

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT AND NOTICE OF DECISION  
#2006-15-SD LBO LLC 9-LOT SUBDIVISION**

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Michael Krongel, representing LBO, LLC has submitted an application for a 9-lot residential subdivision located on the Sugarbush Access Road, parcel id # 005008-301, in the Vacation Residential District. The property consists of approx. 16+/- acres.

Duly warned hearings were held on August 23, 2006, October 18, 2006, December 20, 2006, January 31, 2007 and March 7, 2007. A site visit was also conducted on Saturday December 2, 2006.

August 23, 2006: Members in attendance: Peter Monte, David Markolf, Lenord Robinson, Virginia Roth and Chris Behn. Others in attendance were: Shelia Getzinger, Jennifer Grace, Robert Riversong, Mike Krongel, Don Marsh, Zeke Church, Nancy Segal, Don Swain, Mark Bannon, June Sardi, Miron Malboeuf and Ruth Robbins.

October 18, 2006: Members in attendance: Peter Monte, David Markolf, Chris Behn, Virginia Roth and Lenord Robinson. Others in attendance were: Mike Krongel, Don Marsh, Larry Ryan, Erin Post, Dick King, Miron Malboeuf and Ruth Robbins.

December 2, 2006 Site Visit: Members in attendance: Chris Behn, Peter Monte, David Markolf and Virginia Roth. Others in attendance were: Mike Krongel, Steve Butcher, Jason Lisai, Charles Grenier and Mr. Malboeuf.

December 20, 2006: Members in attendance: David Markolf, Chris Behn and Lenord Robinson. Others in attendance were: Mike Krongel, Don Marsh, Bob Ackland, Jason Lisai, Miron Malboeuf and Ruth Robbins.

January 31, 2007: Members in attendance: Peter Monte, Bob Kaufmann, Lenord Robinson and Chris Behn. Others in attendance were: Mike Krongel, Don Marsh, Jim Caffry, Will Senning, Erin Post, Miron Malboeuf and Ruth Robbins.

March 7, 2007: Members in attendance: Peter Monte, David Markolf, Virginia Roth and Chris Behn. Others in attendance were: Don Marsh, Mike Krongel, Erin Post, Chris Peltier, Cindy Carr, Miron Malboeuf and Ruth Robbins.

**Findings of Fact and Conclusions of Law:**

- A. The following documents were submitted in conjunction with this application:
1. Completed application, project narrative, abutter letter and proof of mailing and "concept" site plan dated 6/15/06 prepared by Charles Grenier.
  2. Revised site plan dated 7/18/06 prepared by Charles Grenier.
  3. Revised site plan dated 10/9/06 prepared by Charles Grenier.
  4. Proposed Declarations of Covenants, Conditions & Restrictions; proposed By-Laws for The Colony at Lincoln Peak.
  5. Stormwater Runoff Analysis & Narrative
  6. Erosion Prevention & Sediment Control Narrative
  7. Maps dated 12/13/06 by Charles Grenier titled: Stormwater Management Plan, Construction Plan and Erosion Control & Stormwater Details.
  8. "Resource Plan" dated 6/15/06 by Charles Grenier – 2 maps – one with wetlands, one without.
  9. Future Town Road Analysis prepared by Charles Grenier dated 1/17/07
  10. Town Roadway Options – 2 maps, dated 1/17/07 prepared by Charles Grenier.
  11. Revised Declarations and Covenants submitted 2/23/07

12. Request from Don Marsh for front yard setback relief for Lot #4, dated 2/22/07
13. Letter from the Warren Fire Dept. dated 12/20/06
14. Maps submitted by Charles Grenier dated 2/20/07 and titled as follows:

- Overall Site Plan/Subdivision Plan
- Septic System Details
- Road Profiles & Details
- Pre-Construction Plan
- Construction Plan
- Erosion Control & Stormwater Details Plan
- Final Stabilization Plan
- Stormwater Management Plan

15. Letter to Don Marsh, Marsh Engineering, dated 12/7/06 from Jason Lisai, Sugarbush Resort re; Fire hydrant for the Colony at Lincoln Peak.
16. Letter from Michael Krongel to Cindi Jones and Miron Malboeuf dated 12/7/06 re: proposed access road through LBO, LLC property.

