

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF ACT & NOTICE OF DECISION
CONDITIONAL USE REVIEW
#2010-17-CU PLEWAK

The Applicant, Benjamin Plewak, requests Conditional Use review to develop a 4 +/- acre parcel at 861 West Hill Rd in the Rural Residential District, (Parcel Id# 016002-000). The property is owned by Gary J & Frances G. Plewak the applicant's parents. The project driveway includes development on slopes exceed 15% and the proposed residential structure requires setback relief from a stream on the property.

A duly warned hearing was held on December 6, 2010 and attended by DRB members Peter Monte, Lenord Robinson, Chris Behn, Jeff Schoellkopf and Virginia Roth. Others in attendance were: Mark Bannon, Ben Plewak, Butch Hartshorn, Sarah Wright, Giles Smith, Matt Groom, Douglas Ricketts, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

- (A.) The applicant submitted a complete application, site plan prepared by Bannon Engineering dated 12/6/10, notice to abutters and proof of mailing.
- (B.) The parcel is a 3.7 acre lot that has an existing building lot.
- (C.) A road cut has been approved by the Road Commissioner that meets the site line distances.
- (D.) The Bradley Brook runs through the back of the parcel. The waterway of interest that requires setback relief is a small two to three foot wide stream that runs through the front of the lot.
- (E.) The state wastewater permit calls for a mound type system and t they will be bringing in sand/fill with no replacement field required.
- (F.) The Board and the applicant looked at other possibilities for siting the house, garage and driveway and agreed that the proposed was the best solution.
- (G.) The Board found the proposed development would not have an undue adverse effect upon: the ability of the stream to carry floodwater, the quality of the stream, due to potential erosion and runoff and the natural beauty of the stream and its keeping with the historic settlement pattern of the area.
- (H.) Mr. Bannon stated that there were no natural slopes greater than 25% but there are some 15% slopes that are impacted. The Board determined that the driveway was the only impact on the slopes which was minimal.
- (I.) The Board verified that the erosion control plan was adequately outlined in its entirety on the site plan submitted by Bannon Engineering.
- (J.) In reviewing the steep slopes on the site the Board finds that there is no other location suitable for development with less impact other than a site that would require a stream crossing and potential impact on wetlands.

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Notice of Decision:

The Board, having found that the applicant has satisfied the requirements under Article 3, § 3.4(Erosion Control & Development on Steep Slopes) and §3.13(Surface Water Protection); and Article 5 (Conditional Use Review) of the Warren Land Use and Development Regulations, approves the application with the following conditions:

- 1) The project is to be developed as per the plans and specs submitted by the applicant.
- 2) Due to the driveway profile and its need to be sited as shown, encroachment into the 100 foot stream setback is limited to the amount of no more than 500 square feet, including the entire perimeter of the structure as well as the drip edge, and with development not allowed closer than 75 feet of the stream as measured from the top of the stream back, will be permitted.
- 3) Prior to the issuance of a Certificate of Compliance a licensed engineer must certify in writing that all construction meets the final plans and conditions of the permit including but not limited to the stream setback and driveway location.
- 4) A second area of encroachment into the 100 foot stream setback for the wastewater system as shown on the plans submitted, is not to exceed 250 square feet and not come any closer than 75 feet of the stream as measured from the top of the stream bank.
- 5) None of the slopes created by this proposed development are to be more than 3 to 1 using vegetated stabilization.

Development Review Board

Peter Monte 2/7/11
Peter Monte date

Chris Behn date

Lenord Robinson 2/7/11
Lenord Robinson date

Virginia Roth 2/7/2011
Virginia Roth date

Jeff Schoellkopf 2/7/11
Jeff Schoellkopf date

TOWN OF WARREN, VT

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Ruth Goss
TOWN CLERK