

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
#2008-03-CU - TOWN OF WARREN – VILLAGE WASTEWATER SYSTEM
CONDITIONAL USE REVIEW**

The Town of Warren seeks approval to amend Permit #1997-52-MM & #2002-39-ZP for the Warren Village Sewer System. The project is located in Warren Village in the Warren Village Commercial, Warren Village Historic Residential and Rural Residential Districts. The project requires Conditional Use Review for a wastewater treatment/collection facility under Articles 5- Development Review, of the Warren Land Use & Development Regulations.

A duly warned public hearing was convened on May 7th, 2008. At this meeting the Warren Development Review Board reviewed Permit Application #2008-03-CU along with supporting documents and plans.

Members present: David Markolf, Peter Monte, and Virginia Roth.

Others present: Cindi Jones, Kathy Beyer, Bill Maclay, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. Submittal material includes: Complete application #2008-03-CU; proposed language changes; Recommendations by FA&A, dated February 29th, 2008; and abutter letter with proof of mailing.
2. The Town is specifically requesting that the language in the current permit allow for the expansion of the system with increased flows. This would benefit current users as well as a potential enlargement to the existing service area.
3. The Town has submitted the appropriate application to the State for their approval of the changes as well.

Notice of Decision:

The Development Review Board approved the revisions to permit #1997-52-MM as amended by #2002-39-ZP as submitted by the applicant. That permit is restated as amended below:

Findings of Fact and Conclusions of Law:

1. Submittal material includes: Complete application #2002-39-MM; project narrative; Conditional Use application; Recommended Project Site Plan, by FA&A, dated June 2002; and abutter letter with proof of mailing.
2. The Town of Warren has been investigating expansion for village wastewater systems. After evaluation of the current village systems the project consultants recommended a combination of individual on-site systems, both conventional and innovative, along with a range of small to large cluster systems. Need for the project is high and includes the existing properties that were hooked up to the existing village wastewater system (Firehouse, Pitcher Inn, Warren Store, Hiram House, John Connell). Of the water supplies tested sixteen showed sign of E.coli or nitrate contamination. Total capacity need is estimated using the State standards and the current capacity of the existing structure and bedroom base.
3. Contract 1: Expansion of the Brooks Field disposal fields and connection of properties highlighted in yellow on the project site plan.

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- Contract 2: All other village wastewater solutions that do not connect to Brooks Field. The solutions range from small cluster systems to individual on-site systems. These properties are highlighted in blue and pink on the project site plan. System designs for Contract 2 have not been finalized to date. The Elementary School wastewater system failed last year and was replaced with an alternative system, which is also funded through this grant.
4. The existing infrastructure is located along Main Street between the intersections of Brook Road to the Fire Station, along Brook Road to the eastern Connell property, and forced main running from the Connell property to the Brooks Field, therefore these portions of roadway will not be under construction next year. The size of the existing forced main is large enough to accommodate the additional flows. The design sewage flows for the new flows (phased approach) must be held to 20,000 gpd or less.
 5. Construction is estimated to begin in spring 2003 for Contract 1 and fall 2003 for Contract 2. Construction for both contracts is estimated to be complete by late fall 2003.
 - Construction for Contract 1 will take place along Main Street from the Post Office south to the Dawson property, along Main Street from the intersection of Brook Road north to the Hubbard property, along Brook Road east to the Berman property, along Flat Iron from Main Street to Brook Road, along Covered Bridge Road from the Butler property to the Sharry property, and on School Road across from the Town Garage. The existing storage tank located at the Pitcher Inn parking lot will be replaced with a larger tank to accommodate capacities estimated for emergency power outages up to 4 hours as required by the State.
 - Construction for Contract 2 will take place along Trout Hollow Road, the northern end of Main Street between the Mad River and Rt. 100, the eastern end of West Hill Road between Rt. 100 and the intersection of Ellen Lane, and along the southern end of Main Street between the Peters, Dettor and Newcomb properties.
 - During the anticipated May 2003 to November 2003 construction period the following measures will be taken: flaggers to direct traffic; one lane will always be kept open, except during any blasting; in addition, more details will be specified in the construction contract.
 6. DuBois & King are studying the dam situation and estimate the riverbed may be approximately 5 feet lower in the event the dam is removed. FA&A has doubled that depth therefore the directional boring under the Mad River will be 10 feet below the current bed level. The 2" low-pressure sewer pipe will be sleeved within a second 4" steel pipe for additional protection.
 7. Above ground visual entities of the project include:
 - Flat Iron Road pump station, electrical control panel, and pedestal
 - Larger electrical control panel, one additional vent pipe and antae at the Brooks Field
 - Sewer pipe attached to Brook Road Bridge #7 along the downstream (exterior) side of the steel girder
 - Step system control panels and septic tank access covers, which will be flush with the ground
 - Antennae located off Brooks Field and Pitcher Inn utility poles
 - Utility shed at the Town Garage
 8. The construction contract is in the drafting phase and review process and will be released shortly. Included in the contract are 100% performance and payment bonds along with a number of similar insurances and requirements stipulated with the State and Federal grant monies.
 9. Radio telemetry will be employed to monitor the system rather than hard wiring the system. This method was chosen partially based on cost and close proximity of project.
 10. The system would accommodate the existing demand within the village, whether or not the properties have signed on to the project to date. The system being permitted by the State is as a "best fix" based on the existing structures and bedroom base. With the change in the IDP Permit design

