

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
SUBDIVISION REVIEW
#2007-14-SD – ALLAN SPECTOR RETIREMENT TRUST

000167

On behalf of the landowner, Allan Spector Retirement Trust, David Markolf submitted an application requesting a two lot subdivision of a parcel known as B-C 2 , parcel id # 221005-000, consisting of approx. 1.06 +/- acres and located at the intersection of Sugarbush Village Road and Upper Sugarbush Village Road in the Sugarbush Village Residential District. Lot 1 is to be approx. 10,030 square feet and Lot 2 35, 998 square feet.

A duly warned hearing was held on Wednesday August 22, 2007 and attended by the following DRB members: Jeff Schoellkopf, Virginia Roth, Lenord Robinson and Peter Monte. Others in attendance were: Mark Bannon, Alice Olenick, Dave Olenick, Roland ?, Barry Naginsky, Jack Tulley, Harry Schwartz, Erin Post, Dick King, Kathleen Friedman, Kenneth Friedman, Miron Malboeuf and Ruth Robbins. A second hearing was held on Wednesday September 5, 2007 and attended by the following DRB members: Peter Monte, Jeff Schoellkopf, Virginia Roth and Lenord Robinson. Prior to the September 5th meeting a *Site Visit* was conducted and attended by: Mr. Schoellkopf, Mrs. Roth, Mr. Monte, Mr. Robinson, Mr. Malboeuf and the applicant Mr. Markolf. [Note; David Markolf, a DRB member, recused himself from participating as a Board member at both hearings and the site visit as he was the applicant.]

Findings of Fact & Conclusions of Law:

1. The applicant submitted a completed application, subdivision worksheet, notice to abutters and certificate of mailing, and a site plan showing the subdivided lot.
2. Letter dated 8/22/07 to the DRB from Sugarbush Resort regarding wastewater permitting.
3. Lot 1 will be serviced by Mountain Waste Water Company and Lot 2 will have its own on-site system.
4. There will be a well easement located on Lot 1 for Lot 2.
5. The maximum number of permitted bedrooms on each lot is three (3).
6. The site plan shows secondary conservation area in the form of steep slopes, which is not being developed.
7. Public comment consisted of concern over the proposed wastewater system for Lot 2 as the area had a history of wetness, and the potential design of any dwellings constructed on the property.
8. The site visit revealed that the secondary conservation area designated on the site plan was not as steep in person. It was also observed that the steepest area was not natural slope but rather created by fill when the road was made.
9. The Board agreed that though a single access for both lots would be ideal, in this particular situation singular access for lot 1 and a parking area for access to lot 2 was the best approach as there would be less impact on the topography.

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Notice of Decision:

The Board, finding that the applicant has satisfied the criteria under Article 7 Subdivision Standards hereby grants the applicants request for a two 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:
 - 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.
- 2) Before any final plat approval, the applicant submit for DRB approval an erosion control plan for the establishment of the parking area on Lot 2
- 3) Final plat approval is subject to the receipt of a State Wastewater permit.

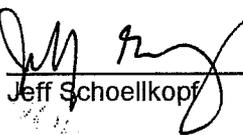
In Accordance with Section 6.5 and the Act[§ 4416], within 180 days of the receipt of final plan approval under Section 6.4 (C), the applicant shall file 4 copies of the final subdivision plat, 1 mylar copy and 3 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., 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.

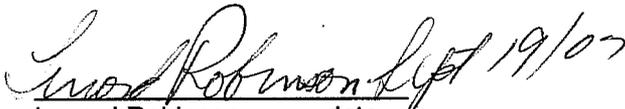
Not later than ten (10) days after the date the surveyed site plan is filed for record in the Warren Land Records, the applicant shall caused to be filed with the Town Zoning Administrator a certificate by a Vermont registered land surveyor or a Vermont licensed professional engineer that the certifier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

DEVELOPMENT REVIEW BOARD

Peter Monte date

 9/21/07

Jeff Schoellkopf date

 9/19/07

Lenord Robinson date

 9/20/07

Virginia Roth date

TOWN OF WARREN, VT

Received for Record 9/21 2007

at 3:40 o'clock P M and Received in

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TOWN CLERK