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**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
SUBDIVISION REVIEW**

Application # 2005-10-SD submitted by Mark Bannon of Bannon Engineering for James Trihy requesting a 5-lot subdivision on 22+/- acres off of Behn Road in the Rural Residential District, parcel ID # 001003-102. This project required review under Article 2, Table 2.2, Article 6, Subdivision Review, and Article 7, Subdivision Standards, of the Warren Land Use & Development Regulations.

Duly warned hearings were held on July 20, 2005 and August 17, 2005. Members in attendance on July 20th were: Peter Monte, David Markolf, Eric Brattstrom, Virginia Roth and Lenord Robinson. Others also present were: John Donaldson, Jim Trihy, Mark Bannon, Brian Shea, Don Swain, Dotty Kyle, Kenneth Friedman, Kathleen Friedman, Lenore Budd, Margo Wade, Miron Malboeuf and Ruth Robbins.

At the hearing on August 17th the members present were: Peter Monte, David Markolf, Chris Behn, Eric Brattstrom, Virginia Roth, Lenord Robinson. Others in attendance were: Mark Bannon, Brian Shea, Darrell Mays, Douglas Pruitt, Miron Malboeuf, Ruth Robbins. A site visit was conducted on August 17, 2005 prior to the regular meeting and was attended by Peter Monte, David Markolf, Chris Behn, Eric Brattstrom, Virginia Roth, Lenord Robinson, Miron Malboeuf, Mark Bannon, Brian Shea and Ruth Robbins.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- 1- The following documents were submitted by the applicant:
 - Completed application and fee
 - Sketch Plan (S-1 "Proposed 5-lot Subdivision" dated 3/15/05)
 - Project Description
 - Abutter Notification, Certificate of Service and proof of mailing
 - Letter dated August 4, 2005 to the DRB requesting both the Preliminary Review and Final Plan Review to take place on August 17, 2005.
 - Hiddenbrook Road Maintenance Agreement
 - Map S-2 "Road Profile for upper road serving lots 2 & 3" dated 3/15/05
 - Map S-3 "Road Profile for lower road serving lots 1, 4 & 5" dated 3/15/05
 - Map S-4 "Road Sections for upper road serving lots 2 & 3" dated 3/15/05
 - Map S-5 "Road Sections for lower road serving lots 1, 4 & 5" dated 3/15/05
 - Map S-6 "Septic System Design for lots 1, 4 & 5" dated 3/15/05
 - Map S-7 "Septic System Design for lots 2 & 3" dated 3/15/05
 - Map S-8 "Erosion & Sediment Control Plan" dated 3/15/05
 - Sketch Plan S-1 "Proposed 5-lot Subdivision dated 3/15/05 and revised 7/19/05"

- 2- Also submitted in regard to this application was a letter from Adam W. Cook, President of the Warren Fire Department, dated 8/16/05.

TOWN OF WARREN, VT
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Elaine E. Feeler TOWN CLERK
Assistant

- 3- The proposed project is a 5-lot subdivision located on 22 +/- acres of land in the Rural Residential District. The property is bounded to the east by Behn Road and to the north by Brook Road. At one time the property was the site of a gravel pit and later a primitive camp. The five developable lots for single-family housing range in size from 3.5 acres to 5.2 +/- acres. The project will be accessed by the existing curb cut on Behn Road from which the road will then fork to access the house sites (two to the left, three to the right).
- 4- The condition of the Behn Road bridge was looked into and it was not found on any town or State "hit list" for needed repairs.
- 5- Tree cutting is allowed to open up views, but there was concern of potential over cutting that would lead to the destabilization on some of the steep (25% grade or more) slopes.
- 6- The area of the 100-foot stream set back will be retained as open, undeveloped space and clearly marked on the final plat.
- 7- The Development Review Board encourages the applicant and any succeeding property owners to maintain the tradition for future generations of allowing the section of Freeman Brook, also know as Kids Brook, to be open for fishing by children under the age of fourteen, a has been the case for years and years before.
- 8- The Development Review Board finds that the recommendations listed in the Warren Fire Department letter of 8/16/05 have been accommodated by the applicant's plans except where otherwise noted.

Notice of Decision:

The Development Review Board approves the application subject to the following conditions:

- 1) The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
 - In the application
 - All exhibits furnished by the applicant
 - All findings of fact and conclusions stated above in this decision.
 - The Subdivision Plat approved by the DRB.
- 2) No zero clearance fireplaces shall be allowed, no combustible materials are to be in direct contact with masonry, and only masonry chimney shall be acceptable. Wood-burning stoves are suggested for backup heat only.
- 3) All driveways, rights of way, and easement access are to be plowed and maintained to a minimum width of 14 ft. in winter. Private and feeder roads are to be plowed

- and maintained to a minimum of 16 ft in winter. Normal maintenance, as to not restrict access, shall be expected for the remainder for the season.
- 4) Drives to be no less than 30' inside radius, both directions.
 - 5) There will be no cutting of brush or trees less than six (6) inches in diameter on any areas of 25% grade or greater, and such areas (*vegetated areas for erosion control*) are to be designated on the final, recorded engineering map.
 - 6) The 100-foot stream set back will be clearly marked on the final plat.
 - 7) The applicant must arrange a site visit with the Warren Fire Department at the time of the construction of the "Y" intersection of the internal roadway. If the Warren Fire Chief so requests in writing to the applicant with a copy to the DRB, the storm water retention pond on Lot #1 will be upgraded as per item #5 in the Department's letter of 8/16/05 unless applicant requests a hearing from the Development Review Board and the DRB, after hearing, waives this requirement. To keep the paperwork straight, the DRB requests (but does not require) that the Warren Fire Chief notify the DRB in writing if the Department does not request upgrade of the pond.
 - 8) The "Vegetated Areas for Erosion Control" to be clearly identified on either the final plat or final engineering plan.
 - 9) The final plat and final engineering plan to be of a corresponding scale and cross-reference one another.

In accordance with Section 6.5 and the Act [§4416], within 90 days of the date of receipt of final plan approval under Section 6.4(C), the applicant shall file 3 copies of the final subdivision plat, 1 mylar copy and 2 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plats not filed and recorded within this 90-day period shall expire. Prior to plat recording, the plat must be signed by at least two authorized members of the Development Review Board.

Approval shall become effective once this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. Beginning the effective dated of this decision, there is a 30-day period during which parties may appeal the decision to the Environmental Court.

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
SUBDIVISION REVIEW - TRIHY #2005-10-05

DEVELOPMENT REVIEW BOARD

Peter Monte 9-7-05

Peter Monte date

[Signature] 9/7/05

David Markolf date

[Signature] 09-07-05

Chris Behn date

Virginia Roth date

Lenord Robinson Sept 9 05

Lenord Robinson date

[Signature] 9/9/05

Eric Brattstrom date