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 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 and shall include a statement of purpose as required for notice under section 4444 of this title and 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, and sections 4412, 4413, and 4414 of this title.

(2) is compatible with the proposed future land uses and densities of the municipal plan.

(3) carries out, as applicable, any specific proposals for any planned community facilities.”

The Fayston Planning Commission (PC) has been working on several revisions in the two years since the last revisions took effect. The PC did this all this work in a rapidly changing town of Fayston, Mad River Valley, and the state of Vermont experiencing the changes and challenges brought on by the pandemic. There have been some state legislative changes that have forced us to adapt our LUR’s to align with State Statue as well as changes in town that made us see the LUR’s in different lights.

Planning Commission’s Goals for these amendments:

Clarify specific items in the LUR’s: Provide greater detail on parts of the LUR’s.

Correct typos and broken connections: There are several links and references in the LUR’s that connect incorrect items.

Provide clarification and understanding to LUR’s: Correct LUR’s that limited the ability of residents to fully utilize their own property.

Align the LUR’s with State Statues: The evolution of the State Statue in the wake of the pandemic created inconsistencies that need to be revised.

Streamline the application and approval of Accessory Dwelling Units: Remove hurdles to residents in permitting and provide a better-defined limit on size of structure.

Clarify specific items in the LUR’s:

Article 10 Contiguous Land and Lot Definition- The definitions of Lot and Contiguous Lands in the LURs are conflicting about whether a road right of way creates two lots. Viewing past PC history when this Commission decided that road right of way created two lots, the PC clarified the ambiguity of these definitions. When the LURs were updated previously, the update to Contiguous Land did not get updated with Lot. The PC clarified the intent of road to mean Municipal or State Highway

Correct typos and broken connections:

In section 4.8 and 3.6 there are notes to go to specific sections these were incorrect. These amendments change the document to the correct locations.

Provide clarification and understanding to LUR’s:

The following revisions are intended to provide clearer understanding about activities taking place on private land. In many spots the residents were unaware of the LUR prohibiting the activity.

In a revision of section 4.3 Campers and Temporary Structures, these amendments change the policy on using utilities in campers and other temporary structurers. The existing LUR's do not allow hooking up power and water. In speaking with previous members of the PC they did not intend to limit this for residents. In PC discussion after speaking with residents, we decided to allow hooking up to Power and Water to allow residents to use their own property as they see fit. These amendments do not change anything regarding sewer. Regarding sewer, the LUR's continue to defer to Local, State and Federal regulations for its disposal.

In discussions about trails on Private property, it was discovered that our LUR's point to an older document from the NY Department of Environmental Conservation and that the link to that document was broken. The PC spent several meetings gathering information, receiving public comments, and debating property rights as well as existing legislation in the areas of trails on private lands. The PC did a great deal of work on this issue and yielded three separate proposed changes in the LUR's.

1) Change the verbiage and link in each of the districts to point to the Vermont Agency of Natural Resources recommended trail standards.

2) Added the definition of Trail to Section 10.2 Definitions since none existed prior.

3) Added an exemption to section 9.2 for trail creation and maintenance.

Pointing residents to current practices and standards to trail building, defining what a trail is, and making it clear that you do not require a permit to build a trail on your own property allows residents to clearly understand their property rights.

Align the LUR's with State Statues:

The state building energy code requires getting a RBES/CBES certificate to align with Vermont's Residential and Commercial Building Energy Standards. RBES and CBES were updated in 2024. These amendments add this requirement to Section 9.4. as a requirement to obtain a Certificate of Occupancy.

These amendments add that the DRB may request a larger site plan in the application to help them make a more informed decision.

Streamlined application and approval of Accessory Dwelling Units:

ADU's have been a talking point when it comes to housing all over the state of Vermont to increase housing units while limiting some forms of sprawl and infrastructure use. In the Vermont Homes Act passed last year the legislature made it clear that towns need to make it easier to create ADU's and that towns need to make the permitting process more streamlined. They also made it clear that towns can allow less restrictive limits on the size of ADU's than state statue. The state statue says that a ADU must be allowed to a property with a Single-Family Owner-occupied residence and that it can be 30% of that structure or 900 square feet whichever is larger. The PC discussed the needs of Fayston and the ADU requirements adopted by neighboring towns. After much debate the PC decided on a new standard for Fayston that allows any ADU to be 2000 square feet, in rare cases larger.

In the existing LUR, building an ADU larger than 30%/900sqft required conditional use approval from the DRB. These amendments remove that requirement to both streamline the process and align with the new state statue on permitting. This change removes the Accessory Dwelling from the conditional use column in several of the zoning districts.

Prepared by the Fayston Planning Commission

June 23rd 2025