

006481

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
AMENDED NOTICE OF DECISION
#2003-09-SD EARDENSOHN

Paul and Victoria Eardensohn applied for and were granted a four-lot subdivision of their 16.6 acre parcel of undeveloped land located on the corner of German Flats Road and Sugarbush Woods Road in the Vacation Residential District of Warren, VT. After proper review the DRB issued a signed Findings of Fact and Notice of Decision on March 17, 2004.

A neighboring property owner, Robin Bren, voiced objections to the DRB and subsequently appealed to the State of Vermont Environmental Court after the DRB issued their approval. The Environmental Court rendered their decision, Docket # 68-4-04 Vtec on August 12, 2008 and remanded to the Town of Warren Zoning Administrator to complete the ministerial act of incorporating all applicable conditions from the appeal and the unchallenged portion of the DRB decision of March 17, 2004.

The Development Review Board interprets the Environmental Court's decision as leaving intact all of the existing conditions with the exception of the first item under number 6 of the Fire Department recommendations which was amended by the Court.

Restated Notice of Decision:

The Development Review Board approves the application 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, as amended,
- All exhibits furnished by the applicant, and
- All findings of fact and conclusions stated above in this decision.
- The Subdivision Plat to be approved by the DRB.

2) The following areas shall be designated as areas within which there shall be no cutting of trees or brush except dead or diseased vegetation:

- Lot #1 –the area designated as wetlands on the plan and within 50' of the eastern property boundary along German Flats Road
- Lot #2 – within 50' of the eastern property boundary along German Flats Road
- Lot #3 - within 50' of all property boundaries
- Lot #4 – 100' from the southern property boundary (or road right of way) as indicated on the PLAT
- There shall be no cutting on any slopes with a grade in excess of 15% on any of the four lots
- The only exception to the no cut areas listed above are those areas within the building envelopes, shown on the final PLAT, and as necessary for the installation and maintenance of the septic system, water supply, utilities, driveways and stormwater controls or dead or diseased trees.

4) The applicant must obtain all applicable state and local permits.

5) Before the sale of the first lot, the applicant must submit to the board for approval the protective covenants and deeds for the shared wastewater disposal system and the shared driveways. The covenants and deeds must outline the financial responsibility for maintenance. All lot deeds shall incorporate the protective covenants approved by the board.

6) The applicant must comply with the fire department recommendations dated February 18, 2004 and stated as follows:

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
AMENDED NOTICE OF DECISION
EARDENSOHN #2003-09-SD

- a) Any home constructed on Lots 3 and 4 must include a pressurized fire suppression sprinkler system, in accordance with the applicable state and municipal regulations for such residential sprinkler systems.
- b) The drive shall be widened at Sugarbush Woods Road cutting into the north/west bank and filling the south/east side to a width of 85 feet +/- . No radius shall be less than 30 feet.
- c) All driveways, rights of way, and easements access are to be plowed and maintained to a minimum width of 14 feet in winter. Private and feeder roads are to be plowed and maintained to a minimum of 16 feet in winter. Normal maintenance, as to not restrict access, shall be expected for the remainder of the seasons.
- d) All corner radiuses' including parking areas, turn around, and access from the main roads in both directions shall not be less than 30 feet inside radius.
- e) A 70 feet by 70 feet turn around, suitable hammerhead, or equivalent shall be constructed as indicated on the application.
- f) A 12 feet by 50 feet turnaround on access road and driveways shall be required for all roads over 400 feet as well as every subsequent 400 feet.
- g) No zero clearance fireplaces shall be allowed, no combustible materials are to be in direct contact with masonry and only masonry chimneys shall be acceptable. Wood-burning stoves are suggested for back-up heat only.
- h) If, and when, ponds or swimming pools are constructed, the Fire Department shall be notified in advance for advice and assistance should the installation of standpipes or hydrants be required.

In accordance with Section 6.5 and the Act [§4416], within 90 days of the date of 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 90-day period shall expire. Prior to plat recording, the plat must be signed by at least two authorized members of the Development Review Board.

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 dated of this decision, there is a 30-day period during which parties may appeal the decision to the Environmental Court.

DEVELOPMENT REVIEW BOARD

Peter Monte 7-8-09
Peter Monte date

David Markolf 7/8/09
David Markolf date

Lenord Robinson 7/8/09
Lenord Robinson date

Virginia Roth 7/8/09
Virginia Roth date

Chris Behn 07-08-09
Chris Behn date

TOWN OF WARREN, VT
Received for Record 719 2009
at 10:35 o'clock A M and Received in
Vol 201 Page 481-482
[Signature]
TOWN CLERK