

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
CONDITIONAL USE REVIEW [RENEWAL OF #2009-10-CU]
AND FURTHER AMENDED
#2013-55-CU-AM BUTCHER

The applicant, **Steve Butcher**, at the request of a potential buyer, requests that the conditional use permit recently renewed be amended to change the type of dwelling allowed to be constructed on the parcel. The property is located at 92 Dump Rd and Brook Rd in the Rural Residential District (parcel ID # 022000-400).

A duly warned hearing was held on November 18, 2013 and attended by DRB members Lenord Robinson, Peter Monte, and Tom Boyle. Others in attendance were: Dave Olenick, Deb and Gary Johannesen, Jackie Coates, Giles Smith, Sarah Wright, Jeff Lu, Miron Malboeuf and Ruth Robbins. A site visit was also held prior to the hearing and attended by DRB members Mr. Monte and Mr. Boyle, the potential buyer Mr. Lu, his attorney Mr. Olenick and the Zoning Administrator Mr. Malboeuf. Mr. Malboeuf also conducted a site visit with Mrs. Coates earlier in the day

Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a complete application, site plan, notice to abutters and proof of mailing.
- 1) The original permit for this property, and the recently renewed permit, allow the construction of a "24 by 32 foot chalet with a walk-out basement finished in earth toned colors." Applicant now seeks an amendment of the permit that would (1) allow construct a different type of dwelling, specifically, a yurt, and (2) make minor alterations in the site work for access and parking.
- 2) The Board found that there have been no relevant changes in the Ordinance that would bear on renewal or amendment of the permit for this property.
- 3) The Board found that changes in development of the lot that would result if the proposed amendment was approved would not alter the Board's evaluation and conclusions for the original permit regarding the applicable Conditional Use standards.
- 4) Unlike the originally approved chalet structure, the yurt does not involve disturbance of slopes of 15% or more. Because the chalet's area of disturbance would have been less than 1,000 square feet, the chalet qualified for the exemption from steep slope review under Section 3.4 (B) (1). Thus the proposed substitution of a yurt for the chalet does not materially affect this development review standard.
- 5) An abutter, Ms. Coates has a spring and waterline located on the Applicant's lot that is her water supply for her nearby property. To protect her water supply, Ms Coates requested that the Board require that the proposed development should adhere to all rules and regulations regarding the placement of infrastructure such as a wastewater system, and that any development should not change the grade of the land above her waterline and thus create a greater risk of the line freezing.
- 6) At the November 18, 2013, hearing, the Board imposed additional conditions, describe below, to address Mrs. Coates' concerns about her water supply.
- 7) The applicant has received a Road Cut Access Permit from the Warren Select Board. The driveway is designed so that a car can turn around and thus not have to back out onto Dump Road.

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- 8) The applicant is requesting the maximum relief allowed under the ordinance of 30%. With a required 40 foot front yard setback requirement, that would allow a 28 foot set back with the 30% relief. The Board concludes that relief is justified and approves the setback relief.
- 9) The Board reviewed the criteria under Article 5 Conditional Use, Section 5.3 (A) General Standards items (1) through (5) and found that the development proposed by the applicant will meet the standards as they apply.
- 10) The consensus of the Board was that a review by the Warren Fire Department was not needed.
- 11) At the November 18, 2013 hearing the Board added the following additional conditions:

Notice of Decision:

The Board approves this application for conditional use subject to the following conditions:

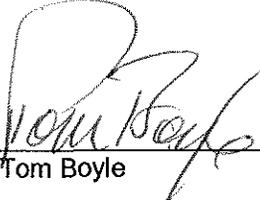
- 1. Before construction of any improvements, the applicant must apply for and receive approval from the Town of Warren to connect to the Municipal Wastewater System.
- 2. At no time shall either the proposed shed/accessory structure or a parking area or a driveway be located within the 20 feet "no disturb" area described below which protects the Coates water supply. Before construction of any improvements, Applicant must relocate the driveway, parking area and any accessory structures to conform to the setback requirements for the zoning district.
- 3. Before construction of any improvements, the applicant must submit to the Zoning Administrator [ZA] a plan prepared by an engineer that shows both
 - a. The location of the existing Coates' cistern and the best estimate of the location of the Coates' water line; and
 - b. The location of the revised placement of the shed/accessory structure or a parking area or a driveway described above.
- 4. Before construction of any improvements, the Applicant must mark a "no disturb" area to protect the Coates water supply. Applicant must mark the "no disturb" area with a bright colored surveyors tape placed along a line located 10 feet northeasterly of the waterline extending from the Coates' cistern to Dump Road. This surveyor tape must be maintained and kept in place until the ZA has issued a final Certificate of Compliance.
- 5. Except for hand raking, seeding and placement of mulch during construction, there will be no placement of structures or disturbance of the soil either (a) within 10 feet on either side of the marked water line or (b) inside a 10 foot circle around the cistern

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Development Review Board

 Monte 12/12/13
Peter Monte date

 Boyle
Tom Boyle date

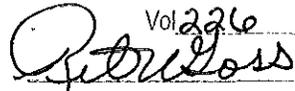
 Robinson
Lenord Robinson date

TOWN OF WARREN, VT

Received for Record 12/12 2013

at 11:45 o'clock A M and Received in

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TOWN CLERK