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**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT AND NOTICE OF DECISION  
SUBDIVISION REVIEW [BOUNDARY LINE ADJUSTMENT] & CONDITIONAL USE REVIEW  
#2008-12-SD ECKSTEIN/HAMILTON**

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The applicants, Daniel Eckstein & Tara Hamilton and Mary Ann Hamilton, are requesting a boundary line adjustment between parcels id # 038003-700 and #038003-900 located at 1080 Prickley Mountain Road in the Rural Residential District. In addition, they are requesting front setback relief, wetlands buffer setback relief and review of development on steep slopes.

A duly warned hearing was held on Wednesday November 19, 2008 and attended by the following DRB members: Peter Monte, Virginia Roth, Lenord Robinson and Chris Behn. Others also in attendance were: Reta Goss, John Goss, Dave Olenick, John Vitko, Wayne Kathan, Greg Platt, Sheryl Kurland-Platt, Felix Von Moschzisker, Shelia Getzinger, Craig Klofach, Maryanne Hamilton, Roger Steinhauer, Dan Eckstein, Shannon Gilligan, Deb O'Hara, Ellen Strauss, Anna Whiteside, Miron Malboeuf and Ruth Robbins. All of the attending DRB members also were present at a site visit which took place on Saturday November 15, 2008.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a subdivision application, narrative, site plan prepared by Jeff Schoellkopf Design, notice to abutters and proof of mailing.
2. A letter dated 11/10/08 was submitted from Charles Grenier giving a preliminary description of the wastewater system. It is stated that an easement from the abutting lot will be necessary.
3. A 'draft ' from the Warren Conservation Commission (WCC) outlining their concerns and suggested remedies, dated October 18, 2008 [s/b November 18, 2008].
4. The encroachment into the wetland buffer zone is due to the proposed construction of a deck, the purpose of which is to provide accessibility to the outdoors as the applicants planned on growing older in this home.
5. The request for front yard setback relief is to afford the applicants the possibility for solar energy resources that could not be obtained elsewhere on the parcel.
6. The boundary line adjustment creates a lot approx. 6.7 acres for parcel # 038003-700 and a lot of approx. 2.4 acres for parcel # 038003-900. The boundary lot adjustment does not create a non-conforming lot.
7. The existing cabin on the property will be either relocated to the adjoining lot or taken down.
8. The Board found that development away from the existing steep slopes would create greater intrusion into the wetlands as well as prevent the possibility of solar energy utilization.
9. The Board found that neither the wetlands intrusion, the steep slopes nor the required setback relief would offend the provisions stated under Section 5.3 Conditional Use Standards (A) General Standards (1) through (5).

Notice of Decision:

The Development Review Board approves the request for intrusion into the wetlands buffer zone based on the recommendations of the WCC and their letter of November 18, 2008. In addition, it

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is a condition of this permit that the WCC Chairman be notified of the commencement of construction for the purpose of compliance with their recommendations.

The Board further approves the requested front setback relief of 12 feet. It is noted that the existing trees are to remain and there are plans for new ones to be added as depicted on the plans submitted.

The Board also approves the development on steep slopes subject to the required erosion and runoff controls being adhered to as described in the application.

And finally, the Board classifies this request as a Boundary Line Adjustment under Section 6.2 (E) and gives Final Plan approval as applied for in the application subject to the filing of the final plat as required under Section 6.5.

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.

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.

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DEVELOPMENT REVIEW BOARD

Peter J. Monte 12/3/08  
Peter Monte date

Chris Behn 12-03-2008  
Chris Behn date

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Virginia Roth date

Lenord Robinson 12/03/08  
Lenord Robinson date

TOWN OF WARREN, VT

Received for Record 12/14 2008

at 11:20 o'clock A M and Received in

Vol 198 Page 137-139

Rebecca

TOWN CLERK

