

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
#2006-01-VR SUMMIT VENTURES NE, LLC DBA MOUNTAIN WATER COMPANY**

Summit Ventures NE, LLC dba Mountain Water Company is requesting a variance under Section 9.6 of the Warren Land Use & Development Regulations for the purpose of constructing a utility building to house chlorination infrastructure per Vermont Water Supply Regulation. The building is proposed to be located within the existing utility easement located on Sugarbush Village Lot #41 on Upper Village Road in the Sugarbush Village Residential District.

A duly warned hearing was held on November 15, 2006 and attended by DRB members: Peter Monte, Lenord Robinson, Bob Kaufmann and Virginia Roth. Others also attending were: Sue Carter, Cindi Jones, Jim Jones, Terry Reilly, Tom McHugh, Cindy Carr, Don Swain, Margo Wade, Bob Ackland, Michael Mayo, June Sardi, Miron Malboeuf and Ruth Robbins. A site visit was conducted earlier in the day on November 15th and attended by: Mr. Monte, Mr. Robinson, Mr. Malboeuf and Mr. Lisai.

Findings of Fact and Conclusions of Law:

1. In addition to a completed application the applicant also submitted a copy of the State of Vermont Public Water System Permit to Operate dated March 14, 2005, site plans and the proposed building plans.
2. In accordance with *Article 9 Administration & Enforcement, Section 9.6 Variances*, the Board found the following:
 - a. There are unique physical circumstances due to the narrowness of the easement and the necessary proximity to the well head
 - b. Because of these unique physical characteristics there are no possible alternatives
 - c. This hardship circumstance has not been created by the applicant
 - d. If granted, the variance will not alter the character of the neighborhood
 - e. The requested variance is the minimum that affords relief.

Notice of Decision:

Based on the forging Findings of Fact & Conclusions of Law and in accordance with the standards under Article 9 Section 9.6, the Development Review Board hereby approves the request for a variance for the construction of a utility building with 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, and
 - All findings of fact and conclusions stated above in this decision.

- 2- A building permit from the Town of Warren will be obtained prior to the construction of the building

Approval shall become effective when 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 the decision, there is a 30-day period during which parties may appeal this decision to the Vermont Environmental Court.

Development Review Board

Bob Kaufmann 12/21/06
Bob Kaufmann date

Peter Monte date

Lenord Robinson 12/04/06
Lenord Robinson date

Virginia Roth 12/21/06
Virginia Roth date

TOWN OF WARREN, VT
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R. D. [Signature]
TOWN CLERK