

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
SUBDIVISION REVIEW – REVISIONS TO AN APPROVED PLAT
#2007-13/SD TRIHY

Previous application # **2005-10-SD** submitted by James Trihy requesting a 5-lot subdivision on 22+/- acres off of Behn Road in the Rural Residential District, parcel ID # 001003-102, was approved by the DRB on August 17, 2005 and the decision signed on September 7, 2005. The applicant now is requesting approval to relocate the building envelopes on lots 1, 2, and 3 and to relocate the leach field on lot 2.

A duly warned hearing was held on July 18, 2007 and attended by the following members: David Markolf, Bob Kaufmann, Virginia Roth, Jeff Schoellkopf, Lenord Robinson and Peter Monte (arr. 7:38). Also in attendance were the following: David and Alice Olenick, George and Susanne Schaefer, Bruce Fowler, Brian Shea, Jim Trihy, Erin Post, Dick King, Phil Clapp, Mark Bannon, Gary and Joan Shivo, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The applicants submitted a completed subdivision application, revised site plan and notice to abutters with proof of mailing.
2. In Lot 1, the building envelope has been shortened and thus is smaller, gives more privacy from the road and better views.
3. In lot 2 the applicant switched the location of the existing building envelope with the area designated for the septic system. This again creates more privacy and also required less tree cutting than the original plan.
4. The applicant has received State approval for the revised wastewater system on Lot 2 [Case # WW-5-3480-1]
5. In lot 3 the building envelope has been reconfigured since once the slope was cleared it became evident that too deep a cut would have to be made into the slope. The change lessens that slope cut.

Notice of Decision:

Finding that the changes do not substantially affect any relevant standard under the ordinance, the Development Review Board approves the request for modifications to an approved plat under Section 6.7 of the Warren Land Use and Development Regulations 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
 - Approval of the revised Subdivision Plat by the DRB
 - All findings of fact and conclusions previously stated above in this decision

In Accordance with Section 6.5 and the Act[§ 4416], within 180 days of the 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.

The surveyed site plan to be recorded in the Warren Land Records shall include a separate sheet that shows only the following information: Lot Lines, Lot Line Dimensions, Parcel Area Text, Building and Out Building Locations, Boundary Information such as fences, stone walls, boundary markers, and additional sheet(s) that show the same information plus all other detail required by this approval.

Not later than ten (10) days after the date the surveyed site plan is filed for record in the Warren Land Records, the applicant shall caused to be filed with the Town Zoning Administrator a certificate by a Vermont registered land surveyor or a Vermont licensed professional engineer that the certifier has delivered a readable digital copy of the site plan as filed in the Warren Land Records in AutoCAD drawing format release 2000 or later format to the Warren Lister's office. In addition the drawing should be referenced to Vermont State Plane Feet Coordinates. The deadline for filing this certificate may be delayed to a latter date with either (a) approval of the DRB (b) the written permission of the Warren Lister's Office. Such DRB approval or Town Lister's permission may be given at any time before or after the deadline.

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 which interested parties may appeal the decision to the State Environmental Court.

DEVELOPMENT REVIEW BOARD

Peter Monte date

David Markolf date *mt 8/07*

Lenord Robinson date *8-07*

Jeff Schoellkopf date

Virginia Roth date *8/5/07*

Bob Kaufmann date *8/8/08*

TOWN OF WARREN, VT
Received for Record 8/9 2007
at 11:10 o'clock A M and Received in
Vol 191 Page 672-673
Rita Wilson
TOWN CLERK

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
SUBDIVISION REVIEW – BOUNDARY LINE ADJUSTMENT
#2007-05-SD MOFFROID, MARY & PIERRE

Marry and Pierre Moffroid of 702 Prickley Mountain Road, parcel id # 038001-400, are requesting a Boundary Line adjustment that involves giving an one (1) acre parcel to Nancy and Charles Taplin of 344 Dimetro Road, parcel id # 038000-800. The purpose of this boundary line adjustment is to compensate the Taplins for land given to Eric and Jennifer Moffroid, parcel id # 038000-801.

A duly warned hearing was held on Wednesday February 21, 2007 and attended by the following DRB members: David Markolf, Peter Monte, Lenord Robinson, Virginia Roth and Bob Kaufmann. Others also in attendance were: Jen Moffroid, Megan Moffroid, Alec Newcomb, Damon Reed, Don Swain, Erin Post, Robin Bennett, Keith Streeter, Miron Malboeuf and Ruth Robbins.

