



April 30, 2018

Hon. Fayston Selectboard  
866 North Fayston Road  
Fayston, VT 05660

Re: Proposed Land Use Regulations

Dear Jared, Chuck and Michael:

I am a Trustee of the Mad River Glen Cooperative and am writing on behalf of the Cooperative. Thank you for allowing written comments, and for allowing me to provide oral comments at your April 24 meeting. I am filling in for General Manager Matt Lillard who is away on a well-deserved vacation.

I am an attorney with expertise in environmental and land use issues. I represent many towns including Moretown and Middlesex, ran the state-wide Act 250 program from 2012-2016, and represent environmental groups and developers in land-use and environmental matters.

First, I want to commend the Planning Commission and the Town on the great goals and purpose of the draft bylaw. Mad River Glen has a VERY strong environmental ethic. Efficient land use, clean water, and high quality natural habitat are shared values and goals.

Mad River Glen wishes to point out some practical concerns. If, for example, MRG were to develop new trails, we would likely have to go through Act 250 that includes aesthetics /visual analysis, habitat impacts, and erosion and water pollution review. We could also have to obtain stormwater (construction and operational) permits.

Duplication of these efforts for a parallel Town process would be expensive and could lead to (or compound) conflicting decisions where the State says one thing and the Town another.

Stormwater, habitat and aesthetics can be very complicated issues requiring significant expertise. The Town may not have the expertise or time to best address these issues and add value to any review performed by the engineers, biologists and other experts at the Agency of Natural Resources and Act 250.

**madriverglen.com**

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These state programs work. In my experience, developments subject to construction and operational stormwater permits have fewer water quality impacts than logging that fully complies with the AMPs. Act 250 addresses habitat and aesthetic issues. Duplication and the potential for inconsistent decisions should be considered.

Mad River Glen also suggests that driveways be distinguished from service roads used by ski areas to access lifts and trails. The limitations imposed on driveways could be problematic if they include service roads. I also want to note that with 50' and 100' buffers, elevation limits, steep slopes, and other limits, one can quickly run out of developable area. We're proud of being steep!! A ski area faces all of these issues all the time.

We urge some flexibility allowing, for example, warming huts and lift structures at high elevations and on steep slopes/exposed ledge. Mad River Glen has structures, bridges, service roads, trails, and buildings located above 1,500', on steep slopes, and in buffers. Ski trails can cross streams and vernal pools. Lodges and parking areas are similarly constrained, and indeed, Mad River Glen's base area is quite constrained.

The goal here should not be to prohibit (or effectively prohibit) this type of development, but rather to make sure that development is done correctly and with minimal environmental impacts.

Finally, it is not clear whether, and the extent to which, Mad River Glen's base area may be in the Natural Resource Overlay District.

Thank you again for allowing comments and for taking the important steps needed to implement our shared goal of protecting the environment we depend on and treasure.

Sincerely,

Ron Shems  
Trustee  
Mad River Glen Cooperative

cc: Matt Lillard

To: The Fayston Selectboard  
From: Polly McMurtry, Chair, Fayston Planning Commission  
Date: April 30, 2018  
Re: Proposed Land Use Regulations

I am writing this memo in response to the written public comments posted to the town's website on April 25, 2018. As you have heard from the comments you received—both written and orally at your two hearings on February 19 and April 24—there are many opinions as to what is best for the development of the Town of Fayston. I think that what most people can agree on is that there needs to be a balance between community good and individual rights. What people disagree on is what that balance is. The Fayston Planning Commission (PC) in developing the Town Plan and the Land Use Regulations (LURs) has tried to maintain that balance. These documents are meant to protect the landowner and their rights to develop their property for their own needs. However, this should not be done at the expense of the community and the public good, and the town documents need to reflect this.

I would like to take this opportunity not to argue opinions about how the town should be developed, but to try to clarify some of the mistaken perceptions in a couple of the written comments you received. I am writing this as a member of the PC, but not on behalf of the PC.

