

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
SUBDIVISION REVIEW

000027

Application #2005-02-SD submitted by Peter Cozzi and Erin Chase Cozzi on behalf the property owners Kenton and Frances Blair for a 3-lot subdivision of a 16.1 acre parcel (B) of a 29.3 acre parcel, ID # 001005-000 located in the Rural Residential and Meadowland Overlay Districts. Site plan work prepared and submitted by Mark Bannon of Bannon Engineering on behalf of the applicants.

The applicant proposes to subdivide the property into: Lot 1(5.4 +/- acres), Lot 2 (4.1 +/- acres) and Lot 3 (7.4 +/- acres) Lots are to be served by on-site drilled wells and a community wastewater disposal field located on lot 2. This project requires Review under Article 2, Table 2.13 Meadowland Overlay District, Article 6, Subdivision Review and Article 7, Subdivision Standards of the Warren Land Use and Development Regulations.

An informal discussion took place on September 29, 2004 with the following members: Peter Monte, David Markolf, Eric Brattstrom, Lenord Robinson, and Chris Behn. Duly warned hearings were held on May 25, 2005, October 5, 2005 and October 19, 2005. Two site visits were conducted on September 21, 2005 and October 15, 2005.

Members at the May 25, 2005 meeting were: Peter Monte, David Markolf, Chris Behn, Virginia Roth, and Lenord Robinson. Others present were: Ted Joslin, Jeff Hoffer, John Donaldson, Don Swain, Joan Foster, Neil Johnson, Dottie Kyle, Eric Brattstrom, Belinda Norris, Michael Walsh, Melna Hall, Peter Hall, Ken Friedman, Phil Huffman, Cindy Carr, Karin Ware, Erin Cozzi, Zeke Church, Justin Kenney, Paula Nye, Barrie Fisher, Jim Caffrey, Chris Rodgers, Miron Malboeuf, Ruth Robbins.

Members at the October 5, 2005 meeting were: David Markolf, Chris Behn, Eric Brattstrom, Lenord Robinson and Virginia Roth. Others present were: John Roth, Erin & Peter Cozzi, Mark Bannon, Larry Auer, Bob & Patti Kaufmann, Myrtle Geiger, Dan Reicher, Carole Parker, Dexter Lefavour, Miron Malboeuf and Ruth Robbins.

Members at the October 19, 2005 meeting were: Peter Monte, David Markolf, Eric Brattstrom (for app #2005-02-SD only), Chris Behn and Virginia Roth. Others present were: Betty Maguire, Joyce Crabtree, Pamela Lerner, Stephen Willis, Patti Kaufmann, Bob Kaufmann, Joe Geiger, Laura Geiger, Joyce Westcott, Joe Scanzillo, Erin & Peter Cozzi, Mark Bannon, Miron Malboeuf and Ruth Robbins.

The site visit on September 21, 2005 was attended by the following Board members: David Markolf, Eric Brattstrom and Lenord Robinson. Others at the site visit were: Peter and Erin Cozzi, Miron Malboeuf, Win Smith and Dan Reicher. The second site visit on October 15, 2005 was attended by the following members: David Markolf, Lenord Robinson, Eric Brattstrom, Virginia Roth and Chris Behn. Others in attendance were: Peter Cozzi, Mark Bannon, Steve Butcher and Miron Malboeuf.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- 1- The following documents were submitted:
 - Completed application, project narrative, fee, abutter notification and proof of mailing
 - Site Plan (S-1), dated 9/15/05 and revised 10/19/05 prepared by Bannon Engineering
 - Map S-2, Southern Driveway Profile dated 9/15/05 prepared by Bannon Engineering
 - Map S-3, Northern Driveway Profile dated 9/15/05 prepared by Bannon Engineering
 - Letter from Mark Bannon to Steve Butcher dated October 10, 2005 with documented communication between Mark Bannon and the US Army Corp and VT Agency of Natural Resources regarding the subject of riparian crossing feasibility
 - Letter from abutters Parker, Reicher, Smith Goldman and Dillon expressing concern over proposed curb cuts dated October 5, 2005
 - Letter from abutter Bob Kaufmann with concerns about proposed curb cut dated October 5, 2005.
 - A letter from the Warren Fire Department was not required by the Board for this application
- 2- All the road cut options presented met VTRANS B71 requirements.
- 3- Two road cuts were presented, one to Lot #3 and one to Lots #1 & #2. One access to all three lots could not be accomplished due to the unfeasibility of crossing the stream and to minimize disturbance to the Meadowland.
- 4- Utilities into the subdivision will be placed underground.
- 5- The Project's Community Mound Leach field system meets or exceeds all required distances from the abutter's wells, and the project's wells meet or exceed the distances required from the abutters leach fields.
- 6- Deer and moose have been sighted in the area but there was no documentation that verified that the project was located in a critical habitat area.

