

Development Review Board, Town of Fayston, VT

Notice of Decision for Application No. 3762

Applicant & Landowner : Roman Kostrubiak

Parcel ID : 14-041.001

Reason for Application: Requesting Conditional Use approval for development on slopes in excess of 15%.

Application Number(s): 3762

Public Hearing Attendees: Attending DRB Members: Shane Mullen (Chair), Mike Quenneville, Pete Ludlow, Ky Koitzsch, Dan Young (Vice Chair), Jim Donkersloot (alternate); 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 August 16, 2022. Applicant Roman Kostrubiak requests approval under Article 5 of the Fayston Land Use Regulations to relocate the previously approved building envelope. A copy of the application and supporting materials are available at the Fayston, Vermont town offices.
2. 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.
3. Abutters to the property were properly notified of the hearing.
4. 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. Conditional Use Application #3762
- B. Project Narrative “Roman Kostribuak 1923 Germany Flats Road, Fayston”
- C. A site plan titled “Slope Map/EPSC Plan Roman Kostribuak Amendment to Town Permit #3316”, sheet DC-3 by McCain Consulting, Inc. revised 9/16/22
- D. Waivers of Opposition to Application of Amendment of Zoning Permit from 1923 German Flats Road LLC and Erik Karpinski Trust.
- E. List of Abutters, sample notification letter to abutters, and scans of certified receipts of abutter notice.

Findings:

1. The property is located 1923 German Flats Road. It is 19.8 acres in size, identified as parcel 14-041.001 and in the Rural Residential District.
2. This parcel is subject to the following permits:
 - a. #3316 Subdivision (2015)
 - b. #3400 Subdivision (2016)
 - c. #356 Subdivision (2020)
3. The applicant’s parcel is adjacent to land owned by Nelson & Laurie Lamothe, Jay Myrto, Sugarbush Mountain Resort, Inc., Marble Hill Farm LLC, Steven & Christine Clancy, Dean & Janet Gestal, Town of Fayston, John Wilson, G-Flats LLC, Randy Brittingham, Alan Spector Retirement Trust, Thomas & Mary Ellen Corrigan, Brian Shea & Maureen Charron-Shea Trustees, Britta Schasberger, Erik Karpinski and 1923 German Flats Road LLC
4. Applicant is requesting a modification of the previously approved building envelope for the parcel to accommodate a revised building and septic system. Development will be on slopes greater than 15%.
5. The Development Review Board found the application complete at a public hearing on October 4, 2022.
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. Earth disturbance will not encroach upon the 50-foot Class II wetland buffer. Applicant will implement erosion control measures to prevent sediment discharge to the wetland.

Decision:

DRB members voted as follows to **Approve** Conditional Use application #3762 with the following conditions.

1. Site work shall be conducted in accordance with the State of Vermont Low Risk Site Handbook for Erosion Prevention and Sediment Control. The applicant shall use biodegradable erosion control blankets for slopes greater than 3H: 1V.
2. The Zoning Administrator shall be notified prior to earth-moving activities to confirm installation of erosion control measures.
3. The applicant shall provide an updated site plan noting updated Limits of Disturbance as discussed during the October 4, 2022 hearing within 60 days of receiving this Notice of Decision.
4. 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.

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

Ky Koitzsch: **YES**/no/abstain/absent/recusal

Michael Quenneville: **YES**/no/abstain/absent/recusal

Peter Ludlow: **YES**/no/abstain/absent/recusal

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

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.