

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
CONDITIONAL USE REVIEW**

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Elaine E. Fuelle

TOWN CLERK
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Application #2005-09-CU submitted by Lawrence and Karol Auer seeking Conditional Use Approval for the construction of a residential dwelling in the Forest Reserve District. The property of 9.2 +/- acres, parcel ID # 001011-710, is located off of Roxbury Mountain Road. This application requires Conditional Use Review under Article 5 and Article 2, Table 2.1, Forest Reserve District, of the Town of Warren Land Use and Development Regulations.

A duly warned hearing was convened on Wednesday September 21, 2005 and continued until Wednesday October 5, 2005, with a Site visit also on October 5, 2005 prior to the regular meeting. Members in attendance at the meeting on September 21, 2005 were: Peter Monte, David Markolf, Virginia Roth, Eric Brattstrom, and Lenord Robinson. Others present were: Michael Bransfield, Larry & Karol Auer, Rick Gehlert, Joe Kasper, Lauren Slater, Barbara Murphy, Julie Johnson, Melinda Meyer, Glenn Johnson, Dexter Lafavour, Catherine Moore, Miron Malboeuf, and Ruth Robbins. Members at the October 5, 2005 meeting were: David Markolf, Chris Behn, Eric Brattstrom, Lenord Robinson and Virginia Roth. Others in attendance were: John Roth, Erin & Peter Cozzi, Mark Bannon, Larry Auer, Bob & Patti Kaufmann, Myrtle Geiger, Dan Reicher, Carole Parker, Dexter Lafavour, Miron Malboeuf and Ruth Robbins. Those at the site visit in October 5, 2005 were members Mr. Markolf, Mr. Behn, Mr. Brattstrom and Mrs. Roth. The applicant Mr. Auer was there as well as Miron Malboeuf, Town Planning & Zoning Administrator.

FINDINGS OF FACT & CONCLUSIONS OF LAW

- 1- The applicant submitted a completed application, Conditional Use Worksheet, site map, erosion control plan, house plans, abutter notification letter and proof of mailing.
- 2- The house site is located completely within the Forest Reserve District.
- 3- The property does not meet the minimum lot size of 25 acres for the Forest Reserve District.
- 4- Since the lot is in non-affiliated ownership from surrounding properties, is greater than 1/8 acre, is greater than 40' deep and existed prior to the effective date of these regulations the lot meets the preexisting small lot criteria as stated in § 3.5 of the Town of Warren Land Use & Development Regulations.
- 5- A site visit was conducted on October 5, 2005 where the members walked the driveway and switchback, viewed the proposed house site, and made notes regarding several large trees they thought should be retained. The applicant Mr. Auer was also part of this visit as well as the Town Planning & Zoning Administrator, Miron Malboeuf.
- 6- Mr. Auer's plan indicates an "L" shaped Cape style house of approx. 2,000 sq. ft. with attached two-car garage; clapboard siding in a greenish/gray or gray color;

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roofing to be of a slate blend color, double hung windows with those on the western side of either non-reflective glass or exterior mounted full sized year-round screens.

7- The Development Review Board (DRB) agreed to grant a variance for the setback requirement for the north side of the building envelope to be 140' as shown on the site map, as allowed under *Article 3, § 3.6 Height & Setback Requirements (C) (1)*.

NOTICE OF DECISION

Based on the forgoing Findings of Fact and Conclusions of Law, the Development Review Board approves application #2005-09-CU subject to the following conditions:

- 1) The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
 1. In the application
 2. All exhibits furnished by the applicant, and
 3. All findings of fact and conclusions stated above in this decision.
- 2) Clearing restrictions as follows:
 1. Nine trees, consisting of 5 maples, 2 beeches, 1 silver birch and 1 yellow birch, as identified in Exhibit A dated 10/5/05, are to be retained.
 2. The area directly below the building envelope is limited to the clearing of only dead or dying trees or those trees 6" or less in diameter at breast height.
 3. The balance of the parcel is subject to a "no clearing" stipulation except what is necessary for the installation of the driveway, wastewater system and well.
- 3) The driveway will be a minimum of 12 ' in width and maintained to a minimum of 10'.
- 4) All outdoor lighting must comply with the standards in Section 3.9, *Outdoor Lighting*. Specifically the lighting must be cast downward, not directed onto any adjoining properties and designed to minimize glare.

Approval shall become effective when this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. Beginning the effective date of the decision, there is a 30-day period during which parties may appeal this decision to the Vermont Environmental Court.

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Development Review Board

Chris Behn 10-19-05
Chris Behn date

Wally 10/19/05
David Markoff date

 10/19/00
Virginia Roth date.

Eric Brattstrom 9 Oct '05
Eric Brattstrom date

Lenord Robinson date

