

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
#2007-11-PRD / #2007-11-SD MADGAP AKA RW#1 LLC
AMENDMENT TO #2005-13-SD/#2005-03-PRD/#2006-14-SD

The applicant, RW #1, LLC seeks approval to modify an existing approved plat. The revision requested involves the modification to the building envelopes and the addition of a utility building. The applicant is proposing larger building envelopes that contain a cluster of buildings instead of individual building envelopes for each dwelling. They are also asking for approval for the addition of a common storage building for the residents.

A duly warned hearing was held on May 9, 2007 and continued to May 23, 2007. At the May 9th hearing the following members were in attendance: Peter Monte, David Markolf, Bob Kaufmann and Virginia Roth. Others in attendance were: Ron Graves, Elizabeth Graves, Craig Chase, Susan Lee, Don Swain, Tim Hultgren, Irwin Bronkan, Miron Malboeuf and Ruth Robbins. At the May 23rd hearing members Peter Monte, David Markolf, Chris Behn, Virginia Roth and Lenord Robinson were present. Others also at this hearing were: Dave Olenick, Alice Olenick, Mark Bannon, Bruce Fowler, Dick King, Erin Post, Margo Wade, Susan Hemmeter, Don Swain, Alec Newcomb, John Pollack, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a completed application, site plan showing how the proposed dwellings did not work in the approved building envelopes, notice to abutters and proof of mailing and a site plan with revised building envelopes and the addition of a utility/storage building.
2. The difficulty in placing the proposed homes in the building envelopes was due to "tight" individual envelopes and some variance between site plans and the surveyor's maps.
3. The Board noted that building designs were not included in the original approval.
4. The final revised site plan [on a survey by Thomas C. Otterman dated July 2, 2006] shows tow building envelopes: one for units 1 through 4 and the second containing units 5 through 7.
5. It was discovered during the review at the May 23rd hearing that the proposed utility building did not meet the required setbacks.

Notice of Decision:

The Development Review Board, finding that the amended site plan meets the criteria of *Article 6, §6.7, Revisions to an Approved Plat, Article 7, Subdivision Standards & Article 8 Planned Unit & Planned Residential Development of the Warren Land Use and Development Regulations*, approves the application 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
 - The Subdivision Plat as approved by the Development Review Board [DRB].
 - All findings of fact and conclusions previously stated above in this decision as well as the previously approved decision, as amended, #2005-13-SD/#2005-03-PRD/#2006-14-SD.
- 2) The proposed utility building is to be eliminated from the final plat.

TOWN OF WARREN, VT

Received for Record 7/23 2007

at 12:40 o'clock P M and Received in

Vol 191 Page 364-366

[Signature]

TOWN CLERK

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.

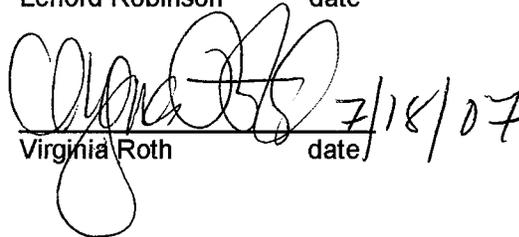
Not later than ten (10) days after the date the surveyed site plan is filed for record in the Warren Land Records, the applicant shall caused to be filed with the Town Zoning Administrator a certificate by a Vermont registered land surveyor or a Vermont licensed professional engineer that the certifier 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.

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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.

Development Review Board

 Peter Monte date	 David Markolf date
 Lenord Robinson date	 Chris Behn date
 Virginia Roth date	