TOWN OF WARREN
CONDITIONAL USE RESIDENTIAL
PERMIT APPLICATION

Permit Application No. 2011-05-VR Parcel ID # 006-004-201

Application Requirements: The applicant shall submit to the Administrative Officer, at least 15 days prior to a regularly scheduled Development Review Board meeting, a **Conditional Use** Application, and associated fee. The application shall include, with the required fee, 1 original and 5 copies of a **Conditional Use** application, and 1 original and 5 copies of the proposed sketch plan, if required, that include the information for CU applications specified in Table 5.1. Copies of the proposed sketch plan, if required, shall be 11" X 17" or smaller. Applicants are strongly urged to review the Town of Warren Land Use & Development Regulations Articles 5, *Development Review* before submitting an application.

1. Name of Landowner(s): Edward and Constance Medico

   Address: PO Box 6060, Chelsea, MA 02150 Telephone: (617) 839-9254

2. Applicant(s), if other than Landowner: John and Margaret Fox

   Address: 316 Carpenter Hill Road, Georgia, VT 05478 Telephone: (802) 524-0646

3. Property Locations: Off German Flats Road, Warren, VT

   Zoning District: Rural Residential

4. Does the proposed development contain Steep Slopes as outline in Article 3, §3.4, *Erosion Control & Development on Steep Slopes*? Yes (No)
   Is the proposed development within the Meadowland District? Yes (No)
   Is the proposed development within the Flood Hazard District? Yes (No)

5. Project or Development sought under Conditional Use: Variance to allow the construction of a Single Family Dwelling on an existing 4 acre +/- lot off German Flats Road

7. Attached evidence of written notification to all adjacent property owners, together with a copy of the documentation sent to adjoiners to explain the project (see Section 9.8). See attached.

8. Attach a narrative describing the proposed Conditional Use (see Articles 5). See attached variance narrative and letter from Grenier Engineering.

9. Attach a complete sketch plan (see Table 5.1) of the project. See attached survey (marked up with house location, deeds, and the Wastewater system and Potable Water Supply Permit on file with the State of Vermont and the Town of Warren.

10. To facilitate the subdivision, **Conditional Use** approval process, the applicant should consult the any related Town of Warren Departments, if required, before the meeting with the Development Review Board.

Edward Medico Constance Medico

Signature(s) of Landowner(s) of Record

Margaret Fox

Signature(s) of Applicant(s)

FEE SCHEDULE RESIDENTIAL:	
CONDITIONAL USE:	
ORIGINAL OR AMENDED	$250/EA.
VARIANCE	$250/EA
CHANGE OF USE	$250
APPEAL OF ZONING ADMINISTRATOR'S DECISION (NOT APPEAL OF VIOLATION)	$150
APPEAL OF VIOLATION	$100
Publishing Fees: Residential	**$60. EA /Insertion**

Date Application Received: 3/3/11

Fee Received: 425.00

REV 03/26/09

Proposed Conditional Use / Variance Application Narrative

Location of Property: 4 Acre +/- Lot, West side of German Flats Road
Current Owners: Edward and Constance Medico
Applicant: John and Margaret Fox
Date: February 22, 2010

John and Margaret Fox hereby request a conditional use / variance from the Town of Warren to allow an existing gravel access road to serve as the permanent access road / driveway to a new single family home to be built on the building lot presently owned by Edward and Constance Medico. We are seeking a variance because the existing right of way is located in an easement and it is steeper than is currently allowed by the zoning in the Town of Warren. We propose to grade the existing road bed, lay down a fresh layer of gravel, and not make changes that would require major cuts and fills, or make major changes to the existing slope and grade.

Following are reasons why this property should be granted a variance:

1. The lot is an existing lot, not a recent subdivision. The property was subdivided on January 11, 1969 prior to the current zoning regulations.

2. The lot has already been classified and taxed as a Building Lot in the Town of Warren.

3. The existing easement is only 50 feet wide and the easement is too narrow to modify the driveway slope and grades, and still stay within the width of the right of way. See attached letter from Grenier Engineering.

