

**FAYSTON DEVELOPMENT REVIEW BOARD**  
**MINUTES**  
**TUESDAY SEPTEMBER 26, 2017**  
**Unapproved**

Attending: DRB Members: Jon Shea, Kevin Wry, Mike Quenneville, Shane Mullen. ZA: John Weir. Public: Brooke Cunningham, Paul May, Bill Elliot, Peter Lazorchak, Barry Friedman, Hapy Mayer, Bruce Depper, John Hammond, Heidi Witschi, Jesse Murphy, Arthur Washington, Martha Daley

The meeting opened at 6:02 pm.

Jon Shea opened the hearing for application #3441 (parcel IDs #03-086.011 and #03-044.000, located off Randell Road, Fayston). Applicants Hapy Mayer and Keith Kuegel seek approval under Article 7 of the Fayston Land Use Regulations for a lot-line adjustment (minor subdivision) of 0.68 of an acre.

This project involves amending a prior Kuegel subdivision, originally approved under permit #2884. This project proposed a boundary line adjustment between the portion of the “Common Lot” located on the north side of Randell Road and the Mayer property. The 0.68 acres of the “Common Lot” separated by Randell Road is proposed to be added to the Mayer property.

Jon Shea asked whether all abutting landowners have been notified of the application and hearing. John provided the certified mail receipts.

Applicant has requested in writing to waive the preliminary sketch plan review requirement. Kevin moved to waive preliminary sketch plan review and Mike seconded. All were in favor and the motion passed.

Jon Shea stated to the applicant present (Mayer) that applicants have a right to a hearing in front of a full board. Chair Shea then asked whether he wished to proceed without a full board as one member was unavailable. Hapy Mayer wished to proceed with the hearing with the four-member board.

Chair Shea asked whether Hoffman Brook is the property line. Hapy stated that it was the centerline of the brook.

Chair Shea inquired as to future development on the parcel. Hapy stated that he may like construct a detached garage at some point but as of now had no plans for development.

Mike moved to find the application complete and Kevin seconded. All were in favor and the motion was approved.

Kevin moved to close the hearing and Mike seconded. All were in favor and the motion passed.

Chair Shea then opened the preliminary plan review hearing for application #3410 (parcel ID #03-055.003, located off Center Fayston Road, across from Randell Road). Applicant Paul May seeks approval under Article 7 of the Fayston Land Use Regulations for a major subdivision of one 376-acre lot into ten (10) lots – eight (8) lots of approx. two (2) acres, one (1) common lot of 35 acres and one remaining (1) lot of 327 acres.

Jon Shea stated to the applicant that he has the right to a hearing in front of a full board. Chair Shea then asked whether he wished to proceed without a full board as one member was unavailable. Applicant Paul May wished to proceed with the hearing with the four-member board.

Chair Shea also clarified a possible conflict of interest with regard to board member and abutter Mike Quenneville. Chair Shea asked the applicant if he had issue with one of the Board members being an abutter. The applicant did not and wished to proceed. Mike added that he had no issues with the project as an abutting landowner.

Chair Shea asked whether all member of the public had signed in and, if so, to please list whether they seek interested party status. Kevin moved to find all abutting landowners as interested parties, and Mike seconded. All were in favor and the motion passed.

Peter Lazorchak, engineer on behalf of applicant May, introduced the project. This project concerns a 376-acre parcel located on Center Fayston Road across from the intersection with Randell Road. The project involves creating eight (8) new residential house lots each approximately two acres in size. The eight houses will share a common lot approximately 35 acres in size. The remaining parcel will be approximately 327 acres in size and would eventually encompass an additional single family residence on the 10-acre portion of land already excluded from current use.

Peter continued. The 376-acre parcel was part of the old Ward timberlands, and remains under Act 250 jurisdiction. One of the goals of the project is to cluster the houses close to existing development so as to maintain a majority of the parcel without fragmentation. There is a gate at the bottom of the property that opens onto a long logging road. The logging road would be upgraded and extend along the ridgeline. Immediately inside the gate would be the first driveway, leading to two of the clustered residential lots. Peter has been in touch with the Department of Fish & Wildlife pursuant to Act 250 jurisdiction. Fish & Wildlife approved of the project layout but did request that the applicant maintain common land as a wildlife corridor.