Findings of Fact & Conclusions of Law:

1. The applicant submitted the following: Completed application, abutter notification and proof of mailing; and site plan showing land acquisitions as a result of the boundary line adjustments.
2. Purpose of boundary line adjustment is for compensation for the boundary line adjustment [application #2007-04-SD] between Charles and Nancy Taplin and Eric and Jennifer Moffroid.
3. The new acreage amounts for both the Taplins and Mary & Pierre Moffroid were both in compliance with the minimums required by Town regulations.

Notice of Decision:

Based on the forgoing Findings of Fact and Conclusions of Law, application # 2007-04-SD submitted by Jen and Eric Moffroid, is found by the Board to meet the standards of Article 6 Subdivision Review, Section 6.2 (E) Boundary Adjustments and Article 7 Subdivision Standards and is hereby approved subject to the following:

1. The 1.0-acre from Mary and Pierre Moffroid is to be deeded and merged with parcel ID # 038000-800 [the Charles Farrand Taplin Revocable Trust parcel id # 038000-800] within 60 days of the property transfer.
2. The final mylar to include the new total acreage amounts for the Taplins property and the Pierre and Mary Moffroid property.
3. That the mylar submitted is in conformance with the requirements outlined in Article 6, Table 6.2 (B).

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 3-21-07
Peter Monte date

David Markolf date

Bob Kaufmann date

Lenord Robinson 3/21/07
Lenord Robinson date
Virginia Roth 3/21/07
Virginia Roth date

TOWN OF WARREN VT
Received at 11:30 March 23, 2007
at 11:30 a.m. in
vol 189 466-467
Robinson
TOWN CLERK

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
SUBDIVISION REVIEW – BOUNDARY LINE ADJUSTMENT
#2007-04-SD MOFFROID, JENNIFER & ERIC**

Jen and Eric Moffroid of 273 Dimetro Road, parcel id # 038000-801, are requesting a Boundary Line adjustment that involves acquiring two small parcels from Nancy and Charles Taplin of 344 Dimetro Road, parcel id # 038000-800, one consisting of 0.1 acre and a second consisting of 0.2 acre. The purpose of this acquisition is to capture lands that currently contain the Moffroid's leach field, driveway and allow for the potential to build a garage sometime in the future.

A duly warned hearing was held on Wednesday February 21, 2007 and attended by the following DRB members: David Markolf, Peter Monte, Lenord Robinson, Virginia Roth and Bob Kaufmann. Others also in attendance were: Jen Moffroid, Megan Moffroid, Alec Newcomb, Damon Reed, Don Swain, Erin Post, Robin Bennett, Keith Streeter, Miron Malboeuf and Ruth Robbins.

Findings of Fact & Conclusions of Law:

1. The applicant submitted the following: Completed application, abutter notification and proof of mailing; and site plan showing land acquisitions as a result of the boundary line adjustments.
2. Purpose of boundary line adjustment is to allow Jen & Eric to have room to build a better driveway and potentially add a garage.
3. The Boundary line adjustment is also intended to allow their wastewater system that is now located on Taplin's land to be included in their parcel.
4. Compensation to the Taplin's for the land given to Jennifer & Eric Moffroid will be another boundary line adjustment [application #2007-05-SD] with land coming from Mary & Pierre Moffroid to the Taplins.
5. The new acreage amounts for both the Taplins and Mary & Pierre Moffroid were both in compliance with the minimums required by Town regulations.

Notice of Decision:

Based on the forgoing Findings of Fact and Conclusions of Law, application # 2007-04-SD submitted by Jen and Eric Moffroid, is found by the Board to meet the standards of Article 6 Subdivision Review, Section 6.2 (E) Boundary Adjustments and Article 7 Subdivision Standards and is hereby approved subject to the following:

1. The .10 acre and .20 acre pieces from Charles and Nancy Taplin [the Charles Farrand Taplin Revocable Trust parcel id # 038000-800] are to be deeded and merged with parcel ID # 038000-801 [Eric and Jennifer Moffroid] within 60 days of the property transfer.
2. The final mylar to include the new total acreage amounts for the Taplins property and the Pierre and Mary Moffroid property.
3. That the mylar submitted is in conformance with the requirements outlined in Article 6, Table 6.2 (B).