4. The existing easement not only serves as an access to the Medico property, it already serves as access to other properties, including the property presently owned by Woodland, Inc.

5. Even if we could make the changes within the right of way, the net result would be an access road with much steeper side slopes and grades on the sides of the access road. These changes could create a much more unstable situation, which could result in an erosion control nightmare. The benefit to allowing the road to be used as is is that the existing road was installed decades ago and it is already stable, with permanent vegetation already established on either side of the access road.

Provided that a variance is granted and a building permit issued, then the applicants will then purchase the building lot from the present owners.

CHARLES GRENIER
CONSULTING ENGINEER PC
P.O. BOX 445 WATERBURY, VT 05676

January 20, 2011

Mr. John Fox
50 Joy Drive
South Burlington, Vermont 05403

RE: Warren Driveway Project on German Flats Road

Dear John:

Per your request, we have completed a topographic survey of the 50' wide right-of-way and existing road to the land you wish to purchase in Warren. As you know, currently this is a well-worn logging road with access off German Flats Road. We attempted to redesign the road without exceeding 12% as required by the Warren Zoning Ordinance. Given the steep grade of the existing road we were unable to design a road with less than a 12% grade. A cut of 8' to 10' would be required to maintain 12%. A cut this deep would require ditching and fill which would far exceed the 50' right-of-way limits. The steep banks created by this cut on both the uphill side and downhill side of the driveway would be hard to stabilize and unattractive. If year-round access is not required, the existing road should be sufficient to provide access to the land.

Please let us know if we can help you any further on this project.

Sincerely,

John D. Grenier, P.E.
Grenier Engineer, P.C.

JDG/smw

PHONE: 244-6413 FAX: 244-1572 EMAIL: CHARLES@GRENIERENGINEERING.COM

Land
2614015 Active

private road
Warren, Vermont 05674

(5) (2)

L$34,900

Type:	Recreational , Residential	**Lot Acre:**	4.04
Taxes:	$ 1,681.68	**Lot SqFt:**	175,982
Taxes TBD:		**Est Open Spc:**	2 %
Tax Year:	2010	**Price/Acre:**	$ 8,638.61
Zoning:	ag/res	**Permit Num:**	ww-5-3198
Flood Zone:	No	**Pole Num:**	none
Road Frontage:	No 624	**Easements:**	
Water Frontage:	0	**Exposure:**	East , North
Water Acc Type:		**Surveyed:**	Unknown
Water Body Type:			
Water Body Name:			

Multiple Deeds: No **Mo. Lease Amt:** $ **Association:** No **Monthly Assoc.$:** $
Water Body Restri.: **Current/Land Use:** No **Surveyed By:** **Land Gains:** No
Total # Leases: **Total # Lots:**

Parcel Access ROW: **ROW for other Parcel:** **ROW Width:** **ROW Length:**

Public Rems: High wooded site with view potential surrounded by larger parcels. Close to skiing but far from the crowd. Driveway, house site and septic designs. State Waste Water permit has been issued. No real clearing has been done for drive or site. 50 Right of Way will need to be improved to your satisfaction. Accessible as is with care.

Directions: German Flats Road south just past Fayston town line to woods road with cable on right (up hill). Property begins on left 1800 up the road, 100 past log landing - on left. Cable may be untied for access. Stop and turn around at the log landing.

Amenities: Near Golf , Near Paths , Near Ski , Wooded Lot **Location:** Near Golf , Near Skiing , Right of Way , Rural
Topography: Hilly , Sloping , View , Wooded
Current Use:

Utilities:		**Structure:**	
Electric:	None	**Shore Rights:**	
Gas:	None	**Restrictions:**	
Roads:	Right of Way	**Financing:**	
Water:	On Site Well Needed	**Sewer:**	On Site Septic Needed , Septic Design Available , Soil Test Available
Permit Status:		**Possession:**	

Docs Avail: Perc Test , Plot Plan , Septic Design , State Permit , Survey
Excl Sale:

