Consolidate redundancies in the list of required application materials.
 - b. Move application materials listed as may be required by the development review board (DRB) to the application requirements section for items that the DRB regularly request in order to save on additional requests for information and additional hearings for the applicant and DRB.
2. Add definitions for terms that were used regularly throughout the land use regulations document but lacked definitions in Article 10.
3. Decrease number of paper copies of application materials required and added requirement for electronic submittal of application materials, allowing for easy access to materials, faster and

easier dispersal to members of the development review board, more timely review process, and more streamlined discussion during hybrid remote and in-person meetings and hearings.

Housing

The following revisions are intended to promote creative housing solutions:

1. Section 4.1 Accessory Dwelling Units (ADUs)
 - a. Remove the requirement that the accessory dwelling be in an existing structure for administrative approval.
 - b. Change the allowable size for administrative approval to 900 square feet or up to 30% of the principal dwelling, whichever is greater.
 - c. Increased the maximum allowable percentage of primary dwelling livable area that the ADU can be from 40% to 90%, with DRB approval.
2. Article 8 Planned Residential Unit (PRD) and Planned Unit Development (PUD)
 - a. Consolidate the PRD and PUD sections into one PUD section allowing for more creative mixed use development.
 - b. Extend long-term affordability term for PUDs including affordable housing.

Preserve Natural Resources

The following revisions are intended to promote the preservation of Fayston's valuable forest resources, water quality, scenic views, and wildlife habitat:

1. Article 3 General Regulations
 - a. Clarify that no development or site disturbance, including the disturbance of vegetation shall take place on slopes 25% or greater.
 - b. Add lighting bylaws.
2. Article 5 Conditional Use Review
 - a. Enable DRB to evaluate impacts of non-forestry/non-silviculture tree cutting, thinning, or clearing.
3. Article 6 Subdivision Standards
 - a. Add site clearing and harvesting associated with pre- development site preparation shall comply with state Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont.
 - b. Enable DRB to require vegetative mitigation measures where non-forestry/non-silviculture pre-development occurred in preparation for a subdivision.

*Prepared by the Fayston Planning Commission
September 14, 2022*

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