Notice of Decision:

The Development Review Board approves the application subject to the following conditions:

- 1) The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
 - In the application
 - All exhibits furnished by the applicant

- All findings of fact and conclusions stated above in this decision.
- The Subdivision Plat approved by the DRB.

2) The common road leading into Lots #1 & # 2 be a minimum of 16' in width and maintained to a minimum of 14' with a turning radius of not less than 30'; that the private drive sections be a minimum of 14' in width and maintained to a minimum of 12' in width; and that the private drive into Lot #3 have a turning radius of not less than 30'.

3) An approved Road Access Permit from the Warren Select Board consistent with the road access' approved by the Development Review Board as reflected on the Site Plan as Opt AA and the driveway into Lot #3.

4) State and Town Health permits.

5) Common Road and Common Wastewater Agreement

6) Erosion Control Plan

7) Screening requirements as follows: a) the screening as shown on the site plan on Lot # 1 and Lot #2 consisting of 2" caliper spruce trees 5' in height from the top of the root ball, and that the southeast corner of Lot # 1 be left uncut with the exception of the apple tree along the road side that may be pruned for increased sight distance and any diseased or dying trees, and b) the required screening on Lot #2 to be installed prior to occupancy of the new dwelling, and the location of the screening to be placed in the sight line between the new dwelling and what is now known as the Geiger residence (parcel ID # 001004-300).

8) The final plat to reflect the westerly boundary of the building envelope for Lot #2 be moved 20 feet to the east.

9) No zero clearance fireplaces shall be allowed, no combustible materials are to be in direct contact with masonry, and only masonry chimney shall be acceptable. Wood-burning stoves are suggested for backup heat only.

In accordance with Section 6.5 and the Act [§4416], within 90 days of the date of receipt of final plan approval under Section 6.4(C), the applicant shall file 3 copies of the final subdivision plat, 1 mylar copy and 2 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 90-day period shall expire. Prior to plat recording, the plat must be signed by at least two authorized members of the Development Review Board.

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.

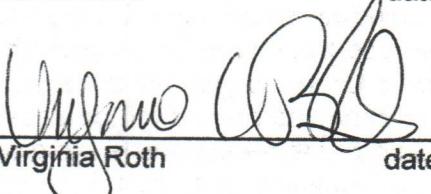
DEVELOPMENT REVIEW BOARD

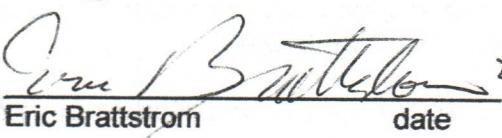
Peter Monte date

 11/15/05

David Markolf date

Chris Behn date

 Nov. 2, 2005
Virginia Roth date

 Eric Brattstrom 11/15/05

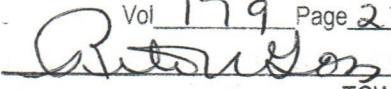
Eric Brattstrom date

TOWN OF WARREN, VT

Received for Record Nov 15 2005

at 11 o'clock A M and Received in

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R. Retterer

TOWN CLERK