Tax Rate:	$1.56	**Assmt:**	$107,800.00	**Assmt Yr:**	2008
Tax Class:	Nonhomestead	**Unadjusted Taxes:**		**Tax Reduct:**	No
Veteran:	No	**Other:**	No		
Covenant:	Unknown	**Source SqFt:**	Other	**County:**	Washington
Recorded Deed:	Warranty	**Book/Pg:**	135/ 58	**Plan/Survey:**	
Map/Blck/Lot:	1/ 0/ 6-4-201	**Property ID:**		**SPAN # (VT):**	--
Devel/Subdiv:					
District:	Washington West	**High Sch:**	Harwood Union High School	**Jr./Mid Sch:**	Harwood UHSD #19
Elem Sch:	Warren Village School	**Cable:**		**Power Co:**	
Fuel Co:		**Phone Co:**		**Resort:**	No
Auction:					
Auction $ Det. By:		**DOM:**	1440		

PREPARED BY

Lisa Jenison
Sugarbush Real Estate
15 Village Square
Waitsfield, VT 05673
Lister: Bill Elliott of Sugarbush Real Estate

Email : ljenison@madriver.com
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Sugarbush Real Estate

www.sugarbushrealestate.com www.sugarbushrealestate.com

Subject to errors, omissions, prior sale, change or withdrawal without notice. The agency referenced may or may not be the listing agency for this property.
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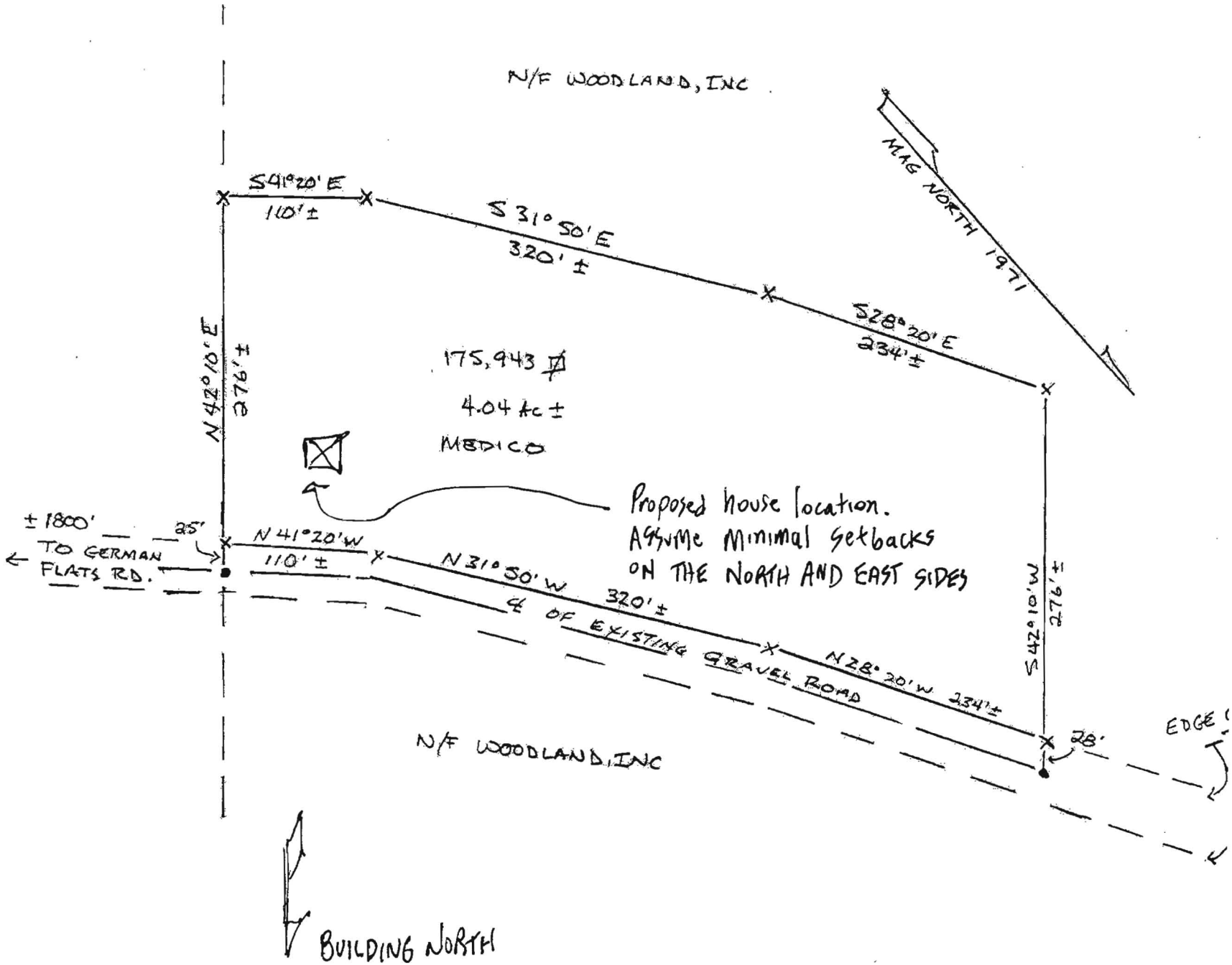
Selected Criteria
State:Vermo
ActSt:Act
County:Washi
Town:Warren

