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**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT & NOTICE OF DECISION  
CONDITIONAL USE REVIEW  
#2010-08-CU BLACK**

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The applicants, **Michael J & Elise B Black**, request permission to construct a residence and a detached garage with an accessory dwelling above the garage on a preexisting non-conforming lot. This project is located at 63 West Drive, Lot #20 in the Sugarbush Village Residential District; parcel id# 210021-000.

A duly warned hearing was held on Monday July 19, 2010 and attended by DRB members: Lenord Robinson, Peter Monte, Chris Behn, Virginia Roth and Bob Kaufmann. Others in attendance were: Carl Johnson, Mark Bannon, Gunner McCain, Don Swain, Miron Malboeuf and Ruth Robbins. The applicants, Mr. and Mrs. Black were represented by Engineer Mark Bannon.

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

- 1) The applicants submitted a complete application, site plan prepared by Bannon Engineering dated 7/13/10, notice to abutters and proof of mailing.
- 2) The existing lot is near the top of Sugarbush Village where there once was an old house that burnt down sometime in the mid 1980's. The old driveway is still visible as well as an old LP tank.
- 3) Mr. Bannon stated that the entire lot averages about a 21% grade with the steep slopes being primarily man-made. He also noted that the ordinance does allow for the disturbance of man-made 25% grade slopes.
- 4) The proposed plan calls for two new structures: (1) a new garage, with apartment, accessed by a new driveway; and (2) a single-family residence located above, up the slope, from the garage, and accessed by the old driveway.
- 5) Sugarbush will authorize an additional curb cut for the new garage/apartment structure, as the private road is under their jurisdiction.
- 6) It was stated that the applicant is committed to building both structures within the timeframe of the permit.
- 7) An erosion control plan is detailed on the site plan.
- 8) The Board found that the site is subject to the standard under Sec. 3.4 Erosion Control & Development on Steep Slopes (B) (1), not Sec. 3.4 (B) (2) as the slopes on the subject parcel of 25% grade or more are not "natural" gradients but man-made.
- 9) There was a consensus of the Board that Sec. 3.4 Erosion Control & Development on Steep Slopes (C) was not applicable to this application.
- 10) Mr. Bannon confirmed that there were no roadway sections of 50 feet or more that had a grade of 12% or greater.
- 11) Mr. Bannon said there was little if any true top soil at this site that would require stockpiling and/or stabilizing.
- 12) The Board found that Sec. 4.1 Accessory Dwelling (A) (1) (a) is found to be satisfied by the applicant.

