

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
SUBDIVISION REVIEW
#2008-06-SD FOSTER

000469

DTA000
57000

Joan **Foster**, represented by McCain Consulting, Inc., submitted an application requesting to subdivide her 2.4 +/- acre parcel into two lots. Her parcel is located at **158 West Hill Ext** in the Rural Residential District and is parcel id # **016003-300**.

A duly warned hearing was held on Wednesday **June 4, 2008** and attended by the following members: Peter Monte, David Markolf, Lenord Robinson, Virginia Roth and Chris Behn. Others in attendance were: Dotty Kyle, Joan Foster, Jane Lolax, Peter Lazorchak, Karin Ware, Miron Malboeuf and Ruth Robbins. Prior to the hearing a Site visit was conducted and attended by: Mr. Monte, Ms. Foster, Mr. Malboeuf, Mr. Markolf, Mrs. Roth, Mr. Robinson, Ms. Kyle and Ms. Ware. A second hearing was held on **July 9, 2008** with the following members in attendance: Peter Monte, David Markolf, Lenord Robinson, Bob Kaufmann and Chris Behn [arr. 7:40pm]. Others in attendance were: Joan Foster, Jane Lolax, Peter Lazorchak, Andrew McMann, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The following documents were submitted for this application:
 - a) Complete application and subdivision worksheet
 - b) Project narrative
 - c) Site plan prepared by McCain Consulting dated 3/5/08 and updated 5/19/08 & 6/24/08
 - d) Abutters letter and proof of mailing
 - e) Waivers of Notification from Carr and Friedman
 - f) Draft of covenants dated 7/2/08
2. Proposed Lot # 1 is 1.4 +/- acres and contains the current home of the applicant.
3. Proposed Lot # 2 is 1.0 +/- acres and is currently undeveloped.
4. The right-of-way to Lot # 1 where the existing home is located crosses over the newly created Lot #2 where a proposed future home is planned.
5. The applicant said they check against the Vermont Environmental interest locator site for the existence of deeryards and that there were no mapped wintering areas.
6. The existing house has four bedrooms and the proposed wastewater system for Lot # 2 will accommodate 2 bedrooms. The new system is designed to accommodate the current home when the current system fails as well as the proposed new home. Therefore, the field represented on the site plan is for a total of six bedrooms.
7. The two lots were reconfigured from the original site plan to comply with the frontage regulation.
8. A neighbor's well [Ms. Ware's] was indicated on the revised site plan.
9. The wastewater system was modified along with a septic easement along the boundary line of Lot #2's property line for Lot #1 to hook-up to the replacement field once it is deemed necessary.

10. Though there are secondary conservation areas located in the building envelope of Lot #1, it contains a pre-existing structure.

Notice of Decision:

The Board, finding that the applicant has satisfied the criteria under Article 7 Subdivision Standards hereby grants the applicants request for a two 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:
 - In the application
 - All exhibits furnished by the applicant
 - The Subdivision Plat as approved by the Development Review Board [DRB]. All findings of fact and conclusions previously stated above in this decision.
- 2) Final plat approval is subject to the receipt of a State Wastewater permit.
- 3) The proposed covenants be amended by either a) 60 days from this hearing or b) prior to the recording of any deed transferring either lot from Ms. Foster, whichever should come first, as follows: 1) add a provision that allows the recovery of attorney fees in any court action to enforce the covenants, 2) the owner(s) of any one lot may file a notice of lien and 3) the unincorporated association will be formed upon filing of the covenants rather than being deferred however Ms. Foster can retain the voting control so long as she owns either lot.
- 4) The building envelope for Lot #2 be revised with the southeast line moved northerly to the 1640 contour line to minimize the encroachment into the secondary conservation area.
- 5) In the event that a community water/hydrant system for the purpose of fire protection is installed and reaches the boundary of the subject property and is either a private or municipal project, each lot's owners will be required to pay \$250 towards the cost of the system.

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.

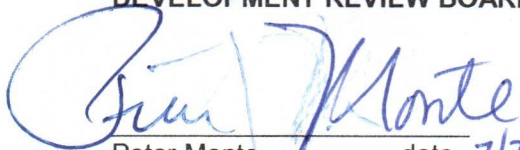
The surveyed site plan to be recorded in the Warren Land Records shall include a separate sheet that shows only the following information: Lot Lines, Lot Line Dimensions, Parcel Area Text, Building and Out Building Locations, Boundary Information such as fences, stone walls, boundary markers, and additional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

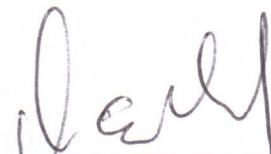
Not later than ten (10) days after the date the surveyed site plan is filed for record in the Warren Land Records, the applicant shall caused to be filed with the Town Zoning Administrator a certificate by a Vermont registered land surveyor or a Vermont licensed professional engineer

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
#2008-06-SD - FOSTER

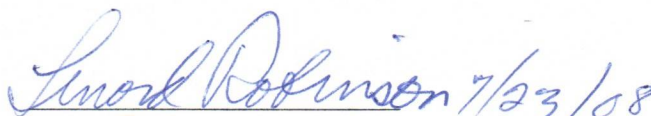
that the certifier has delivered a readable digital copy of the site plan as filed in the Warren Land Records in AutoCAD drawing format release 2000 or later format to the Warren Lister's office. In addition the drawing should be referenced to Vermont State Plane Feet Coordinates. The deadline for filing 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


Peter Monte date 7/23/08

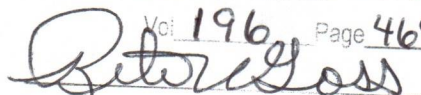

David Markolf date 7/23/08

Bob Kaufmann date


Lenord Robinson date 7/23/08

TOWN OF WARREN, VT

Received for Record 7/24 2008
at 11 o'clock A M and Received in

Vol 196 Page 469-471

TOWN CLERK