Town of Fayston, Vermont

Planning Commission Minutes

Monday August 11th, 2025

Fayston Town Office

Attendees: Planning Commission: Freddie Graves (Zoom), Langford Davidson, Andrew McNealus, Michael Duell, Paul Quinlan (by Zoom) **Selectboard (For 1st 3 items on Agenda):** Chuck Martel and Ron Graves **Zoning Administrator:** Jason Wilson **Public by Zoom**: Liz Bisbee, Sally Dwyer, Tom McCarthy, Maria Roman Robin Macy **In-Person**: Mildred Chappel, Woody Dugan, Madison Vasseur, Claire Ewald, Wendy Bridgewater, Ben Bridgewater, Paul Fitzgerald, Danielle Hampton, Carol Chamberlain and Janet Saylor

1. **Call to Order** at 5:32PM by Langford Davidson
2. **Agenda Modifications:** None
3. **Joint Session the Selectboard for a presentation and discussion about Act 181's tiered framework, future land use areas and the draft Regional Future Land Use Map. Presented by Niki Sabado of Central Vermont Regional Planning Commission:**

Niki Sabado- Hi, my name's Nikki Sabado, I'm with CVRPC. I'm a planner with Central Vermont Home Planning Commission. I'm here to, just give you an overview of the Act 181 legislation, and how it relates to the future land use mapping, and why I'm here. So, I'll probably talk for, like, 5 to 7 minutes, and then you're welcome to ask questions while I'm talking and I see staff, or just wait till the end. So, I'm not sure, are you all familiar with Act 181. Vermont Legislature passed Act 181, which updated Act 215's Vermont legislation, which is Vermont's statewide land use permitting, and this was to create a tiered framework for location-based jurisdiction. Act 181 requires the Regional Planning Commission to develop a future land use map as part of the regional planning process.
Central Vermont Regional Planning Commission, we're currently working on a draft future land use map, which is here. we actually have an updated map coming out in the next couple weeks. In addition to the land use map, we are also updating the regional plan. We anticipate submitting the regional future land use map for state approval in early 2026. So, I'll just go over briefly the, you know, the future land use map process and what these areas are. I brought some handouts, and I'm happy to send anything through email as well. This can just give me an idea of spring work and just, you know, a bit of area use description. I think the best way is to organize them in three sections. The first section would be high-density growth areas. That would be your village centers, your planned growth areas, your village areas. Second would be low to moderate density growth areas, that would be enterprise areas, transition and infill, resource-based recreation areas, and hamlets. And then the third section would be rural areas, which is agriculture and forestry, conservation in general. So, these are the general, descriptions. They're not that different from what future land use areas were determined before. Making it a requirement of the Regional

Planning Commission to develop this map along with local input from towns, who are also developing their future land use maps. Okay.
So, then the second part of sorry, of Act 181 is the Act 250-tiered process. So, this really shifts Act 250's jurisdiction from being triggered by the size of the development to, the location of the development. So, then they are they've divided it into tiers. So, you have Tier 1, Tier 2, and Tier 3. So, Tier 3, starting up the wider scale, that would be, your conservation areas. And this is being mapped by A&R, so it's actually in the state's hands. They are developing Let me just try to explain it a little bit. Your downtown villages, again, planned growth areas and village areas, and there is an exemption for Act 250 development of 50 units or fewer on 10 acres or less. for housing and mixed-use development. So, I'm not even sure Fayston is looking towards the Tier 1, but Tier 1B. So, you know, municipalities can stay, I said that you can stay as a Tier 2. If you wanted Tier 1A, that's, you know, Burlington's and possibly Montpelier and parts of Berlin. Let's see. So, with Tier 1, municipalities must demonstrate that administrative capacity to implement local regulations to be eligible for that. I think Fayston doesn't actually have a village center, is that correct? Yeah.
You know, other future land use areas where, you know, there's intersections with other towns that might, you know, sometimes regional level, determinations will have to be made, but it's really in communication with all the towns involved. And whether you should, just revisit that land use chapter and see if some of your goals have changed, and if you want that to be reflected in the future land use, moving forward.

Langford- You said you have we have no control over Tier 3, but that's basically the state is going to decide which areas of the state need to be conserved?

Niki- Yeah, it's based on, you know, wildlife corridors and habitat protection and that kind of thing. I think when I say we don't have controls; we're not developing that map. We have our, our rural area designations, which primarily let's see, Fayston is here, so I think a lot of that would be rural ag and forest.

Langford- We'll also term the Forest Reserve? Forest District, which basically means we limit development pretty, you know, very aggressively, and that's what we have. So, is it possible that the state would push Tier 3, ask for the areas where we say you can't, like, into other areas and make other areas a face and non-developable? Is that how I'm to understand it? So, you're saying that there's parts that are. We have a forest reserve district where you can't pull a permit to pull a permit to build a single-family home or anything, and all you can do is forestry and ski area operations.