First, the PC, or some members of it, has been accused of simply being a mouth piece of the Vermont Natural Resources Council (VNRC), which in turn has been accused of being anti-development. The VNRC is an established (since 1963) well-respected state non-profit, and yes, its mission is to protect the environment, Vermont's communities and Vermont's unique sense of place, it is not anti-development. Rather it is pro-responsible-development. Nor does the PC look only to them for guidance (or simply take their language verbatim), but also to other many other planning-related organizations that are out there to help Vermont communities, especially those who do not have a staff professional planner. These include the Vermont League of Cities and Towns, the Central Vermont Regional Planning Commission, the Mad River Valley Planning District, and many State of Vermont Departments (including Housing, Economic Development, Natural Resources)—as well as, in the past, a private consultant. In fact much of the language in the regulations is from the work of Burnt Rock, a private planning consultant hired by the town back in the early 2000's.

The PC has also been accused of doing a cookie-cutter type Plan that does not take into consideration the special qualities of the town. This is totally false. It is because of Fayston's uniqueness, that the both the Town Plan, which sets the policy for growth and development, and the LURs, which implement that Plan, carefully consider maintaining what people in the town value—including our ski areas, our wildlife, our tracts of forestland, our recreational opportunities, our water quality, etc.—as they promote more housing and jobs for our residents. Keep in mind that the PC plans for the future of the Town (which was once Vermont's fastest growing town, and could be again), and while a few scattered homes up in the hills will not

noticeably affect wildlife, recreational opportunities, etc., if Fayston were to be built out as such, with many scattered homes, it would have a tremendous impact. No, we are not like other towns, and we need to think about how we want to develop so that we can keep our unique qualities.

The PC believes that public input is the best way to find the right balance between community needs and individual desires, and I applaud the interest that residents are now taking in the process. Citizen participation is key to the long-range planning process. That is what the town surveys have been about, as well as public meetings and hearings. The two town surveys have been disputed because of the nature of the questions and the response rate. The first town survey, 2006, was developed by a member of the PC who was experienced in generating surveys as a part of his professional work. The response rate was about 30% for both residents and non-residents. The follow-up survey in 2012 was prepared by the Central Vermont Regional Planning Commission. Although not as robust, it was done to make sure that the people of Fayston still held the same values. The second survey did indeed confirm the responses of the first. The response rates of the second survey, at 21% for residents and 10% for non-residents, were not as high. However, according to professional planners and professional survey providers, response rates of 10% to 15% are considered typical for municipal and other types of external surveys. So 21% to 30% are considered very good, and enough to generalize the information to the population as a whole.

Thanks for taking the time to review the proposed amendments to the LURs and to consider what is best for the Town of Fayston.

Elizabeth Levey  
161 Big Basin Rd  
Moretown, VT 05660  
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4-27-18

Fayston Board of Selectmen  
866 N Fayston Rd,  
North Fayston, VT 05660

Dear Selectmen,

I am writing to you as a citizen of Fayston in **support** of changes to the Land Use Regulations as proposed by the planning commission.

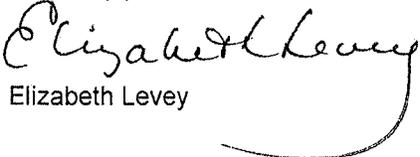
I found the April 6th response by the planning commission to questions and concerns raised by citizens and developers at the last meeting to be very thorough and fact-based, giving strong evidence they have really done their homework and weighed each change carefully before their final recommendations were submitted.

On the few occasions I have been involved in the development review process, mostly as a concerned citizen some years back, I found the Town Plan and LURs to be out of step with one another and the majority concerns of the townspeople. The Town Plan was revised and adopted in 2014 and these proposed changes are an essential next step. Creating clear protections for our wildlife and our water resources, as well as clarifying rules around erosion control and storm-water run-off, are some examples of how the proposed changes reflect my greatest concerns.

All in all the changes in the LURs seemed to be aimed at aligning the LURs with our Town Plan, Act 250, and the interests of the townspeople, who when surveyed have shown **the strong majority of us want our town's environment, wildlife habitat and water resources to be protected**. I have heard the meetings to review these changes have been lightly attended by regular townspeople. Like me, they may travel for work, or have other conflicts. When I first learned about the proposed LURs, I thought my input was not needed – that the proposed changes looked good, so why write? A friend encouraged me to write anyway and I am glad I did. Please do not assume lack of public comment means lack of support for the proposed changes. I would venture to say the opposite is true, if I am typical in any way.

Thanks for all your hard work on behalf of the town, and thank you for the opportunity to give my 2 cents.

Very truly yours,

  
Elizabeth Levey