

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
CONDITIONAL USE REVIEW – FOREST RESERVE
#2006-21-CU BLACK**

Attorney Shelia Getzinger, representing Charles and Wendy Black, are seeking approval for an accessory structure with connecting walkway and patio located at 1464 Roxbury Mountain Road, parcel id 3 001012-901. This parcel is located in the Forest Reserve District thus requiring Conditional Use approval. The project had been started without benefit of a zoning application or DRB review.

A duly warned hearing was held on Wednesday December 6, 2006. The following members were in attendance: Peter Monte, Lenord Robinson, Bob Kaufmann, Chris Behn and Virginia Roth. Others in attendance were: Sandy Lawton, Bill Westvang, Shelia Getsinger, Cindy Carr, Brooke Cunningham, Zack Taylor, Bob & Louise Messner, Megan Moffroid, Chris Jones, Anna Whiteside, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

- 1- The applicant submitted a completed application, notice to abutters and proof of mailing, narrative of the project, and sketches of the proposed structure.
- 2- The structure (also referred to a "tree house") is constructed primarily of concrete with a metal roof the same color as the existing house. The windows will be screened with some sort of storm window for use during the winter to keep out the snow.
- 3- Total height of the tree house will not exceed the highest point indicated on the drawings that is 33'. It is also located down grade from the house so it will not be taller than the house.
- 4- No trees were cut to commence construction of the structure. It is located primarily in the "clear cut area" on the plan previously approved by the DRB. A small portion does encroach on the "selective cutting area".
- 5- One approximately two foot high conifer was removed and transplanted to the front of the house but this did not violate the requirements of the "selective cutting area"
- 6- Some sort of low-level lighting would most likely be utilized, primarily along the walkway.

Notice of Decision:

The Development Review Board, finding the application satisfies the requirements under Article 2 Zoning Districts & District Standards, specifically Table 2.1 Forest Reserve District (F) Supplemental Standards – Conditional Uses, hereby grants the applicant a Conditional Use permit subject to the following conditions:

1. The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
 - a. In the application
 - b. All exhibits furnished by the applicant
 - c. All findings of fact and conclusions stated above in this decision.
2. Before any outside lighting is installed and no later than January 1, 2007, the applicant must file a lighting plan with the Zoning Administrator that complies with the lighting ordinance § 3.9. This plan is only subject to DRB approval if the Zoning Administrator finds he cannot approve it. Any subsequent changes to the filed lighting plan must obtain DRB approval.

TOWN OF WARREN

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PERMIT TO AVAIL

GRAND STATION INN LTD.

100 LINTON DR. PO BOX 106

WILMINGTON, VT 05361

3. Any glazing on the structure must be either non-reflective glass or have year-round screening covering the glass on the outside.
4. The applicant is to a) take immediate steps to stabilize any disturbance of the site and b) file an Erosion Control plan that encompasses the entire build out of the project to be filed with the Zoning Administrator by January 1, 2007.
5. All exterior surfaces of the structure and the patio be of a non-reflective nature and earth tones in color.

Approval shall become effective once 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 dated of this decision, there is a 30-day period during which parties may appeal the decision to the Environmental Court.

Development Review Board

Peter Monte 1-17-07
Peter Monte date

Virginia Roth 1-17-07
Virginia Roth date

Chris Behn 1-17-07
Chris Behn date

Lenord Robinson 1-17-07
Lenord Robinson date

Bob Kaufmann 1-17-07
Bob Kaufmann date

TOWN OF WARREN, VT

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