Langford- And I'm just curious, that's sort of our Tier 3 in Fayston.
Is it possible that the state, through this 181, changing the tiers, is it possible that they could restrict development further than we already have?

Niki- Not that I'm aware of. I've heard Brian, Brian Voigt is our program manager, so he is really, in control of this map, I mean, from, you know, actually mapping it. But local regulations are what determine that. So yeah, I think there is there's they're still developing Tier 3 mapping process as we speak, as well as Tier 1B, but a lot of towns have these questions, like, are they going to take a rare, right? Yeah. and that but from what Brian is, you know, passing on to me

and to other towns, you know, it's still in your local regulations, and you control your map. In what happens in that area. So yeah, it's yet to be determined, too, of how it's going to interact with the local markets.

Chuck- Question for you, Nikki. So, we don't have a town center, as we mentioned, but we do have two ski areas in our town. Will that be looked at differently in this tiering?

Niki- So that would be resource-based recreational areas. So, tier designations area can be, like, one section. Say you wanted to have growth or a planned growth area around your resource-based recreation, then, potentially you could apply for a Tier 1B down the line, if you wanted to. That, you know, you have to show that you have, you know, wastewater and water capacity, adequate soils, you know, there's a list that has to be like, that would be a requirement to go for that tier. Municipal water, waste water would be a requirement? Yeah. There's also, you know, they'll say it were adequate to it and with planning towards that, you know, capacity.

Ron- I have questions. What's the purpose? Act 181.

Niki- Oh, so, well, Act 181, was a big, major land use reform, law that came, you know, that, was passed last year. So it was, a way to
I think accelerate growth, but also protect, you know, the areas that should be conserved. I don't know if that's explaining, but Act 181 is a very large bill, but for what I'm talking about today, it is about the mapping methodology that was part of Act 181. And the tiers are a second part of it. They are definitely about the future land use, but it's a little bit it's a different What's the best way to I mean, it really did update are you familiar with Act 250? Yes, so it's a reform of that. So, they were looking at ways to make it easier to build.

Chuck- Who approves the final map, Nikki? So, are you going to be doing more visits with the town to get more input into the specific areas on the map?

Niki- This is our visit just we only come out once to inform about, you know, what we're doing for the map. We would hope that we would get input, and if you were to opt into Tier 1B, by early December. I don't even know if Fayston's looking to opt into a Tier 1B, so really, you don't have to do that for opting in. But we are and if you want to review, you know, your current land use plan and your chapter and your map. And maybe if you see changes that you think that we should be mapping on our map. Ideally, we would like that information by November.
The Land Use Review Board then has to review it and approve it alongside with our updated regional plan.

Chuck- Okay. Does it have to be. I'm sorry, does it have to be town, or just a wastewater system, like Sugarbush, as an example, or like Red River? Like a community system. Yeah, community systems are also being considered.
Niki- Let me see it's water supply, wastewater infrastructure, or appropriate soils. It's pretty open.

Jason- The area around Waitsfield, or, around Irasville Post Office. Because you were just mentioning how it could be, or it goes over the town boundary. Like, Waitsfield, for example, has some growth centers down there, that Irasville area, that's Waitsfield, but we have some areas on

the backside of it that is facing. So, if Waitsfield were to opt in. For Tier 1B, for those areas, how would that work?

Niki- wanted to just maybe opt in for that area for You mean joining with some other towns? Expanding their area. Yeah, I think that's a consideration, absolutely. If you do opt into Tier 1B, though, your town is responsible for administrating the, you know, the regulations and permitting, so that is one,

Freddie- I don't understand it enough yet to have concerns.

Paul- I'm up on it. We had a nice presentation and talk about it at the,
MRVPD meeting a few months ago.

Chuck- Have you talked to the ski areas at all about this, or will you be talking to them, or is that up to us? I'd like to get their input as to you know, they're under Act 250 review for almost everything they do, and I don't know if there's anything that they see as an advantage out of this that would make life easier for them.

Niki- I mean, we don't we work with municipalities, so I see your point. I think that would be a municipality, responsibility, but I think it's certainly, part of this whole process. It should be looked at.

Jason- You said, for this round, when would the next round be? The round for the map. Well, you were like, well, if you want to get into it, we gotta decide by early November to get involved on this round. Well, so, the map is due,

Niki- by the end of this year, for us to be able to have the Land Use Review Board review it and approve it, so that we can also this is Central Vermont Regional Planning, has to update the regional plan as well. So, it's happening together, the regional map and the plan.

Jason- Will this be something that's done yearly, where towns could opt in, opt out.