- B. The parcel is 16 +/- acres of wooded land with some wetlands
- C. The size of the parcel would allow density of up to 15 units but the applicant felt that land constraints only allowed for nine.
- D. A pond for storm water would be constructed in the northeast corner of the lot.
- E. All the building envelopes were placed so as to avoid the steeper slopes.
- F. A meeting with the Fire Dept resulting in their being comfortable with the plan but requesting two (2) fire hydrants. These hydrants could be hooked up to the Sugarbush snowmaking line, with Sugarbush's permission.
- G. The wastewater systems are all individual systems, located in a clustered fashioned with some requiring easements from a neighboring lot. All the lots have individual wells.
- H. The plan is to clear only the obvious deadwood and small saplings, leaving any trees of significance for later determination by the future owner's architect and/or builder.
- I. Extensive discussion took place (DRB meeting of 12/20/06) about the Town's desire to have future access through the applicant's property as a possible secondary access road to the Sugarbush Village area.
- J. The Board is requiring that the applicant extend the 50-foot right of way for their development road all the way to the western boundary with Summit Ventures (parcel id 250030-000) and be reflected on the final plat. The last segment beyond what is proposed does not need to be constructed, only shown as a right-of-way on the plat.
- K. Due to the extended right-of-way, the applicant requests setback relief for the front setback requirement for lot #4.
- L. It was brought to the attention of the Board that both lot 4 and lot 5 did not meet the 150-foot frontage requirement, as they were located at the end of their respective roads.

- M. To retain as much of the vegetation/trees as possible along the Access Road side of the property a "buffer" of 40' was discussed as being adequate.
- N. The Board requested that the covenants additionally include the following: notice to homeowners that they are required to obtain all applicable Town and State permits prior to building, and maintenance agreement including but not limited to the road, any shared or common areas or utilities and the fire hydrants and water line.
- O. The applicant has submitted the road names of Colony Road and Colony Road Extension.
- P. The applicant suggested that the walkway along the Access Road be placed along the road side of the right-of-way versus the LBO property side of the right-of-way, as it would reduce the number of trees that would have to be cut.
- Q. The Fire Dept. recommends that wood-burning sources be used only for back up heat and constructed with masonry chimneys
- R. Items #3 and #5 in the Fire Dept. letter of 12/20/06 have been reflected on the site plan submitted by the applicant.

**Notice of Decision:**

The Development Review Board hereby grants the applicant's request for front setback relief for Lot #4 up to the maximum of 30% as allowed under Section 3.6 (C) (1).

The Development Review Board also finds the application satisfies the requirements as called for under Article 6 Subdivision Review and Article 7 Subdivision Standards, hereby approves the applicant's request for a nine-lot subdivision subject to the following conditions:

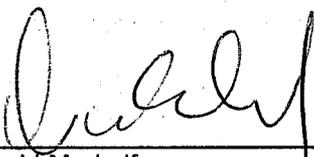
1. The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
  - a. In the application
  - b. All exhibits furnished by the applicant
  - c. All findings of fact and conclusions stated above in this decision.  
The Subdivision Plat approved by the DRB
2. All feeder roads should be 16 feet width plowed in winter. All drives to be 14 feet plowed in winter. The Fire Dept. endorses the current discussions of the Warren Select Board, the Development Review Board and the Planning Commission concerning the creation of a secondary access to Sugarbush Village to serve future growth of the resort area. Such a road might benefit responding fire apparatus in several circumstances. To facilitate this planning, the extension of the applicant's road right-of-way to the west property line is recommended, as well as upgrading the feeder road to town road specifications.
3. Drives to be no less than 30 foot inside radius, both directions.
4. Houses greater than 3,000 square feet shall be constructed with 13D sprinkler systems meeting NFPA standards.
5. The designation a 10-foot pedestrian easement located within the 4-rod right-of-way of the Sugarbush Access Road is to be included on the Final Plat.

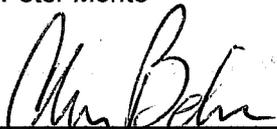
In accordance with Section 6.5 and the Act [§4416], within 180 days of the date of receipt of final plan approval under Section 6.4(C), the applicant shall file 3 copies of the final subdivision plat, 1 mylar copy and 2 paper copies, for recording with the town in conformance with the requirements of 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.

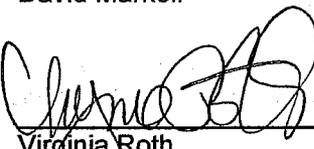
Approval shall become effective once this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. Beginning the effective date of this decision, there is a 30-day period during which parties may appeal the decision to the Environmental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

**Development Review Board**

Peter Monte \_\_\_\_\_ date

 4/5/07  
\_\_\_\_\_ date

 04-04-07  
Chris Behn \_\_\_\_\_ date

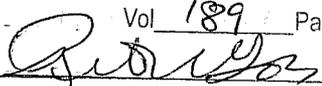
 4/4/07  
Virginia Roth \_\_\_\_\_ date

TOWN OF WARREN, VT

Received for Record 4/5 2007

at 2:15 o'clock P M and Received in

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TOWN CLERK