This display was created 08/09/2010.

While the information was believed accurate at that time, all information is subject to verification.


N/F WOODLAND, INC
MAG NORTH 1971
S41°20' E
110' ±
S 31° 50' E
320' ±
S28° 20' E
234' ±
N 42° 10' E
276' ±
175,943 ☐
4.04 ac ±
MEDICO
Proposed house location.
Assume minimal setbacks
on the North and East sides
± 1800'
TO GERMAN
FLATS RD.
25'
N 41° 20' W
110' ±
N 31° 50' W
320' ±
℄ OF EXISTING GRAVEL ROAD
N 28° 20' W 234' ±
S 42° 10' W
276' ±
28'
EDGE
N/F WOODLAND, INC
BUILDING NORTH

tenants by the entirety, and their heirs and assigns forever; and the said Grantors, Richard Henches, Gerhard Zimmermann and Henches & Zimmermann Co., for themselves and their heirs, executors, administrators and successors, do hereby covenant with the said Grantees, Edward J. Medico, Jr. and Constance Medico, their heirs and assigns, that until the ensealing of these presents, they are the sole owners of the said premises, and have good right and title to convey the same in manner aforesaid, and that the same are FREE FROM EVERY ENCUMBRANCE; except as herein mentioned; and the said Grantors do hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever; except as herein mentioned.

IN WITNESS WHEREOF said Grantors have executed this instrument as of the dates of their respective signatures below

In the Presence Of:

Witness

RICHARD HENCHES

By _____ [L.S.]
John G. Hutton, Jr.,
Attorney-in-Fact

Witness

GERHARD ZIMMERMANN

By _____ [L.S.]
John G. Hutton, Jr.,
Attorney-in-Fact

Witness

HENCHES & ZIMMERMANN CO.,

By _____ [L.S.]
John G. Hutton, Jr.,
Duly Authorized Agent

Vol 66 pg

VERMONT WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Woodland, Inc., a Vermont corporation with its principal place of business in Warren, County of Washington and State of Vermont, GRANTOR, in the consideration of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION paid to my full satisfaction by Richard Henches, of Succasunna, New Jersey, Gerhard Zimmermann of New Port Richey, Florida, and Henches & Zimmermann Co., a general partnership of Succasunna, New Jersey, GRANTEES, by these presents do freely Give, Grant, Sell, Convey and Confirm unto the said GRANTEES, Richard Henches, Gerhard Zimmermann, and Henches & Zimmermann, as tenants in common in the following proportions: an undivided one-half interest to Richard Henches, an undivided one-quarter interest to Gerhard Zimmermann, and an undivided one-quarter interest to Henches & Zimmermann Company, and their heirs, successors and assigns forever, a certain piece of land in Town of Warren, in the County of Washington and State of Vermont, described as follows, viz:

Being that part of the land conveyed to Woodland, Inc. by Deed of Dean K. Cameron et ux dated January 11, 1969 and recorded in Book 30, Page 355-6 of the Warren Town Land Records, which is more particularly described as follows:

