Development Review Board, Town of Fayston, VT
Notice of Decision for Application No. 3912

Property Owner/Applicant(s): Donald & Dinah Simonini
Edmund Polubinski III & Grace Mather Offut Revocable Trusts

Parcel ID: #03-135 & 03-133

Reason for Application: Requesting approval of a Subdivision Amendment under Articles 6 & 7 of the Fayston Land Use Regulations. Seeking approval to amend Subdivision #3897

Application Number(s): 3912

Public Hearing Attendees: Attending DRB Members: Daniel Young (Chair), Jim Donkersloot (Vice Chair). Mike Quenneville, Pete Ludlow (Zoom) **ZA**: Jason Wilson; **Minutes Taker:** Eve Silverman **Public:** Don Simonini, George McCain, Christopher Joyce, Doug Goulette, Shaun Roberts (Zoom), Jim Halavonich, Danielle Hampton (Hiddenwood POA) and Truxton Pratt (Mad River Corp.) (Zoom)

Introduction and Procedural History:

1. The Subdivision application #3912 was filed on November 8th, 2024. The subject parcels are parcel IDs # 03-135 and 03-133, located on Deer Run Lane. Applicants Donald & Dinah Simonini, Edmund Polubinski III & Grace Mather Offut Revocable Trusts requests approval under Articles 6 and 7 of the Fayston Land Use Regulations for a Subdivision Amendment to Subdivision #3897. A copy of the application and supporting paperwork are available at the Fayston, Vermont town offices.

2. Notice of the hearing was properly published. On November 14th, 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 #3912 and plans were considered by the Development Review Board at public hearing which occurred on December 3rd, 2024. The Development Review Board reviewed the application and plans under the Town of Fayston, Vermont Land Use Regulations, as amended May, 2023.

The following exhibits were submitted to the Development Review Board:

A. On November 8th, 2024 the applicant submitted a Subdivision Application (#3912) for a Subdivision Amendment, project narrative, sample abutter letter, abutter list and site location map.
B. On November 8th, 2024 the applicant submitted a site plan titled "Compilation Map of Lands of Donald F. Simonini" by, McCain Consulting, Inc.
C. On November 8th, 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.
D. On November 15th, 2024 the applicant submitted proof of notification of abutters.

Findings of Fact:

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

2. The Simonini 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)
    h. #3897 Subdivision (2024)

3. The Polubinski/Offut parcel has the following permits:
    a. #301 Zoning (1978)
    b. #301-01 Health (1978)
    c. #354 Subdivision (1978)
    d. #386 Subdivision (1979)
    e. #501 Health (1980)
    f. #1048 Health (1989)
    g. #3652 Zoning (2021)
    h. #3897 Subdivision (2024)

4. The properties are adjacent to land owned by Benjamin Rinzler, Douglas & Susan Day, Brian & Jennifer Degen, Kap LLC, Patricia Krcmar, Shane Flannelly-King, Phillips Doherty Trust U/T/A, William & Susan Jefferys, Donald & Laurie Spaulding, Charles Morton, Patrick Brophy & Susannah Cowden and Seth Cohen & Tara Marie Nucera.

5. There is no change to lot lay out established in Subdivision # 3897 other than the adding the areas labeled Areas C & D on the site plan titled "Compilation Map of Lands of Donald F. Simonini" by, McCain Consulting, Inc.

6. Pursuant to Section 7.1(B)(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.

11. Pursuant to Section 6.1(A) 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.

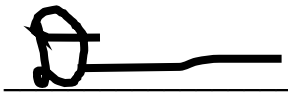
Decision:

DRB members voted as follows to approve subdivision application #3912 with the following conditions:

1. Submit to the Town Clerk the required mylar plat showing all the required information including the updated property lines for recording within 180 days of the date of this decision.
2. 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.

Daniel Young: **YES**/no/abstain/absent/recuse
Jim Donkersloot: **YES**/no/abstain/absent/recuse
Ky Koitzsch: yes/no/abstain/**ABSENT**/recuse
Michael Quenneville: **YES**/no/abstain/absent/recuse
Pete Ludlow: **YES**/no/abstain/absent/recuse

Dated at Fayston, Vermont, this 7th day of January, 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.