

**FAYSTON DEVELOPMENT REVIEW BOARD**  
**MINUTES**  
**TUESDAY, JUNE 11, 2019**  
**Unapproved**

Attending DRB Members: Shane Mullen (Chair), Lindsay Browning (Vice-Chair), Mike Quenneville, Ky Koitzsch, and Pete Ludlow (alternate); ZA: John Weir; Public: Jon Kirson (applicant), Mark Bannon (engineer), Ray Munn, Wayne Foster, and Lorraine Foster

The meeting opened at 6:05 p.m.

Chair Mullen opened the hearing for application #3530 (parcel ID #08-056.000, located off Henry's Way, Fayston). Applicants Jon and Heather Kirson request approval under Section 3.4 (C) (1) (d) of the Fayston Land Use Regulations for driveway development on slopes between 15% - 25% in grade.

A site visit was conducted on June 10, 2019.

Chair Mullen inquired as to whether anyone present wishes to receive Interested Party status. Wayne and Lorraine Foster so desired. The Fosters are abutting landowners.

Ray Munn was present on behalf of Cheryl Patty, abutting landowner, who is out of the country.

Lindsay moved to find the Fosters as an Interested Party. Mike seconded. All were in favor and the motion passed.

ZA Weir questioned whether Ray was present on behalf of Cheryl Patty as her "agent" or was merely there to gather information for her. Ray stated the latter. The Board agreed that this was not enough to garner Interested Party status for Cheryl Patty.

Chair Mullen asked John whether proof of abutter notification was on file. John stated it was. Mike moved to find the application complete, and Lindsay seconded. All were in favor and the motion passed.

Mark Bannon presented the application. There is an existing and well-used logging road out to the subject parcel. The parcel is owned and logged by Michael Marino. Applicant Jon Kirson proposes a single-family residence as a second home. Mark stated that, per the submitted slope analysis, there are three segments of the proposed driveway that exceed 15% in grade. Per suggestion at the site visit on the previous day, Mark provided spreadsheets on the existing culverts along the logging road, providing size and flow data. One is a 48-inch culvert. Mark believes all three culverts are adequate in size for the proposed development. The second culvert is a circular 15-inch, filling up around 40% in a 25-year storm. Ky asked if the culverts were 20-foot long. Mark stated in the affirmative. Chair Mullen asked about the drainage area for the first two culverts. Mark stated that it was 0.002 square mile for the first culvert, and 0.001 square mile for the second smaller culvert.

Pete asked about the existing telephone pole. Landowner Marino had put that in so as to avoid interfering with the stream. Mark stated that power would most likely go along the uphill side of the road. Underground versus over ground power is budget dependent.

Abutter Wayne Foster asked about the power plans. Wayne stated that Michael Marino had reached out to him last year seeking permission to install a power pole on the Foster property, and then extend power along the bottom portion of the Foster property, necessitating cutting down trees on the Foster's land. The Fosters were concerned that the applicant may propose the same. Wayne stated that per the plans as submitted, it seems power is proposed to run from the existing pole up stream, without crossing through the Foster land. Mark stated that Wayne was correct, power placement will not affect the Foster land.

Ray Munn asked how wide the proposed driveway will be. Mark stated it would be 14-foot traveled way, plowed to 16-foot, with a one-foot shoulder. The proposed driveway is about 750 feet. Ray asked whether there has been any contact with the fire department. Mark stated not yet. Mark stated that there are two pull-offs; one at 500 feet, and then the other at the house itself – another 250 feet beyond the first. Mark stated that the driveway apron is 12 x 30. This meets the requirements of Section 3.1 (B) (5).

Shane asked if there was the possibility of future subdivision. Jon responded in the negative.

Shane asked about whether the seep area around station 625 is delineated as a wetland, under the jurisdiction of the Army Corps or ANR. Mark stated that it is not under State jurisdiction because it is not a delineated vernal pool or wetland. As for the Army Corps of Engineers, Mark is not sure but believes it is not. Mark stated there will be under 3,000 square feet of disturbance, requiring no permitting being considered a non-reporting activity with little impact on wetland.

Shane noted the plans' ditching comments. The comments read to install road ditching as necessary, stone-lining where slopes are steeper than 10%. Shane asked what that would look like, as there was little more in the details. Mark stated that it would be greater than 3-inch stone on the steeper slopes. Shane asked whether the applicant would be okay with a condition of approval that asked for further detail and specifications for ditching, stone-lining etc. Mark stated in the affirmative.

Shane noted that the driveway would be crossing a perennial stream. Shane asked whether Mark had reached out to ANR about the need for a stream alteration permit. Mark stated that he had not and that it was not necessary because of the perennial nature of the stream and its lack of drainage. Mark pointed out that the culverts are existing. Shane added that this was a logging road, not up to the State and local standards for driveways. Mark stated that even loggers have to go through ANR for stream alteration permits.

Shane asked about the total amount of disturbed area with the project and if a Construction General Permit was required. Mark said it was less than one acre, and no CGP was required. Shane asked whether the applicant would be amenable to a condition of the approval that stated the project will follow the Low-Risk Site Handbook for erosion control. Mark stated that the contractor should be following his plans because he has more detail.

Shane asked about mulching on steeper slopes, noting the plans call for straw, hay or synthetic fabric for slopes greater than 3-on-1. Shane asked whether the applicant would be amenable to use erosion control blankets for stabilization. Mark stated that he thinks it is stable enough, but he would be amenable to do so.

Pete moved to close the hearing and Ky seconded. All were in favor and the motion passed.

Members reviewed the minutes of May 14, 2019. Lindsay moved to approve the minutes and Mike seconded. All were in favor and the motion passed.

Members reviewed the minutes of the June 10, 2019 site visit. Lindsay moved to approve the minutes as revised, and Mike seconded. All were in favor and the motion passed.

The meeting adjourned at 7:15 p.m.