

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
CONDITIONAL USE REVIEW – JOHANNESSEN - #2006-13-CU

Application # 2006-13-CU, Gary and Debora Johannesen, seek to extend a deck that will encroach upon the 100 foot setback from the Mad River. Located at 59 Main Street in the Warren Village Historic Residential District, parcel ID # 004000-200.

A duly warned hearing was held on Wednesday September 6, 2006 and attended by the following members: David Markolf, Bob Kaufmann, Virginia Roth and Lenord Robinson. Others in attendance were: David Olenick, John DaCosta, Deb and Gary Johannesen, Susan and Peter MacLaren, Anna Whiteside, Bill Maclay, Bill Westvang, Ralph Venezia, Dottie Kyle, Miron Malboeuf and Ruth Robbins. A site visit was also held the morning of September 6, 2006 and attended by: David Markolf, Virginia Roth, Lenord Robinson 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 proof of mailing and a site plan.
2. The main issue is surface water protection and if that would be jeopardized in any way by allowing the structure to be located closer than the prescribed 100 feet.
3. The Board found § 3.13 Surface Water Protection to be satisfied by the applicant due to 1) the height of the structure above the surface water and 2) the addition to the deck will not affect the river's ability to carry floodwaters.
4. The Board found § 3.4 (B) Erosion Control & Development on Steep Slopes is in compliance by the applicant due to the limited amount of development that is proposed.
5. All standards of § 5.3 Conditional Use Review Standards are found by the Board are either satisfied or not applicable.

Notice of Decision:

In conformance with the standards of *Article 5 Development Review § 5.3 Conditional Use Review Standards and Article 3 General Regulations § 3.13 Surface Water Protection* the DRB approves the location and construction of an extension of a deck within the 100 foot setback from the Mad River with the following conditions:

- All excavation to be done by hand
- Proper erosion control measures will be utilized and
- Zoning Administrator to inspect the installation of the sono tubes for compliance with item #2.

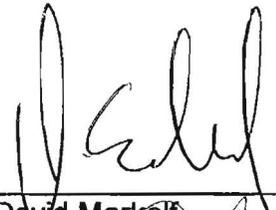
In addition the project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:

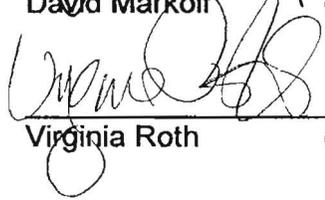
- In the application
- All exhibits furnished by the applicant, and
- All findings of fact and conclusions stated above in this decision.

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

Lenord Robinson date
 10-04-06
Bob Kaufmann date

 10/4/06

David Markolf date
 10-4-06
Virginia Roth date