Beginning at the intersection of the southeasterly line of said parcel and the westerly edge of easement of the existing development roadway into said parcel, which point bears northwesterly 2000 feet ± as measured in said westerly edge of easement from its intersection with the westerly edge of easement of the German Flats Road (so-called) and which starting point additionally bears southwesterly 637 feet ± as measured in said southeasterly property line from the most easterly corner of said land;

Thence N 41° 20' W 110 feet ± in the edge of said roadway easement to a point;

Thence N 31° 50' W 320 feet ± in said edge of easement to a point;

Thence N 28° 20' W 234 feet ± in said edge of easement to a point;

Thence S 42° 10' W 276 feet ± parallel with the said south- [illegible] of said land to a point;

Thence N 42° 10' E 276 feet ± in said line to the beginning, containing 4.04 acres ±.

There is additionally hereby conveyed a right of way over the said existing development roadway for access to the herein conveyed parcel, said right of way to run from the said German Flats Road to the northerly corner of said parcel, and said right of way to be in common for the grantees herein, their heirs and assigns, with the grantors herein, their heirs and assigns.

*(Continued following acknowledgement, on p. 3.)

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said GRANTEES, Richard Henches, Gerhard Zimmermann, and Henches & Zimmermann, as tenants in common in the following proportions: an undivided one-half interest to Richard Henches, an undivided one-quarter interest to Gerhard Zimmermann, and an undivided one-quarter interest to Henches & Zimmermann Company, and their heirs, successors and assigns, to their own use and behoof forever; and I the said GRANTOR, Woodland, Inc., for itself and its heirs, executors and administrators, do covenant with the said GRANTEES, Richard Henches, Gerhard Zimmermann, and Henches & Zimmermann, and their heirs, successors and assigns, that until the ensealing of these presents, Woodland, Inc. is the sole owner of the premises, and has good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE, except as above set forth, and I hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever, except as above stated.

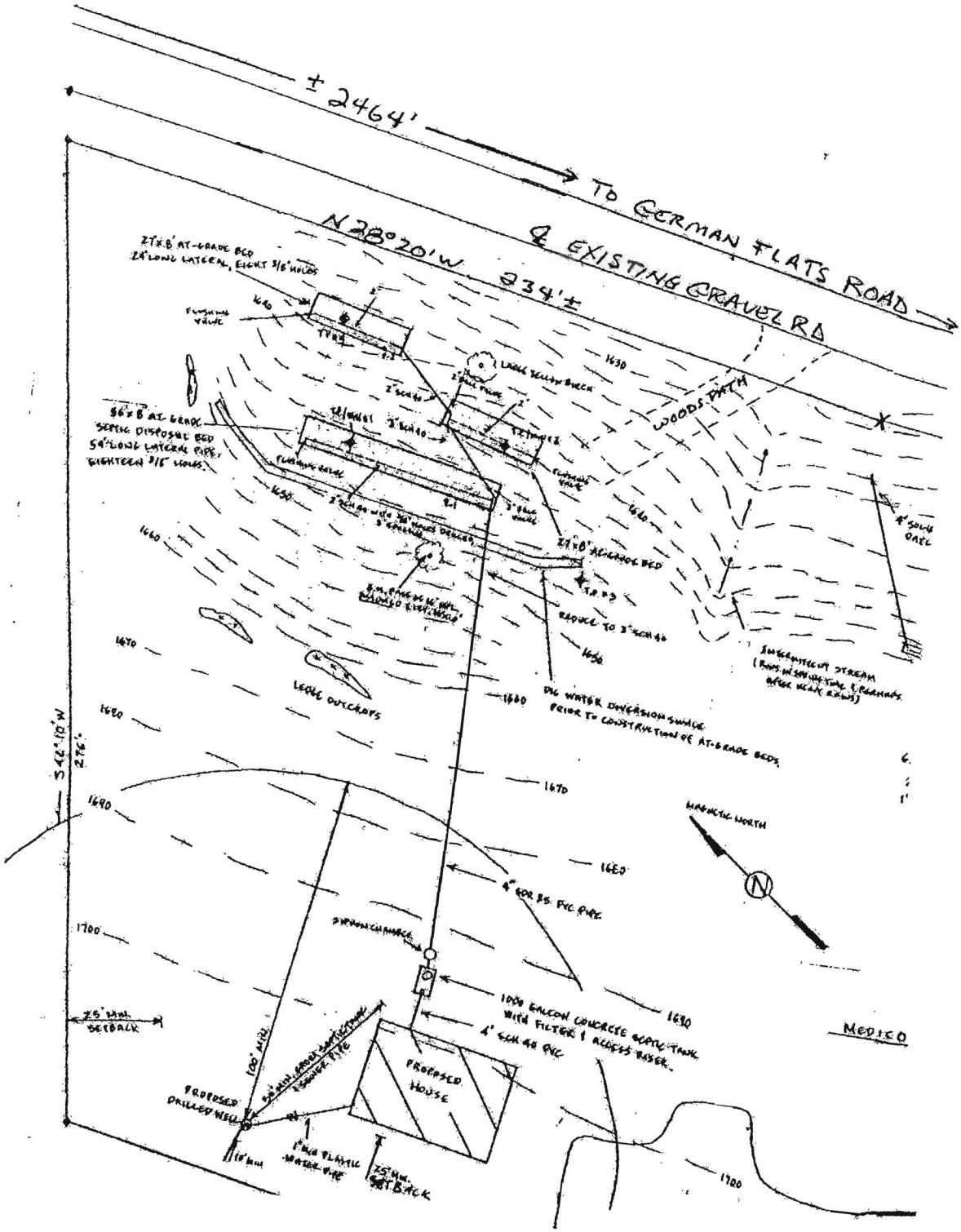
IN WITNESS WHEREOF, Woodland, Inc.'s agent hereunto set his hand and seal this 10th day of Dec, 1982.

