000504

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
#2007-15-CU REILLY

Kirstin & Terry **Reilly** seek Conditional Use Approval for the relocation of the building envelope and associated single family dwelling located at **1121 Senor Road**, parcel id **# 023007-000**, in the Rural Residential District and subject to Meadow Land Overlay District. The applicant's intention is to relocate the building envelope for the house, build a new one, tear down the old and establish meadowland in its place. The barn will remain in its current location and is being renovated. This application requires review under Article 2, Zoning Districts & District Standards, Table 2.2, Rural Residential District and Table 2.13 Meadowland Overlay District, and Article 5, Development Review of the Warren Land Use and Development Regulations.

A duly warned hearing was held on Wednesday December 5, 2007 and then continues to Wednesday January 23, 2008. Members in attendance on December 5, 2007 were: Lenord Robinson, Peter Monte, David Markolf, Virginia Roth and Jeff Schoellkopf (arr. 7:30, lv. 8:02). Others also in attendance were: Don Swain, Kirsten Reilly, Terry Reilly, Robin Bennett, Damon Reed, Kara Herlihy, Margo Wade, Tara Hamilton, John Pollack, Miron Malboeuf and Ruth Robbins. The additional hearing on January 23, 2008 was attended by the following DRB members: Lenord Robinson, Peter Monte, Bob Kaufmann and Virginia Roth. Also at that hearing were: Jesse Schwartzberg, Kirsten & Terry Reilly, John Pollack, Derrick Martens, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a narrative and a Conditional Use Worksheet as well as abutter notification and proof of mailing.

2. Two maps [site plans] were submitted by the applicant: the initial submittal of the site plan for the wastewater replacement system prepared by Mr. Bannon with an overlay by the architect presented 12/5/07 and the revised site plan prepared by Littlehales Design dated 1/4/08 and received by the DRB staff 1/10/08

3. A letter from the neighbor Dr. Michael D. Mollow, undated but received by DRB staff 11/29/07.

4. A letter from the neighbor Dr. Michael D. Mollow, undated but received by DRB staff 12/20/07.

5. A letter from a neighbor, Thomas J. Petersen, faxed to the DRB staff 12/3/07.

6. The entire parcel is comprised of the Meadowland Overlay District with the exception of the building envelope for the current house and barn.

7. The applicant had several contractors and builders examine the house due to its condition and all recommended from the point of a cost benefit analysis that the house be torn down versus renovated.

8. The applicants have applied to and received a permit from the State for a replacement wastewater system, are planning on drilling a well for a geo-thermal heating system, and are retaining the existing spring rights.

9. The old building envelope was .65 acres and the proposed new building envelope is only .30 acres netting a decrease in the building envelope area of .35 acres.

10. The Board classified the property as falling under the standards of Article 2, Table 2.13 (E) Supplement Development Standards (1) (b) [the entire lot is meadowland]; and found that the proposed changes met the requirements of the section due to the diminished size of the building envelope, less disruption of the scenic qualities and is less destructive of the agriculture potential of the property.

Notice of Decision:

The Development Review Board, finding the application satisfies the standards of Article 5, § 5.3 Conditional Use Standards, hereby approves the applicant's request for a Conditional Use Permit to relocate the building envelope with the following conditions:

1) The existing driveway access off of Senor Road to be reclaimed as "meadowland" with the appropriate vegetation, and the only access to the dwelling will be from the private road located to the northeast of the property;
2) The two trees, one maple and one spruce located east and west of the proposed dwelling site are not to be removed unless diseased or dying;
3) The existing dwelling is to be removed and the site be restored to meadowland vegetation within 60 days of the occupancy/issuance of certificate of compliance of the new building.
4) Provide the DRB with a copy of the executed easement and road maintenance agreement with Mr. Mollow.

DEVELOPMENT REVIEW BOARD

2/20/08
Peter Monte date

2-12-08
Bob Kaufmann date

2/6/08
Lenord Robinson date

2/6/08
Virginia Roth date

TOWN OF WARREN, VT
Received for Record 2/21 2008
at 11 o'clock A M and Received in
Vol 194 Page 104-105
TOWN CLERK