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**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
CONDITIONAL USE REVIEW
#2007-13-CU CREGAN/BADANES**

The applicants, Steve Badanes and Martha & Eric Cregan seek permission to relocate a common drive across steep slopes on a 4.00 ± acre parcel at 226 Loop Road. The drive will access a pre-existing lot, a 4.34 ± acres parcel, ID # 038002-800. This property is located in the Rural Residential District and requires review under Article 2, Table 2.2, Article 3, § 3.1 & § 3.4 and Article 5, Development Review, of the Warren Land Use and Development Regulations.

A duly warned hearing was held on Wednesday October 17, 2007 and attended by the following DRB members: Peter Monte, David Markolf, Chris Behn, Lenord Robinson and Virginia Roth. Others also in attendance were: Mac Rood, Matt Sargent, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a completed application, notice to abutters, certificate of mailing, and a site plan showing the proposed road prepared by Bannon Engineering, S-1 dated 11/12/06.
2. The existing lot with a right of way through it to an interior lot is currently owned by Steve Badanes.
3. The relocation of the right of way will take the road through an area containing steep slopes.
4. Mr. Malboeuf, Warren Zoning Administrator, stated that the area was less than 1000 square feet consisting of a side slope of approx. 25 feet long.
5. Concern was expressed about the diminished aesthetic appeal of having two driveways [though one curb cut].
6. Additional impervious surface created by another driveway was determined not to be an issue due to the amount of ledge which would be there if there was a driveway going over it or not.
7. The deed requires bringing power in underground, which would have to be located where the proposed drive is planned since the current drive is over ledge.
8. Mr. Bannon's plan showed new underground power to Mr. Badanes home, which was incorrect, as it is only going underground back to the Cregan's home. This is to be corrected and a revised site plan submitted to the Zoning Administrator.
9. The erosion control plan as outlined on the site plan prepared by Bannon Engineering and dated 11/12/06 was found to be satisfactory by the Board.

Notice of Decision:

The Board finds that the standards of *Article 7, § 7.3 Protection of Primary & Secondary Conservation Areas (B) Primary Conservation areas*, is NOT violated for the following reasons:

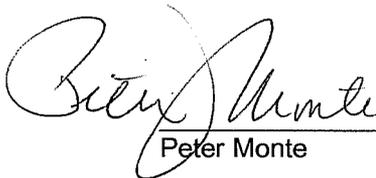
1. It is only a small area of no more than 30 x 30 feet of isolated steep slopes

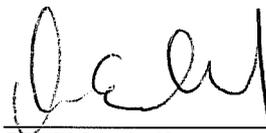
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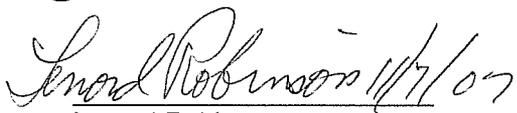
- 2. Area would probably be affected anyway by the placement of the required underground utilities and the avoidance of ledge
- 3. The movement of the driveway for access to Lot 1 would require the removal of trees which is undesirable or a hairpin turn which is impracticable,
And therefore approves the application to relocate the driveway as submitted.

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.

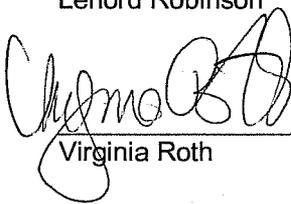
Development Review Board

 11-7-07
Peter Monte date

 11/7/07
David Markolf date

 11/7/07
Lenord Robinson date

 11-07-2007
Chris Behn date

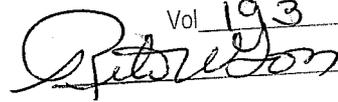
 11/7/07
Virginia Roth date

TOWN OF WARREN, VT

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at 11 o'clock A M and Received in

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TOWN CLERK