Niki- Well, you mean the tiers? Yeah, if you want to Yes. Well, I would assume you could opt in at any time, but it would have to go through that whole approval process.

Chuck- Who's on the Land Use Review Board?

Niki- Janet Hurley is the chair, Alex Weining, he was, planner.

Chuck- Who do they represent and work for?

Niki- who do they represent? Or work for? Well, Janet Hurley is a planner from, Bennington. Okay. Alex Weinigen is from Chittenden County, and they have a lawyer, from, forget her name, she's in Barrie, and who's the other woman? They have an Act 250 specialist, that I Sarah had. Sorry, I can't recall, the name of the other one, but there is another one I can share.

Michael- "So maybe there are three possible areas for Tier 1B consideration: the area around Mad River Glen, the area around Sugarbush, and the area abutting the Irasville development area. Are these the three areas that we should consider? I like the idea of asking Sugarbush if this would help them, as it seems like every time, they want to do something it triggers an Act 250 review. I think even the Magic Carpet upgrade triggered a review. This may simplify things, and it may help them with their housing crunch, because they're always looking for housing for their workers. So yes, I like the idea of considering these three areas as Tier 1B

Niki- What was the third area besides the two resorts?

Langford- Yeah, so, like, behind Lawson's, up there, and then behind Shaw's that's the area you're talking about, it's behind the post office behind, yeah.

Langford- So I motion to have a fire with a 4-minute recess. Andrew seconded motion passed. Langford- Motioned to return from recess, Michael seconded. All approved

4. **Approval of July 14th, 2025 Minutes:**
   Langford motioned to approve the 7/14/25 minutes; Michael seconded. All approved.
5. **Public Comments:**
   Woody- If you have not read the letter, I came in order to be able to address any questions you had about it, but if you still want to read it and deliberate it. Speaking about a letter written by the Fayston Conservation Commission. Michael Duell then went on to read the letter aloud.
   Carol- And the first one is, have you had the RPC or BLCT or the town attorney review any of this new language.
   Langford- I think we would look to do that when we have it more solidified. We have one definition on our view on our on a revisions list, and it's a definition that we're not really happy with, and changing pretty dramatically at this meeting tonight. We could enlist a lawyer to help us with the definition of trail.
   Carol- Your land use regulations need to have some basics in your town plan.
   Carol- I would not put ATVs in the definition, but that's just me, trying to stick to where they're allowed and where they're not allowed.
   Carol- She doesn't believe that a road should create a natural subdivision
   Carol- Also doesn't like the new ADU rules, but also didn't realize that the State Statute says "*30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater."*

6. **Fayston Land Use Regulations Amendments: Discussion and Review of the Revisions List and Next Steps in Bylaw Amendment Process**:
   There was more discussion and some very heated back and forth with certain members in attendance. The PC couldn't really get any discussion on proposal and try to incorporate any of the ideas or comments from the previous public hearing. Most of these conversations

were based on the 3 items pertaining to trails on the Revision List. The big one is the use of the word shall when incorporating's some standards. The PC will work on this again at the next meeting. No votes were taken on this subject.

7. **Liaison Reports:**
    a. **MRVPD, Paul:** No Report
    b. **CVRPC, Andrew:** Last meeting, Central Vermont, went over the Montpelier Town Plan, or city plan. And then, also, an emergency heat plant. And had some recommendations for towns' heat management. Oh, for part of an emergency management program plan. It's the presentation you can look at on the link. Heat. Yeah. As in, for, when it's 95 out. Yeah, was it, is it, like, climate heat, or is it, like, just Cooling Shelters? Yeah, cooling, like, anything related to the town. It's both. It's cooling shelters, it's overall heating trends, and how to Manage emergencies related to them.
    c. **Mad River Path, Michael:**
    The Town of Warren, has supported a match for Phase 1 from Ellen Lane to Riverside Park, and now we're going and applying for the grant to the V-Trans Bike and Pedestrian program for $1.2 million. We hope the grant decisions will be made shortly. Number two, VTRANS is just about finished with reviewing our scoping report. They should have been done last week, on August 8th, and we're going to, meet on Wednesday, the 13th, to review their comments. So, that's what we're working on. And we're also still trying to work with the Waitsfield wastewater team on the pathway location, and we need to get a better idea of the costs and nuances, so we've hired Dubois and King, to do a co-location construction budget. And we're working on looking for some other grants to help build the trail. That's where we are right now, and there will be a public meeting in September, to review the comments from VTRANS to our report. We are planning on having our next public meeting in September.

8. **Other Business:**

9. **Announcements:** Next PC meeting is tentatively scheduled for 9/8/25 at 5:30PM at the Fayston Town Offices

10. **Adjourn***: Langford motioned adjourn the meeting; Michael seconded. All approved and the meeting adjourned at 8:54 PM*