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TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT AND NOTICE OF DECISION  
SUBDIVISION REVIEW  
#2010-07-SD BRANDVOLD

The applicants, Katy and Erik Brandvold, own Lot#1 in the Hidden Brook subdivision. The purpose of their application is to gain approval for an amendment to the approved plat for the right-of-way to allow for the as-built placement of the development road.

A duly warned hearing was held on Monday August 16, 2010 and attended by the following members: Lenord Robinson, Peter Monte, Chris Behn and Jeff Schoellkopf. Others in attendance were: Brian Shea, Katy Brandvold, Erik Brandvold, Jim Trihy, Mark Bannon, Miron Malboeuf and Ruth Robbins.

**Findings of Fact and Conclusions of Law:**

1. The applicant submitted a complete application, Sketch Plan prepared by Bannon Engineering dated 7/29/10, an as-built road sketch also prepared by Bannon Engineering dated 6/30/10 and a notice to abutters with proof of mailing.
2. Mr. Trihy, the original owner of the subdivision, told the Board that when the road was being put in they came across a berm with a stand of trees that they felt was worth protecting and therefore shifted the road to avoid taking out the trees. It appeared at the time that the road was still within the approved right-of-way.
3. Mr. Bannon said that the original placement of the road was most likely due to there already being an old haul road from the old gravel pit that was once there.
4. Even under the original approved plan that the setback for the building envelope was flawed and will need to be addressed. [see #2010-12-CU] .
5. Mr. Bannon noted that the road was constructed well and that there were no signs of any erosion problems.
6. The Board found no encroachment into either Primary or Secondary Conservation Areas and that there were no erosion issues. The other criteria under Article 7 were also found to be unaffected by the change in the roadway.
7. The DRB Chairman also noted that if the road had been presented in this location originally, they [the DRB] probably would have approved it. That however does not excuse the approved plan not being respected during construction. It was also his feeling though that it was not done maliciously.

**Notice of Decision:**

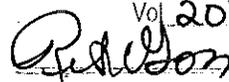
The DRB finds that the relocated roadway does not alter the original findings nor have a negative effect on any of the standards in Sec 7.2 through Sec 7.10 and therefore approves the relocated road with the condition that a revised mylar be submitted within 180 days.

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.

TOWN OF WARREN, VT

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TOWN CLERK

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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 Oct 4, 2010*  
Peter Monte                      date

Jeff Schoellkopf                      date

*Chris Behn 10/5/2010*  
Chris Behn                      date

*Lenord Robinson Oct 4 2010*  
Lenord Robinson                      date