

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
SUBDIVISION REVIEW
#2006-11-SD JOHN & JAMES JONES

000358

Application #2006-11-06 submitted by James R. Jones and John F. Jones requests to subdivide 2.0 acres with an existing dwelling and accessory structures into two one acre lots. The parcel, ID # 004001-300 is located at 183 Main Street in the Warren Village Historic Residential District. This project requires Review under Article 6, Subdivision Review, Article 7, Subdivision Standards and Article 2, Table 2.2, Rural Residential Districts, of the Warren Land Use and Development Regulations.

A duly warned hearing was heard on September 20, 2006. DRB members in attendance were: Peter Monte, Lenord Robinson, Virginia Roth, Bob Kaufmann and David Markolf. Others in attendance were: Sue Carter, Cherie Sherman, Margo Wade, Cindi Jones, John F. Jones, James R. Jones, Jennifer Grace, Robert Riversong, Kirsten Reilly, Mark Bannon, Miron Malboeuf and Ruth Robbins. A site visit was also held on September 20, 2006 and attended by Mr. Markolf, Mrs. Roth, Mr. Malboeuf and Ms. Carter.

A second hearing was held on November 15, 2006 and attended by the following members: Peter Monte, Lenord Robinson, Bob Kaufmann and Virginia Roth. Others at this hearing 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.

Findings of Fact & Conclusions of Law:

- 1- The following documents were submitted by the applicant:
 - Completed application, subdivision worksheet, certificate of mailing and copy of abutter letter
 - Site plan by McCain Consulting dated 9/14/06 and revised 11/14/06, 11/15/06.
 - Letter from Attorney Shelia K. Getzinger outlining the chain of title dated July 31, 2006.
 - Letter to the DRB from neighbor Cherri Sherman dated 11/10/06.
 - Letter from Kathleen M. Peyerl, Assistant Regional Engineer, Vermont Environmental Conservation Dept. dated 11/14/06.
 - Copy of Road Access Approval permit issued by the Warren Select Board 10/10/06.
- 2- The applicants intend to create two lots, the bottom one including the existing house and two garages on one acre which they intend to sell, and then the upper acre which will either be retained by the family or at some point offered up for sale as a building lot.
- 3- The front lot (also referred to as the "bottom" lot and on the site plan as Lot # 1) with the house on it is currently on the Town system with capacity for three bedrooms.
- 4- It was originally stated that the upper lot ("back" lot or Lot #2 on site plan) would not be eligible for hook up to the Town system until 2008. That has since been shown to not be the case as per the letter from Kathleen M. Peyerl noted above.
- 5- Members at the site visit noted the extreme topography in some areas and other areas of less than 15%.
- 6- The applicant wanted it noted for the record that upon sale of the property it was their intention to have the deed contain protection rights for Ms. Carter's water line that currently has an easement to run over the Jones parcel.
- 7- As shown, the building envelope for the proposed lot 2 appears to be entirely comprised of secondary conservation land. Those familiar with the site commented that the map makes the slope seem more significant than it is in real life.

- 8- Any requirement for landscaping or screening is not intended to be the sole responsibility of just one property owner. Any required landscaping plan could also be combined with the erosion control plan.
- 9- The lay of the land is such that a single drive to access both lots is not possible.

Notice of Decision:

Based on the forgoing Findings of Fact and Conclusions of Law, application #2006-11-SD is approved 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
 - All findings of fact and conclusions stated above in this decision.
The Subdivision Plat approved by the DRB.
- 2) Since the Board has considered the building envelopes and other conditions of this subdivision request with the assumption that both lots will be served by the Town Wastewater System, that before deeds are recorded that would affect the subdivision of this lot, a permit from the Town that allows a structure on Lot 2 to be hooked up to the Town Wastewater System shall be filed with the Zoning Administrator, and that before construction on the access drive to Lot 2 or any other development on Lot 2 takes place, an erosion control plan must be submitted to and approved by the Development Review Board.
- 3) Before the construction of the access road or any other improvements (i.e. structure) take place on Lot 2, a landscaping and screening plan must be submitted to and approved by the Development Review Board.
- 4) Within 15 days the applicant must furnish the Board with confirmation from the engineer (McCain Consulting) in writing that the information on the site plan showing the conservation areas is correct.

The Development Review Board finds the application to be in compliance with the standards set forth under *Article 7 Subdivision Standards*. The Board specifically finds that the project conforms to the standards of § 7.3 *Protection of Primary & Secondary Conservation Areas*, although the driveway and building envelope for Lot 2 appear on the site plan to fall within secondary conservation areas, based on the site visit it seems to be the most appropriate locations on the property and with the pending erosion control plan will not present a hazard to the conservation areas that were designated to be protected.

In accordance with Section 6.5 and the Act [§4416], within 180 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 180-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
#2006-11-SD JONES

Development Review Board

B. Kaufmann 12/20/06
Bob Kaufmann date

Peter Monte date

Lenord Robinson 12/20/06
Lenord Robinson date

Virginia Roth 12/21/06
Virginia Roth date

TOWN OF WARREN, VT
Received for Record 12/22 2006
at 10 o'clock A M and Received in
Vol 186 Page 358-360
Rita [Signature]
TOWN CLERK

Development Review Board