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sewage flows for this expansion would be held at 20,000 gpd or less. Allowing an estimated 10,000 gpd would be available for new connections.

11. The forced main and expanded Pitcher Inn holding tank can handle some additional flow.
12. Possibility of running water (hydrant) lines is in discussion phase with the Selectboard.
13. FA&A would be willing to notify Ms. Carter and other property owners when construction will take place near her waterline. Most property owners will be notified in some manner when construction is taking place in their general vicinity.
14. Precautions will be taken to protect Ms. Tod's elm trees located on her property along the road and the river.
15. Pursuant to §5.3 – Conditional Use Review Standards, the Board found:
 - §5.3(A)(1), the proposed village wastewater project will not adversely affect the capacity of existing or planned community facilities of services because the project is designed to serve the needs of existing housing and business/municipal stock only. There is no allowance for growth under the current project; there is no anticipated increase in demand upon community facilities or services such as schools, emergency services, recreational facilities, etc. Annual costs will be assumed by those property owners served by the wastewater system through an operation and maintenance fee.
 - §5.3(A) (2), the proposed village wastewater project will not adversely affect the character of the neighborhood or area affected because the project is designed to serve the needs of the existing housing and business/municipal stock in the village; growth within the village is not anticipated as a result of this project at this time; and the allowance of "new flows" and the above ground structures are minimal.
 - §5.3(A) (3), the proposed village wastewater project will not adversely affect the traffic on roads and highways in the vicinity pursuant to conditions contained herein.
 - §5.3(A) (4), the proposed village wastewater project complies with all municipal bylaws now in effect.
 - §5.3(A) (5), utilization of renewable energy resources, is not applicable, because the project does not affect access to such resources.
 - §5.3(B) (1), the proposed visible structures associated with the project will be compatible with the village.
 - §5.3(B) (2)-(5) satisfied with conditions contained herein.
 - §5.3(B) (6)-(10) satisfied with conditions contained herein.
 - §5.3(B) (11), to find the performance standards will be satisfied in the long term.
 - §5.3(C) – District Standards and §5.3(D) – Flood Hazard Overlay District Standards satisfied.

Notice of Decision:

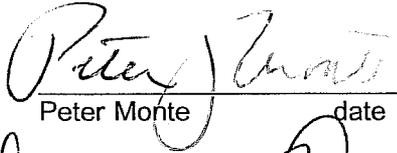
Based on the forgoing Findings of Fact and Conclusions of Law, the application of 2002-39-ZP submitted by Town of Warren seeking approval to amend Permit #1997-52-MM for the Warren Village Sewer System is hereby approved with the following conditions:

- 1) The DRB will review and approve the construction contract before it is awarded.
- 2) The applicant must meet all Local, State and Federal requirements related to the project.

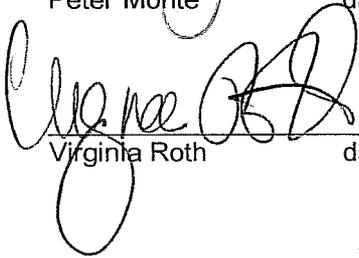
Approval shall become effective when this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. Beginning the effective dated of the decision, there is a 30-day period during which parties may appeal this decision to the Vermont Environmental Court.

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Development Review Board

 6-4-08
Peter Monte date

 6/4/08
David Markolf date

 6/4/08
Virginia Roth date