

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

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The applicant, **Steve Butcher**, requests the renewal of a conditional use permit for setback relief and construction on steep slopes that was issued in 2009 [#2009-10-CU] and is about to expire. 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 September 16, 2013 and attended by DRB members Lenord Robinson, Peter Monte, Don Swain and Virginia Roth. Others in attendance were: Jackie Coates, Steve Butcher, Gunner McCain, Miron Malboeuf and Ruth Robbins.

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

- 1) The applicant submitted a complete application, notice to abutters and proof of mailing.
- 2) An abutter, Ms. Coates wanted it on the record that her water source, a spring, was located on Mr. Butcher's property and that all rules and regulations regarding the placement of infrastructure such as a wastewater system must be adhered to.
- 3) The Board found that there are no changes to the proposed development or to the ordinance relative to this project that would affect the renewal of the Conditional Use approval.

**Notice of Decision:**

The DRB found that with there being no changes to the proposed project since it's original approval that Conditional Use approval #2009-10-CU can be renewed subject to the conditions and findings from that approval as reiterated below:

**#2009-10-CU** approved 9/24/09

*Findings of Fact & Conclusions of Law:*

- 1) *The applicant submitted the following documents: a completed application, site plan, road cut access permit, letter to abutters and proof of mailing.*
- 2) *The application was warned for review of development on steep slopes, but the applicant testified to the Board that the actual disturbance is only 750 square feet where a corner of the house encroaches on a 15% slope. This qualifies for exemption from steep slope review under Section 3.4 (B) (1) for development on steep slopes less than 1000 square feet.*
- 3) *Ms. Coates expressed her concern about her spring and the pipe that leads to her home for her water supply. She was especially concerned about heavy machinery on the property that might possibly damage her water source. The Board does not have jurisdiction over a legality of this nature and suggested that the applicant and Ms. Coates come to an agreement. It is the applicant's intention to not interfere with the spring or its pipeline and with this development will allow Ms. Coates better and easier access to her spring.*
- 4) *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.*

- 5) The parcel contains some steep slopes leaving only one good flat area for a dwelling – the same area where an abandoned house currently sits.
- 6) The proposed dwelling is planned to be a 24 by 32 foot chalet with a walk-out basement finished in earth toned colors.
- 7) 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.
- 8) The applicant has to apply and receive a wastewater approval from the Town of Warren to hook onto the Municipal Wastewater System.
- 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.

Notice of Decision:

The DRB, having found that the application satisfies the standards under Article 5, Conditional Use Review, hereby grants setback relief as allowed under § 3.6 (C) (1).

Development Review Board

Peter Monte 9/30/13  
 Peter Monte date

Virginia Roth 9/30/13  
 Virginia Roth date

Lenord Robinson 9/30/13  
 Lenord Robinson date

Don Swain date

TOWN OF WARREN, VT

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