

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
COHEN #2006-04-CU CONDITIONAL USE REVIEW

000265

The applicant, Marcia Cohen, seeks a modification of an existing Sub-division Permit #2002-13-SD and is requesting a Conditional Use permit to relocate a Single Family Residence Building envelope located in the Forest Reserve District. The property, parcel Id #001011-903, is located off the Roxbury Mountain Road on 3.6 Acres. This project requires review under *Article 2, (Zoning Districts & District Standards), Table 2.1(Forest Reserve District), C (7) and Article 5 (Development Review)* of the Warren Land Use and Development Regulations.

A duly warned hearing was held on Wednesday March 22, 2006. Development Review Board members present were: David Markolf, Lenord Robinson and Virginia Roth. Others attending the hearing were: Wayne Kathan, Laura Crandall, Dorothy Kyle, Eric Brattstrom, Trafton Crandall, Jim Groom, Peter & Susan MacLaren, David Sellers, Tom McHugh, Ken Friedman, Jeff Schoellkopf, Miron Malboeuf and Ruth Robbins. James Groom, Architect, represented the applicant. David Markolf, Lenord Robinson and Virginia Roth also attended a site visit earlier in the day with Jim Groom and Miron Malboeuf.

Findings of Fact and Conclusions of Law:

- 1- In addition to a completed application and conditional use worksheet the applicant also submitted an abutters letter and proof of mailing, site plan, landscaping plan and an architects rendering of the proposed retaining wall.
- 2- A letter, dated March 3, 2006, submitted by Attorney Melvin F. Frankel, on behalf of the applicant's neighbor Monteverde First Corporation regarding the encroachment on a "no-cut" buffer zone.
- 3- The parcel is approx. 6.3 acres, a pre-existing lot created by the Garafolo Subdivision prior to the creation of the Forest Reserve District. The Forest Reserve District now requires a minimum of 25 acres per lot.
- 4- The original approval called for a 100-foot buffer between the building envelope and the neighbor's property line. Unfortunately, the only way to site the house caused encroachment on that required buffer. The applicant is looking to minimize the encroachment and obtain approval from the DRB.
- 5- Per *Table 2.1 Forest Reserve District (D) Dimensional Standards* the minimum setback for all property boundaries is 150 feet.
- 6- Since this is a pre-existing lot of 3.6 acres located in the Forest Reserve District that was established before the Forest Reserve was enacted, applying the current setback requirements do not really work and are very limiting. The Board used *Table 2.1 Forest Reserve District (F) Supplemental Development Standards – Conditional Uses (5) Setbacks* that allows them to waive the minimum setbacks if the Board determines that such a waiver would allow for the placement of a structure in a location which more fully complies with the standards set forth in subsection (F)(3) notwithstanding the minimum setback requirements that are set forth in subsection (D).
- 7- The dwelling will be sided in natural cedar shakes with a dark gray roof and resemble an existing house located on Fuller Hill Farms Road.
- 8- The Board found that the application satisfies the applicable requirements under *Article 5 Development Review and the Conditional Use Standards (B)(1), (6), and (7)*.

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION – COHEN CONDITIONAL USE REVIEW #2006-04-CU

- 9- When the requirement is an average tree height of a certain number of feet (i.e. 8 feet) then that measurement is taken from grade when the tree is planted, not the bottom of the root ball.

Notice of Decision:

Based on the forgoing Findings of Fact and Conclusions of Law, the application of Marcia Cohen is approved by the Warren Development Review Board subject to the following conditions:

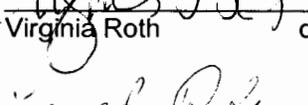
- 1) The Board grants the request for a building envelope modification with the following conditions:
 - The applicant shall abide by the landscaping plan as presented in L-4
 - An erosion control plan will be submitted and approved by the DRB prior to any further development on the property
 - The existing approved building envelope to be extended six feet in a north westerly direction; move four feet in a south westerly direction to maintain driveway and to include the garage and breezeway as shown in the modified building envelope (Note: the proposed building moves simultaneously with the movement of the building envelope)
 - The retaining wall as shown to be stepped with the lower four feet +/- being constructed of stone and the upper section be landscape ties
 - The exterior of the dwelling be the color of natural cedar with a gray, brown or black roof
 - All other conditions of the original Garafollo Subdivision approval #2002-13-SD signed 2/12/03.
 - The westerly elevation to be as submitted
- 2) 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.

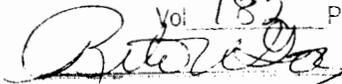
Approval shall become effective when this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. Beginning the effective dated of the decision, there is a 30-day period during which parties may appeal this decision to the Vermont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

Development Review Board

 4/3/06
 David Markolf date

 5/3/06
 Virginia Roth date

 4/3/06
 Lenord Robinson date

TOWN OF WARREN, VT
 Received for Record May 4 2006
 at 10 o'clock A M and Received in
 vol. 182 Page 265-266

 TOWN CLERK