Peter continued. The eight residential lots are intended to be ‘workforce housing.’ Applicant Paul May stated that the estimated costs of each approximate two-acre parcel with house construction would be \$300,000 - \$350,000. The first residential lot would see construction begin in about a year and a half, if approved. Thereafter, maybe two homes constructed every year.

Bill Elliot asked about the grade of the road. Peter responded under 15% by average. The steepest grade of the road at any point is about 24%. Portions are flat.

Chair Shea asked whether there would be a shared septic. Peter responded that there will most likely be individual mound systems. The soils were good but test failures occurred at about three feet down, suggesting the presence of ledge. Given this fact and the applicant's plan to construct one house at a time, individual mound systems seem most likely.

Chair Shea asked about power. Peter responded that power will run underground, most likely following the route provided by the road as there is no viable short cut. Power will run from the road along the right-of-way.

Chair Shea asked about the road width and whether the applicant proposes to make it wider. Peter responded not much. The existing logging road is wide enough for the proposed 18-foot width and shoulders. The road needs upgrade but remains a solid road.

Bruce Depper raised concern over the two proposed lots at the bottom of the road adjacent to his property. According to the site plan provided, it appears to Bruce that some of his land is included within the applicant's parcel. Bruce added that the proposed shared driveway for the two lower lots sits right on his own property line. Bruce stated that his property extends into McCarthy Brook as his own recent survey delineated. Peter stated that the site plans were based upon the tax maps. Peter said that the site plan will be clarified to show that the proposed shared driveway sits approximately 50 feet from the property line of Bruce Depper.

Another concern of Bruce's was runoff from the new road entering the stream. Chair Shea asked whether there were culverts along the road. Peter responded that there were culverts established along the road. Chair Shea stated that the Board is charged with protecting the brook.

Barry Friedman raised his own concerns. Barry is an abutter. His only water source is an existing deeded spring, gravity fed to the house. The spring also serves a network of ponds which serves as a food source for Barry and his partner. Barry's is concerned with the impact of so many new septic systems and dug wells, especially given the steep slopes nearby. Peter wants to meet with Barry to locate the spring on his property. Chair Shea asked whether the applicant could move the one house site (along with the septic and well) away from Barry's so as to ensure the health of the spring. Peter said yes that could be done.

John Hammond asked whether property lines could be placed on the orthos. Peter stated yes this could be done.

Barry asked about the proposed dry ponds. Peter stated that the ponds serve to collect runoff and they won't hold water for more than 24-36 hours. Water will be slowed down the embankment and seep into the ground.

Bruce asked about the increase in traffic due to the subdivision. Peter stated that it has not quite been detailed yet. However, the estimate is 90 trips per day (9 residences at 10 trips per day). Bruce asked whether it was known how many trips are made right now on Center Fayston Road. Peter did not know. The road has been designed with grass lined swale at the cut slopes to collect runoff and convey it to the culvert without damage to the new road.

Shane asked how much clear-cutting would occur. Peter stated that it would be enough to create views for the residential lots. There is no proposed tree line at the moment. John Hammond hoped for some sort of buffer of trees on the property lines. Peter asked the abutters present whether they would prefer a 50-foot buffer on the property lines. Abutters present said that would be satisfactory.

Chair Shea discussed the impending site visit and scheduling. Applicant Paul May would like to attend. Members will schedule a date. Abutters would like to attend the site visit as well.

Martha Daley brought up the scenic corridor along Center Fayston Road. Martha wanted to know if there were any penalties for interfering with that corridor as has happened in the past. Chair Shea stated that those covenants were private covenants not embedded within the prior subdivision approval. Chair Shea added that the Board does not have the power to enforce private covenants. However the Board can include certain language in its decision pertaining to the existence of those covenants.

Jon Shea entertained a motion to continue the hearing for the next meeting date of November 14, 2017. Kevin so moved and Mike seconded. All were in favor and the motion passed.

Members will discuss over email the scheduling of a site visit date.

Peter Lazorchak then briefly discussed the pending Lindberg lot line adjustment application. Lindberg/Dikengil own two abutting parcels amounting to 206 acres. When the existing house was constructed, the house was built on the property line of the two parcels. The owners are seeking to sell the parcel(s) and seek to convey approximately six acres from one parcel to the other. This would resolve the issue with the house sitting across the property line of the two lots. The hearing for this application is October 10, 2017.

Members reviewed the minutes of August 22, 2017. Kevin moved to approve and Shane seconded. All were in favor and the motion passed.

The meeting adjourned at 8:00 p.m.