

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 807*

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
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Rita Wilson
TOWN CLERK