

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
CONDITIONAL USE REVIEW
#2006-07-CU - GRACE

Application #2006-07-CU submitted by Jennifer Grace seeks approval to build a development road over steep slopes on parcel # 001002-800, Brook Road. This project requires review under *Article 3 §3.4, Erosion Control & Development on Steep Slopes*.

A duly warned hearing was held on Wednesday June 7, 2006 and a site visit was conducted earlier that same day. Development Review Board (DRB) members at the site visit Mr. Monte, Mrs. Roth and Zoning Administrator Mr. Malboeuf. DRB member Mr. Markolf did a site visit later in the day. Members at the hearing of June 7th were: Peter Monte, David Markolf, Bob Kaufmann, Virginia Roth and Lenord Robinson. Others in attendance were: Jennifer Grace, Jay Fetherolf, Amy Hunter, Don Swain, June Sardi, Jeff Swann, Bob & Louise Messner, Dick & Isabelle Frost, Cindy Carr, Miron Malboeuf and Ruth Robbins.

The hearing was continued until June 21st at which time the applicant requested a continuance to August 9th and then another continuance request to August 23rd. After the August 23rd hearing the Board continued the hearing until September 20th for an additional site visit and final hearing. Members at the August 23rd meeting were: Peter Monte, David Markolf, Lenord Robinson, Virginia Roth and Chris Behn. Others present were: Jennifer Grace, Jay Fetherolf, Amy Hunter, Don Swain, June Sardi, Jeff Swann, Bob & Louise Messner, Dick & Isabelle Frost, Cindy Carr, Miron Malboeuf and Ruth Robbins.

The final hearing on September 20th was attended by the following members: Peter Monte, Lenord Robinson, Virginia Roth, Bob Kaufmann and David Markolf. Others present were: Sue Carter, Cherie Sherman, Margo Wade, Cindi Jones, John F. Jones, James R. Jones, Jennifer Grace, Robert Riversong, Kirsten Reilly, Mark Bannon, Miron Malboeuf and Ruth Robbins. The site visit held earlier in the day was attended by Mr. Markolf, Mrs. Roth, Mr. Bannon, Ms. Grace, Mr. Simpson and Mr. Malboeuf.

Findings of Fact & Conclusions of Law:

- 1- The following are submittals in conjunction with this application:
 - Completed application and conditional use worksheet
 - Abutter notification and proof of mailing
 - State Stream Crossing permit #SC-4-0020 dated 4/27/06
 - Conceptual Site Plan by Bannon Engineering dated 4/14/06
 - Driveway Stream Cross Designs by Bannon Engineering dated 4/14/06
 - Overall Site Plan by Bannon Engineering dated 8/18/06
 - Driveway Profile by Bannon Engineering dated 8/18/06
 - Driveway Cross Sections by Bannon Engineering dated 8/18/06
 - Erosion Control Plan – Site Schematic by Bannon Engineering dated 8/18/06

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Ruth Robbins

TOWN CLERK

- 2- The applicant is proposing to complete a development road over an existing old logging road to be able to access her property and build an 'off the grid' cabin/cottage.
- 3- The road leading into the property is approx. 3,000 feet long with areas where the slope percentage is anywhere from the high teens to as much as 22%.
- 4- All the vertical curves on the road have been designed at a 15% grade or less
- 5- The first crossing that currently has a small culvert will be improved to a 16-foot clear span bridge.
- 6- The second crossing will be improved to an 84-inch culvert.
- 7- Going on up the road cross culverts will be added along with stone lined ditching.
- 8- No utilities are planned to be brought into the building site.
- 9- Currently the site does not qualify for State Review as per conversations with State officials made by Mr. Bannon.
- 10- It was Mr. Bannon's professional opinion that this was the best possible access given site distances, initial steepness and that the impact on the land would be greater if a more direct path was taken.
- 11-

NOTICE OF DECISION:

The Development Review Board finds the applicant's request for a Conditional Use permit meets the requirements of § 5.3 Conditional Use Review Standards and § 3.4 Erosion Control & Development on Steep Slopes and is hereby approved 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, as amended
 - All exhibits furnished by the applicant
 - All findings of fact and conclusions previously stated above in this decision
- 2) A qualified engineer to oversee the implementation of the erosion control plan on a weekly basis as well as after any significant storms that may occur during the construction; and that the engineer certify to the Zoning Administrator upon completion that the plan has been executed as called for in the plan before them. .
- 3) The erosion control plan presented will be amended to include future and ongoing annual maintenance requirements as follows: (1) culverts be kept clear of debris and silt build-up (2) sediment be cleaned out from behind

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stone check dams and said sediment be placed down slope in a stabilized area and (3) the two stream crossings be kept free of any debris.

- 4) No underground utilities may be installed without prior Development Review Board approval.


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 dated of the decision, there is a 30-day period during which parties may appeal this decision to the Vermont Environmental Court.

Development Review Board

Bob Kaufmann date

 10/18/06
David Markolf date

 Oct 18 2006
Virginia Roth date

 10/18/06
Lenord Robinson date

 10/18/06
Peter Monte date