Witness

Witness

WOODLAND, INC.

By: _____
Duly Authorized Agent


± 2464'
TO GERMAN FLATS ROAD
℄ EXISTING GRAVEL RD
N28°20'W 234'±
27'x8' AT-GRADE BED
24' LONG LATERAL, EIGHT 3/6' HOLES
FLUSHING VALVE
1640
1630
LARGE SELLY BIRCH
WOODS PATH
56'x8' AT-GRADE SEPTIC DISPOSAL BED
54' LONG LATERAL PIPE, EIGHTEEN 3/6' HOLES
1650
1660
27'x8' AT-GRADE BED
4" SOLID PVC
REDUCE TO 3" SCH 40
INTERMITTENT STREAM
DIG WATER DIVERSION SWALE PRIOR TO CONSTRUCTION OF AT-GRADE BEDS
LEDGE OUTCROPS
1670
1680
S42°10'W
276'±
1690
MAGNETIC NORTH
N
4" SCH 35 PVC PIPE
1700
1000 GALLON CONCRETE SEPTIC TANK WITH FILTER & ACCESS RISER
4" SCH 40 PVC
75' MIN. SETBACK
100' MIN.
PROPOSED HOUSE
PROPOSED DRILLED WELL
1" DIA PLASTIC WATER PIPE
15' MIN
75' MIN. SETBACK
MEDISCO

State of Vermont

AGENCY OF NATURAL RESOURCES

[illegible] PERMIT

LAWS/REGULATIONS INVOLVED

10 V.S.A., Chapter 64, Potable Water Supply and Wastewater System Permit and Environmental Protection Rules,

Chapter 1, Wastewater System and Potable Water Supply Rules

Subchapter 4, Water Supply and Wastewater Permits

[illegible] Systems and Potable Water Supplies

Appendix 1-A, Design Guidelines

Chapter 21, Water Supply

CASE No: WW-5-3198 PIN No. BR05-0149

APPLICANT: Edward & Constance Medico

ADDRESS 18 Division Street

Chelsea, MA 02150

This permit affects property referenced in the deed(s) recorded in Book 135 Page(s) 58 of the Warren, Vermont land records.

