

MINUTES  
FAYSTON PLANNING COMMISSION  
October 12, 2020  
Unapproved

Members Present: Doug Day (Doug), Don Simonini (Don), Pete Ludlow (Pete), Jen Hammond (Jen); Carol Chamberlin (Carol), Karen Sauther (Karen); ZA: John Weir (JB); Public: Shane Mullen (Shane), Rick Swanson (Rick)

1. Call to Order: The meeting was called to order at 5:37 p.m.
2. Announcements and Agenda Modification: None
3. Approval of Minutes of Last Meeting on September 14, 2020: Doug had a minor grammatical revision but this had already been addressed by JB in a revised draft. Members accepted the minutes as revised.
4. Liason Reports: Don mentioned the tri-town conservation commission call from the prior week. Don mentioned the tri-town conservation commission interactive webinar – MRV Forests, Wildlife & Communities – that took place on September 29. Don is curious as to where we go from all the information that was provided there. Carol would like those who haven't watched or participated in it to watch it so the Board can discuss as a whole. Karen noted that Jens Hilke (State conservation planner) participated in the webinar and talked much about the Arrowwood inventory report generated some years back for the MRV. Carol noted that the Arrowwood report is included as an addendum to the LURs for use by the DRB in reviewing applications. JB will find the link to the webinar and send it out to the Board. JB also needs to send a note out to Front Porch Forum with regard to finding a representative to the Central Vermont Regional Planning Commission (CVRPC).
5. Vote to increase the number of PC members to 7. Selectboard approved the change to 7 members on September 22<sup>nd</sup>: *No vote necessary*
6. Welcome Karen Sauther to the PC based on the Selectboard's September 22<sup>nd</sup> approval.
7. Vote for reappointing Carol Chamberlin to PC if the change to 7 members is approved: *no vote necessary as Carol's term does not expire until 2022*
8. Vote to bring forward Rick Swanson for Selectboard approval as the 7<sup>th</sup> member of the PC: Rick was present to discuss his interest in joining the Board. Rick and his partner are the new owners of the now-called Swanson Inn. Rick also served as priest of St. Josephs Episcopal Church in Stowe. Rick has done much work with the State in organizing episcopal churches. Rick served on the recreation committee in Stowe. Rick has worked extensively with Planning Commissions in both Morrisville and Stowe over issues with homelessness and low-income housing. Carol moved to forward Rick Swanson's name to the SB for approval as the 7<sup>th</sup> member of the PC. Don seconded. There being no discussion, all in favor, motion carried.

9. Status of CVRPC approval of Town Plan: The CVRPC approved the 2020 Fayston Town Plan as revised by the SB on September 22, 2020.

10. Discuss Selectboard approval of the revised Town Plan and the Selectboard's desire to continue more in depth review with DRB and PC to compile future revisions to Town Plan: Don wondered whether the next iteration of the Plan should be done by a consultant. Don believes the Town could set aside money each year until the 2028 iteration. Members agreed that the Plan is quite in depth, but could use an improvement in graphics throughout the document. Doug asked Don to see what Warren paid for the consulting. Don will look into it. Carol noted that many towns who hire consultants for town plan rewrites use municipal planning grant money, which Fayston has little chance of getting due to its lack of a town center. It is also quite unlikely the SB would set money aside for this at this time. Jen noted that she could help in the future with graphics.

Shane mentioned that funds would be better invested in updating the Arrowwood report from 2008. The three towns could share the cost of the updated inventory report which would be most useful to the DRB.

11. Land Use Regulations: Continued review and discussion of revisions:

- Table 2.7 (E) (4): Shane asked what kind of additions or substantial improvements/changes could be made that satisfy this regulation. JB mentioned his emails with Ned Swanberg. Ned said that FEMA is in the process of remapping certain locations throughout Vermont, and the Winooski basin is one possible location. The Town(s) would need to advocate for the Winooski basin remapping. Ned added that there will eventually be a "discovery" period where the Town(s) could advocate for remapping a certain area. Some of the newer data generated by Dubois & King some years back could be used to help FEMA in remapping the area along Route 17. Don wondered there if there is any value to looking at adopting flood hazard regulations akin to Moretown whereby development is allowed in the Flood Hazard area so long as any new structure is constructed above the Base Flood Elevation (BFE) and an engineer certifies such. Karen cautioned about insurance issues that can arise with development in the flood hazard area. Karen added that even if the Board did change the regulations to allow building above the BFE, the added engineering costs to meet those standards would likely be large and would have the unintended result of driving up development costs. Shane questions whether, as Gunner McCain stated in a prior DRB hearing, FEMA is actually denying LOMA applications along Route 17 because there are too many "holes" in the flood mapping. Members agree that it would be best to talk with FEMA itself to understand their position. Carol wanted members to understand the financial implications of revising the flood regulations to allow building above the BFE. The SB must be the ones to sign off on such revisions that may carry insurance implications (i.e. reimbursement rates). Carol believes we should table this discussion until a time when the SB is ready to discuss this issue. Given the alternatives of either revising the

regulations and facing changes to insurance rates or expending a large sum of money to pay an engineer to do the work, JB noted that it may be best to wait until the FEMA remapping is complete even if it takes a few years. Carol wants a more thorough discussion on the benefit of flood hazard regulations in different locations before this discussion goes much further. JB brought up creating an overlay district in the Rural Residential to allow for restaurants along Route 17. Members believe this to be a good idea. Carol stated that the Board needs to do some research as to what uses should be allowed in the Route 17 overlay. Carol noted that one key distinction in creating an overlay is existing structures versus new construction. It is the use not the construction that is key.

