

Town of Fairfield – Planning Commission/Zoning Board of Adjustment  
Wednesday, January 17, 2024

Board: Demetrius Bolduc, Aaron Forbes, Peter Burns  
ZA: Melissa Manson (Acting)

Public: Attached

### **Elm Tree Trust Boundary Line Adjustment**

David Burnor and Stephen Tetreault appeared. Minimal changes from the original.  
Demetrius moves to approve. Aaron seconds. All in favor.

### **Isaac Jiwatram Major Subdivision Sketch**

4 lot subdivision on Swamp Rd.

Public Comment:

Lynda Ulrich says the Ag soils are exactly where the development is proposed. Also issue with protecting the swamp.

Torrey Crossman says the ZA should have told him at the first meeting that he needs to look at soils and wetlands etc.

Chuck Verderber asks if there is a steep slope issue for driveways?

Isaac says he's already done test pits and it would be cost prohibitive to swap the three lots to the opposite side of the parcel.

ZA says that's exactly why sketch can come in on a piece of paper. Isaac has done way more than is required for sketch.

Will go to deliberation.

### **Continuation of Sketch Plan 837 Church LLC**

Emily Biron, Paul Biron and Luke Wiley appeared for the applicant.

Applicant states that there is no regulation that says Ag soils can't be built on. They are trying to minimize impact by having less road.

Peter says we are concerned about following natural boundaries and preserving ag soils.

Luke says that they looked at bringing the houses to the edges of the property but it was less efficient.

Peter says we understand the logic but the issue is that the development is not along natural borders.

Emily says Reed Rd and Rugg Rd subdivisions both have prime ag soils.

Luke confirms that both prime and statewide soils are considered prime ag by State of VT

Demetrius asks if they would consider tightening the lots?

Luke says yes.

Clarification on the water study. 837LLC has submitted a water study. Melissa says we would like to have it reviewed by an independent hydrologist of the town's choice.

Public Comment:

Mike L'Esperance: 5-person mound system – how will maintenance be handled?

Luke responds that they must have a stormwater permit and have to have an HOA to maintain the stormwater and other common infrastructure.

Rusty Branon: Did the board get answers from NRPC to all the questions?

Aaron reviews the questions. Peter says the questions will be answered in the final decision.

Melissa says NRPC is not contracted at this point to review but has been offering support.

Lynda Ulrich: We are not feeling heard and validated. We aren't getting answers. We are worried about setting precedents

Rusty Branon: Worried about precedents. What about the vision statement of Fairfield to maintain rural/working lands>

Julia Callan: Why not build on the least fertile soils? Can we get a complete wetland delineation?

Biron: fewer lots, topographic constraints and environmental constraints with wetlands and steep slopes.

Liesl Verderber: Property lines and tree lines are linear features that could be followed. Need to balance the spirit of the regulations. There is marginal land that could be developed. Too many lots for an appropriate use of the land.

Luke: current layout considers wetlands constraint and minimizing curb cuts. It follows the density for the district.

Liesl Verderber: According to section 5.1, when there is conflict, the more restrictive regulation shall apply

Peter assumes role of Chair as Melissa is acting as zoning administrator.

Lynda Ulrich: There are 8 places in the plan and regulations that this project violates. The finding of facts, if approved, must say why we waiver each of these regs

Emily Biron: Can we meet the regs? How can we comply?

Rusty: Reminds the board that they represent the town

Don Wells: There will be an expensive legal battle to defend lots of regulations being broken by this project

Demetrius: Following the linear features of the property was the request of the public at the last meeting but that will ensure that all of the development would be on prime soils. Is it true that people wouldn't complain if the buildings were on the edges? Is the concern soils? Or aesthetics?

Liesl: It's a combination of aesthetics and prime soils. There are options that could do both.

Luke: We have tried a bunch of different concepts but there are driveway issues which increase cost and impervious surfaces and challenge stormwater. The project is within the allowable density.

Lynda Ulrich: I would appreciate two lots on top and fewer lots in the middle of the field.

Maintain an open meadow. Also need answers to septic question now that the system will be bigger with two added properties.

Peter asks for other comments. None.

Luke asks if the sketch will be closed and a decision made.

Lynda Ulrich: You don't need to. You can continue.

Peter says yes, we will close this hearing and either approve or deny.

Peter Burns makes a motion to enter deliberative session. Demetrius seconds. All in favor.

Peter makes a motion to exit deliberative session. Demetrius seconds. All in favor.

Regarding Jiwatram. We have 45 days to make a decision. Need to do a site visit.

Regarding 837 Church LLC

Peter makes a motion to deny sketch with the following recommendations:

Increase minimization of impact on ag soils, restore the upper lots, reduce the mid-field lots.

Demetrius seconds. In favor: Peter    Opposed: Aaron, Demetrius. Motion fails.

Demetrius moves to approve as submitted with the condition that a disinterested party reviews the hydro study. Aaron seconds. In favor: Aaron, Demetrius    Opposed: Peter    Motion fails.