This project, consisting of the removal of restrictions of deferral permit DE-5-1256 and the construction of a 3-bedroom residence on a 1.04± acre lot, located on Gonzan Flats Road, Warren, Vermont, is hereby approved under the requirements of the regulations named above, subject to the following conditions:

1. GENERAL CONDITIONS

1.1. The [illegible] as follows:

Site Plan and Septic Disposal Plans, dated 4/27/05,

and which have been stamped "APPROVED" by the Wastewater Management Division. No alteration of these plans and/or documents shall be allowed except where written application has been made to the Agency of Natural Resources and approval obtained.

1.2. A [illegible] project during all phases of construction and, upon request, shall be made available for inspection by State or Local personnel.

1.3. This permit removes the restrictions imposed by Deferral of Permit number DE-5-1256.

1.4. This project has been reviewed and is approved for the construction of one 3-bedroom single family residence on the lot [illegible] allowed without prior review and approval by the Agency, and such approval will not be granted unless the proposal conforms to the applicable laws and regulations.

1.5. The conditions of this permit shall run with the land and will be binding upon and inure to the [illegible] permittee and all assigns and successors in interest. The permittee shall be responsible for recording this permit in the Warren Land Records within thirty (30) days of receipt of this permit and prior to the conveyance of any lot subject to the [illegible]

1.6. By acceptance of this permit the permittee agrees to allow representatives of the State of Vermont access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.

1.7. This permit shall in no way relieve you of the obligations of Title 10, Chapter 48, Subchapter 4, for the [illegible]

1.8. This authorization does not relieve you, as applicant, from obtaining all approvals and permits as may be required from local with the DRBB to construction.

(CONTINUED)

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT
WW-5-3198, Medico
Page 2

2. WATER CONDITIONS

2.1. This project is approved for an on-site water supply from a drilled well provided that the well is located as shown on the plans and meets or exceeds the isolation distances required in the Environmental Protection Rules. No permit issued by the Secretary shall be valid for a substantially completed potable water supply until the Secretary receives a certification from a designer or the installer, signed and dated, that states:

> "I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply was installed in accordance with the permitted design and all permit conditions, was inspected, was properly tested, and has successfully met those performance tests."

3. SEWAGE DISPOSAL CONDITIONS

3.1. This project is approved for the on-site subsurface disposal of wastewater within an at-grade disposal system within the soil boring and percolation testing area indicated on the approved plans for a maximum of 420 gallons of sewage per day. Should this system fail, the permittee must engage an Agency of Natural Resources Qualified Designer to evaluate the cause of failure and to submit information to this office for repair/replacement of the failing system. No permit issued by the Secretary shall be valid for a substantially completed wastewater system until the Secretary receives a certification from a designer or the installer, signed and dated, that states:

> "I hereby certify that, in the exercise of my reasonable professional judgment, the installation related information submitted is true and correct and the wastewater system was installed in accordance with the permitted design and all permit conditions, was inspected, was properly tested, and has successfully met those performance tests."

3.2. The wastewater disposal system shall be constructed as shown on the approved plans and shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State.

3.3. The siphon chamber and force main installation shall be inspected by either the installer or an Agency of Natural Resources Qualified Designer. The force main shall be leakage tested under the general supervision of the inspecting designer and in accordance with the Environmental Protection Rules. The results of those tests shall be submitted to this office. All components of the siphon chamber shall be tested prior to use.

3.4. The septic tank filter should be cleaned and the septic tank pumped out at least once every 3 to 5 years. Routine inspection is recommended for restaurants and other commercial operations with high organic loading.

Jeffrey Wennberg, Commissioner
Department of Environmental Conservation

By Kathleen M. Peyer 5/31/05
Kathleen M. Peyer, Assistant Regional Engineer

cc: Todd Hill
Warren Planning Commission

TOWN OF WARREN, VT
Received for Record July 19 20 05
at 11:05 o'clock A.M. and Recorded in
Vol. 175 Page 660-661
Elaine F. Fuller
Assistant TOWN CLERK