

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
SUBDIVISION REVIEW
#2008-07-SD COOK

000107

The applicant, Donarae Cook, is requesting the subdivision of her parcel located at 119 Potato Lane, id # 009008-200, into two lots. The property is located in the Rural Residential District and is 3.5 +/- acres. This application requires review under Article 2 (Table 2.2) Rural Residential District; Article 6(Subdivision Review), §6.4, Final Plan Approval, and Article 7, Subdivision Standards of the Warren Land Use and Development Regulations.

Duly warned hearings were held on December 3, 2008 and January 21, 2009. The members at the December 3, 2008 hearing were: Peter Monte, David Markolf, Jeff Schoellkopf, Lenord Robinson and Chris Behn (arr. 7:52). Others in attendance were: Shelia Getzinger, Dino Valadakakis, Ron Zschaler, Donarae Cook, Adam Cook, Chris Kathan, Julie Beth Hinds, Jason Lisai, Win Smith, Margo Wade, Rebecca Peatman, Rose Marie Peatman, William Peatman, David Blythe, Miron Malboeuf and Ruth Robbins. The members at the January 21, 2009 hearing were: David Markolf, Lenord Robinson, Chris Behn, Jeff Schoellkopf and Virginia Roth. Others in attendance were: Carl and Linda Schwartz, Donarae Cook, Paul and Joannene Kidder, Bill Peatman, Dick King, Shelia Ware, Piero Bonamico, Susan Simpson, Alan Solomon, Shelia Getzinger, Miron Malboeuf and Ruth Robbins. The Board conducted a site visit on Saturday January 17, 2008 that was attended by Mr. Monte, Mr. Robinson, Mrs. Roth, Mr. Schoellkopf, Mr. Kaufmann, Mr. Markolf, Mr. Behn, Mr. Malboeuf and Mr. Brodeur, Ms. Cook, Ms. Getzinger and Mr. & Mrs. Peatman.

Findings of Fact and Conclusions of Law:

1. The applicant submitted the following: completed application, subdivision worksheet, proposed site plan(s) prepared by the applicant, project narrative, proposed deed language, copy of current deed, notice to abutters and proof of mailing.
2. A letter dated December 2, 2008 to the DRB from Joannene Kidder.
3. Revised warranty deed with buffer language added.
4. Cost estimate from Kingsbury Construction dated 12/12/08.
5. Proposed permit condition regarding the repair of Potato Lane.
6. Memo from William and Rose Marie Peatman to the DRB dated 1/20/09.
7. Site plan prepared by Jeff Kelley dated January 20, 2009.
8. Mr. and Mrs. Peatman, neighbors, expressed serious concern about additional use of the road that currently needed some repair.
9. In order to protect the Peatman's view, a vegetated buffer was considered.
10. Utilities currently come in along Potato Lane by way of overhead lines.
11. If the construction of a new home takes longer than is customary, then the road may lay in disrepair for longer than the neighbors felt was acceptable.
12. The applicant suggested escrowing monies for the repair of Potapto Lane at the time of the sale of lot #2.

Notice of Decision:

The Development Review Board, finding that the application meets the standards as found under Article 6 Subdivision Review and Article 7 Subdivision Standards and hereby approve the requested 2-lot subdivision 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

TOWN OF WARREN, VT
Received for Record 2/20 2009
at 10:45 o'clock A M and Received in
Vol 199 Page 107-108
Rita Wilson
TOWN CLERK

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
SUBDIVISION REVIEW
#2008-07-COOK

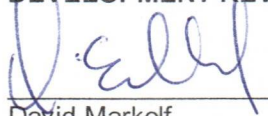
- c. The Subdivision Plat as approved by the Development Review Board [DRB]. All findings of fact and conclusions previously stated above in this decision.
- 2) Clearing restrictions/vegetated 80-foot buffer as shown on site plan
- 3) Power lines – above ground to the most northern corner of the newly created Lot # 2 then underground to the dwelling
- 4) Potato Road improvement after lot development as described in the document submitted 1/5/09 titled "Donarae Cook Proposed Permit Condition"
- 5) Shared road maintenance agreement [between lot 1 and lot 2]
- 6) Maximum of 18 months to complete construction of new dwelling and obtain Certificate of Compliance from Zoning Administrator.
- 7) Final survey and mylar with building envelopes indicated on both lots
- 8) State of Vermont Wastewater permit

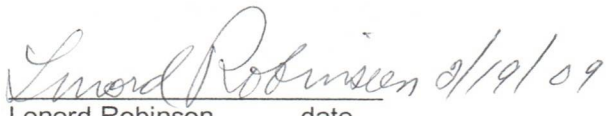
In Accordance with Section 6.5 and the Act[§ 4416], within 180 days of the receipt of final plan approval under Section 6.4 (C), the applicant shall file 4 copies of the final subdivision plat, 1 mylar copy and 3 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plats not filed and recorded within this 180-day period shall expire. Prior to plat recording, the plat must be signed by at least two authorized members of the Development Review Board.

The surveyed site plan to be recorded in the Warren Land Records shall include a separate sheet that shows only the following information: Lot Lines, Lot Line Dimensions, Parcel Area Text, Building and Out Building Locations, Boundary Information such as fences, stone walls, boundary markers, and additional sheet(s) that show the same information plus all other detail required by this approval.

Not later than ten (10) days after the date the surveyed site plan is filed for record in the Warren Land Records, the applicant shall caused to be filed with the Town Zoning Administrator a certificate by a Vermont registered land surveyor or a Vermont licensed professional engineer that the certifier has delivered a readable digital copy of the site plan as filed in the Warren Land Records in AutoCAD drawing format release 2000 or later format to the Warren Lister's office. In addition the drawing should be referenced to Vermont State Plane Feet Coordinates. The deadline for filing this certificate may be delayed to a latter date with either (a) approval of the DRB (b) the written permission of the Warren Lister's Office. Such DRB approval or Town Lister's permission may be given at any time before or after the deadline.

DEVELOPMENT REVIEW BOARD

 2/19/09
David Markolf date

 2/19/09
Lenord Robinson date

 2/20/09
Jeff Schoellkopf date

Chris Behn date