

**FAYSTON DEVELOPMENT REVIEW BOARD**  
**MINUTES**  
**TUESDAY, NOVEMBER 13, 2018**  
**Unapproved**

Attending DRB Members: Jon Shea (Chair), Shane Mullen (Vice-Chair), Lindsay Browning, and Jared Alvord; ZA: John Weir; Public: Laura Kingsbury, Don Alter, Ana Dan, Paul Weber

The meeting opened at 6:00 p.m.

Vice-Chair Shane Mullen opened the hearing for application #3493 (parcel ID #03-012.000, located off Carey/Strong Road, Fayston). Applicants Laura and Richard Kingsbury request approval under Section 7 of the Fayston Land Use Regulations for a minor subdivision amendment/lot-line adjustment (minor subdivision) of a previously approved five-lot subdivision (53.28 acres total). Applicant proposes to merge lot 3 into lots 2 and 4. Waiver of preliminary sketch plan review is requested.

Given the absence of Board members, Shane asked the applicant whether she still wished to proceed without a full board. Laura Kingsbury so agreed.

Laura Kingsbury described the proposal. Applicants sought and received subdivision approval for these parcels per Application #3367. This application seeks to amend that subdivision via a lot-line adjustment between lot 4 and lot 2. Lot 3 would be divided, 4.64 acres to be added to lot 4 and 8.02 acres added to lot 2. No construction is proposed at this time. A State of Vermont Wastewater permit design is complete.

Pursuant to Section 7.2 (E), Jared moved to waive the preliminary sketch plan review requirement. Lindsay seconded. All were in favor and the motion passed.

Lindsay moved to find the application complete and Jared seconded. All were in favor and the motion passed.

Don Alter, abutter to the parcel in question, was present to gain more information on the application's proposal. Shane asked Don whether he would like to be deemed an interested party for purposes of this application. Don responded in the negative stating he had no objections to the project.

Lindsay moved to declare the application one for a minor subdivision, and Jared seconded. All were in favor and the motion passed.

Jared moved to close the hearing and Lindsay seconded. All were in favor and the motion passed.

Vice-Chair Shane Mullen opened the hearing for application #3500 (parcel ID #10-001.000, located off 26 High Falls Road, Fayston). Applicants Ana Dan and Paul Weber request approval under Section 3.6 (D) (1) of the Fayston Land Use Regulations for a side setback waiver of ten (10) feet. Applicants seek to construct a two-car garage and workshop in the vicinity of an

existing carport at the edge of their developed parcel. Given the existing infrastructure, including the driveway, house and proximity of septic system, placement of the proposed garage is limited. Applicants' proposal places the garage in between a large topographical mound to the east with mature trees and vegetation, and a natural drainage swale to the west. The swale captures and diverts runoff from applicants' adjacent uphill lot. Applicants' proposed location would also limit clearing of trees and regrading of lands. In this instance, applicants own the adjoining lot upon which they seek a setback encroachment.

Members reviewed the requirements of Section 3.6 (D) (1) (a) – (b). Pursuant to that section, The Board may allow for a side setback reduction from twenty-five (25) to not less than ten (10) feet from the side or rear property line so long as such a reduction either (a) accomplishes the preservation of a scenic feature (s) not otherwise protected by the required setback, or (b) is necessitated by building constraints caused by geologic, topographic, or hydrologic conditions.

Lindsay moved to find that the applicants made a satisfactory showing of building constraints caused by geologic, topographic and hydrologic (Section 3.6 (D) (1) (b)). Jon Shea seconded. All were in favor and the motion passed.

Shane asked John whether all abutters had been notified. John stated that they had. Lindsay moved to find the application complete and Jared seconded. All were in favor and the motion passed.

Members then reviewed the General Review Standards of Section 5.4. The Board found that the applicants' proposed setback reduction for a garage/workshop would *not* result in an undue adverse effect on 1) the capacity of existing or planned community facilities and services, 2) character of the area affected, 3) traffic on roads and highways, 4) bylaws in effect, or 5) the utilization of renewable energy resources.

Shane discussed the site plan requirements under Section 5.2. Members agreed that certain plat requirements were missing from the plan. Specifically, contours of the land, dimensions of the proposed structure, the requested 10-foot setback delineation, and proposed new replacement leachfield location. Applicants were amenable to approval with condition that a revised site plan be submitted which includes these missing requirements.

Jon Shea moved to approve the application for a setback waiver down to 10 feet with the following conditions: 1) a revised site plan be submitted that depicts elevation contours, dimensions of the proposed garage/workshop with the 10-foot setback delineated, and the replacement leachfield location; and 2) that applicant obtain and follow all necessary State and Federal permits. Lindsay seconded. All were in favor and the motion passed.

The meeting adjourned at 7:15 p.m.