Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3897

Property Owner and Applicant(s): Donald & Dinah Simonini and Edmund Polubinski Revocable Trust and Grace Mather Offutt Revocable Trust

Parcel ID: 03-135 and 03-133

Reason for Application: Requesting approval of a Boundary Line Adjustment (Minor Subdivision) under Articles 6 & 7 of the Fayston Land Use Regulations.

Application Number(s): 3897

Public Hearing Attendees: Attending DRB Members: Daniel Young (Chair), Jim Donkersloot (Vice Chair), Mike Quenneville, Pete Ludlow (Zoom) and Ky Koitzsch **ZA**: Jason Wilson; **Minutes Taker:** Eve Silverman; **Public:** Stephen White, Susan Buchanan, Cal Smith, Don Simonini, Grace Offutt and George McCain

Introduction and Procedural History:

1. The Subdivision application #3897 was filed on January 18th, 2024. The subject parcels are parcel IDs 03-135 and 03-133, located on Deer Run LN. Applicants Donald & Dinah Simonini and Edmund Polubinski Revocable Trust and Grace Mather Offutt Revocable Trust requests approval under Articles 6 and 7 of the Fayston Land Use Regulations of Boundary Line adjustment. A copy of the application and supporting paperwork are available at the Fayston, VT town offices.

2. Notice of the hearing was properly published. On July 18th, 2024 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 public hearing which occurred on August 6th, 2024. The Development Review Board reviewed the application and plans under the Town of Fayston, VT Land Use Regulations, as amended May, 2023.

5. The following were approved by the DRB as interested parties to these applications:
    a. Brian Degen who submitted written testimony to the DRB

The following exhibits were submitted to the Development Review Board:

A. On July 10th, 2024 the Applicant submitted a Subdivision Application (#3897) for a Boundary Line Adjustment, project narrative, statement of conservation, sample abutter letter and list of abutters.
B. On July 10th, 2024 the Applicant submitted a site plan titled "Boundary Line Adjustment between Donald F. Simonin Trust and Edmund Polubinski II Revocable Trust and Grace Mather Offutt Revocable Trust" by McCain Consulting, dated March 28, 2024.
C. On July 10th, 2024 the applicant submitted a site location map from Vermont Agency of Natural Resources.
D. On July 18th, 2024 the applicant submitted proof of notification of abutters.
E. On July 22nd, 2024 the applicant submitted a site plan titled "Boundary Line Adjustment between Donald F. Simonin Trust and Edmund Polubinski II Revocable Trust and Grace Mather Offutt Revocable Trust" by McCain Consulting, dated March 28, 2024 with a revision date of July 18, 2024.
F. On July 24th, 2024 the Brian Degen provided written statement about the proposed Boundary Line Adjustment.

Findings:

1. The Simonini property is located at 414 Deer Run LN and consists of 21.09 acres. The property is owned by Donald and Dinah Simonini. The parcel is identified as 03-135 in the Rural Residential District.

2. The Polubinski/Offut property is located at 198 Deer Run Lane and consists of 10.2 acres. The property is owned by Edmund Polubinski II Revocable Trust and the Grance Mather Offutt Revocable Trust. The parcel is identified as 03-133

3. This parcel has the following permits:
   a. #203 Zoning (1977)
   b. #203-01 Health (1977)
   c. #1552 Certificate of Occupancy (1997)
   d. #2778 Subdivision (2007)
   e. #2869 Zoning (2007)
   f. #2896 Subdivision (2007)
   g. #3019 Subdivision (2009)

4. The applicants have Act 250 5w0491-1A and 5w0491-1B pending.

5. Pursuant to Section 6.1 the DRB shall evaluate any minor or major subdivision of land as defined in Section 7.1 in accordance with the standards set forth in this Article. Where these standards conflict with other provisions of these regulations, the more stringent shall apply.

6. Pursuant to section 7.1 Minor Subdivisions shall include lot line or boundary adjustments between existing lots that do not result in new or nonconforming lots; the subdivision of land, or the re-subdivision of a previously subdivided parcel, that results in the creation of five or fewer lots, regardless of any change in ownership; and amendments to an approved subdivision plan that will not substantially change the nature of any previous subdivision or conditions of approval.

Decision:

DRB members voted as follows to approve subdivision application #3897 with the following conditions:

1. Obtain and follow all necessary 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.
2. Submit to the Town Clerk the required mylar plat for recording within 180 days of the date of this decision.

Ky Koitzsch: **YES**/no/abstain/absent/recuse
Peter Ludlow: **YES**/no/abstain/absent/recuse
Shane Mullen: **YES**/no/abstain/absent/recuse
Michael Quenneville: **YES**/no/abstain/absent/recuse
Daniel Young: **YES**/no/abstain/absent/recuse

Dated at Fayston, Vermont, this 18th day of September, 2024.

_____,
Daniel Young, 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.