

**Development Review Board, Town of Fayston, VT
Notice of Decision for Applications No. 3745 & 3772**

Property Owner & Applicant: Alexandra and Tasha Urbanowski

Parcel ID: #01-022

Application Numbers: 3745 and 3772

Reason for Application: Requesting conditional use approval for development of slopes exceeding 15%. Request for a 2 lot subdivision.

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, Ky Koitzsch, Dan Young (Vice Chair), Jim Donkersloot; Zoning Administrator: Jason Wilson; Minutes Taker: Betsy Carter Public: Jason Morel, Rudy Polin, Gunner McCain, Doug Mosle, Todd Sirak, Molly Bagnato, Tasha Urbanowski, Alexandra Urbanowski

Introduction and Procedural History:

1. The conditional use application was filed on May 23, 2022. Applicants Tasha and Alexandra Urbanowski are requesting approval under Article 5 of the Fayston Land Use Regulations to develop slopes in excess of 15%.
2. The subdivision application was filed on May 23, 2022. Applicants Tasha and Alexandra Urbanowski are requesting approval under Article 6 of the Fayston Land Use Regulations for a 2-lot subdivision.
3. A copy of both applications and supporting materials are available at the Fayston, Vermont Town offices.
4. The applicants agreed to re-open the hearing per memo from the Town of Fayston dated August 16, 2022.
5. Notice of the hearing was properly published. On September 15, 2022, the legal warning for a public hearing for review of this application was published in the Valley Reporter. This warning was also posted at the Fayston municipal offices, as well as at both the Moretown and Waitsfield post offices.
6. Abutters to the property were properly notified of the hearing.
7. The application and plans were considered by the Development Review Board at a public hearing which occurred on October 4, 2022. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended June, 2018.

The following exhibits were submitted to the Development Review Board:

- A. Subdivision Application #3745 including a cover letter, list of abutting land owners, and a sample abutting land owner letter.
- B. Conditional Use application #3772 including responses to the General and Specific Review Standards Section 5.
- C. A site plan titled “Site Plan Alexandra Urbanowski & Tasha Urbanowski Single Lot Subdivision” DT-1 by McCain Consulting; Inc. dated April 13th, 2022 and last revised 9/16/22.
- D. A Vermont Agency of Natural Resources Atlas map of the project vicinity, dated April 5, 2022.
- E. Signed memorandum to re-open hearing dated August 17, 2022.
- F. Scans of certified receipts of abutter notice.

Findings of Fact:

- 1. The property is located on the east side of Smith Road and consists of 43.5 acres. The property is owned by Alexandra and Tasha Urbanowski. The parcel is identified as #01-022 in the Rural Residential District.
- 2. Parcel #01-022 is subject to the following permits:
 - 1. #74-210 Building (1974)
 - 2. #76-81 Building (1976)
 - 3. #516 Building (1980)
 - 4. #688 Building (1983)
 - 5. #97-SUB05 Subdivision (1997)
 - 6. #2955 Subdivision (2008)
 - 7. #3234 Building (2013)
 - 8. #3411 Subdivision (2017)
- 3. This parcel is adjacent to land owned by Edward Kelley, Robert Buck, Abby Dreyer, Jeremiah & Sara Rutledge, Dean & Evelyn Zoeklin and Peter & Harjit Gasperini.
- 4. Applicants seeks approval for a subdivision of 43.5 acres into a 32.6 acre lot and a 10.9 acre lot, with development on slopes in excess of 15% and development within 100 feet of a stream. Illustrative building envelopes are shown, but final design of house has not been determined.

5. The applicants had a Sketch Plan Review at the July 5, 2022 DRB meeting.
6. Pursuant to Section 3.4 (E) (1)(a), development of 1,000 or more square feet of land with a slope of greater than 15% shall be subject to conditional use review.
7. Pursuant to Section 7.1 (B) (1), a minor subdivision “results in the creation of five or fewer lots, regardless of any change in ownership.”
8. The proposed lots meet the applicable lot size and setbacks for its zoning district.
9. Pursuant to Conditional Use review, the Board found that the General and Specific Review Standards of Section 5.4 were satisfied by the applicants’ application materials. Applicant will implement erosion control measures to prevent sediment discharge into the stream in accordance with the Vermont Low-Risk Site Handbook for Erosion Prevention and Sediment Control. No earth disturbance shall occur within 50 feet of the stream. To avoid impact to bat habitat, tree cutting will be limited from October to April to avoid disturbing bat roosting habitat.

Decision:

DRB members voted as follows to approve subdivision application #3745 & #3772 with the following conditions:

1. Prior to construction, applicant shall submit an updated site plan with the finalized location of the structures to the Zoning Administrator. The building envelope shall not exceed 25,000 square feet.
2. Obtain and follow all State and Federal permits. Copies of these permits shall be submitted to the Town of Fayston. Copies of any drawings that supersede the design shown on the materials presented to the DRB shall be submitted to the Town of Fayston.
3. Submit to the Town Clerk the required mylar plat for recording within 180 days of the date of this decision.

Shane Mullen: **YES**/no/abstain/absent/recuse

Daniel Young: **YES**/no/abstain/absent/recuse

Pete Ludlow: **YES**/no/abstain/absent/recuse

Ky Koitsch: **YES**/no/abstain/absent/recuse

Mike Quinneville: **YES**/no/abstain/absent/recuse

Dated at Fayston, Vermont, this 30th day of October, 2022.



Shane Mullen, Development Review Board Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.