- Shane brought up the conflict that has arisen between Section 3.1 (B) (4) and Section 3.4 (E) (3) (d). The former reads: Driveways that, in any 50 foot section, exceed an average grade of 15% shall use best construction practices and submit an erosion control plan in accordance with Section 3.4. Whereas Section 3.4 (E) (3) (d) reads: Driveway and roads will follow the natural contours of the land, and shall not exceed an average finished grade of 15% over any 50 foot section. The former allows for building of a driveway over 15% so long as you submit an erosion control plan. Shane would like some clarity for purposes of DRB proceedings going forward. Shane proffered whether clearer distinctions between “driveway” and “road” would help. Shane understands that these Sections are focused on safety and erosion control. Shane understand this to mean that you can have driveways that have sections greater than 15%, but taking a look at any 50-foot section it cannot exceed 15% unless you have an erosion control plan. JB asked Shane if anything can be done to make these sections clearer. Shane thought that maybe having all this information in one place (i.e. table) as opposed to having to go back and forth in the regulations to figure it out. Shane noted that the regulations refer to State B-71 Standards for road standards, yet those standards do not mandate a certain width. Carol wondered whether the driveway sections should speak to both driveways and roads. Shane responded that roads are addressed in the subdivision regulations. Don wondered whether the regulations should mandate a certain road width for a driveway that becomes a road subsequent to additional housing development (more than two houses off a shared driveway, the driveway becomes a road). Discussion ensued as to the pending DRB application for a 6-unit PRD on one single subdivided parcel. Carol wondered how that could be done as it is not the usual PRD project. Shane noted that the PRD regulations could stand some review as well. Carol believes that each dwelling in a PRD needs to be on its own lot. JB believes that a plain reading of the PRD section allows for the pending project although it is an unusual proposal. JB also added that Vermont statute no longer refers to PRDs, only Planned Unit Developments (PUDs). Carol later reviewed Section 3.7 which states that there is only one principal use or structure per parcel unless approved by the DRB as part of a PRD or PUD. Shane noted that there needs to be some

submission of documentation relating to the future roles and responsibilities of the PRD owners.

- Shane brought up having a conditional use checklist/table for applicants would be helpful for both the applicant and the DRB.
- Shane discussed the distinction between recordable mylars versus final plats. Final plat refers to the piece of recordable mylar to be filed in the land records. By equating those two we are requiring that the recordable mylar have all sorts of additional design info such as contours and building envelopes. The issue is typically a recordable mylar is a survey plan that simply shows the boundaries of the parcel, and does not get into the detail of slopes etc. Shane proffers one possibility here would be to simply add another column to Table 7.2 labeled “final design.” The way it’s written now, the applicant is required to provide the final plat at the final hearing although State statute allows for filing of the mylar up to 180 days after DRB approval. It would be good to see how other towns address this distinction. JB will send out a link to the Waitsfield and Warren subdivision checklists for review.
- Shane brought up the need for having high quality full-size size pdf site plans during this digital time when hearings are done via Zoom. This would be a lot easier for DRB review as opposed to a shrunken site plan with lower resolution.
- Shane brought up the parking requirements and whether those requirements might be too much.
- Shane also requested putting a pdf of the zoning map attached to the LURs on the website as well as updating the zoning map to reflect the tax map (i.e. current parcel delineation). Carol believes it is pretty standard practice to not include the zoning map in the LURs, rather the Town Plan is the place for inclusion. The LURs should reference the link to the zoning map rather than the map itself.
- Shane also noted that a “stream” is not currently defined although it is discussed throughout the regulations. This may be helpful in case whether a waterway constitutes a stream or say a ditch.
- Shane also mentioned the definition of “mobile home.” Shane wants to make sure the current definition of mobile home does not exclude a tiny home on wheels being an approvable structure. Shane noted that “travel trailer” should not be considered a mobile home or a dwelling unit. Carol noted that the definition of a camper/travel trailer under our regulations is “any vehicle used as temporary sleeping, camping or living quarters that is mounted on wheels, a truck or camper body, or towed by a motor vehicle. This definition includes recreation vehicles and travel trailers and motor homes, but specifically excludes mobile homes.” Carol stated that this definition of “camper/travel trailer” should also be set forth under “travel trailer.” Shane noted that basically a travel trailer is temporary, so if

someone wanted to take a tiny house on wheels and live in it year round, it would be a travel trailer not a mobile home. Members agreed that perhaps the regulations can better clarify the distinctions between tiny houses, campers, travel trailers, and mobile homes.

12. Adjourn: The meeting adjourned at 7:17 p.m. The next meeting of the Fayston Planning Commission will be November 9, 2020 at 5:30 p.m.