

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
CONDITIONAL USE REVIEW
#2006-03-CU - LLOYD

000093

Application #2006-03-CU submitted by Linda Lloyd seeks approval to build a single family dwelling on parcel # 003000-400, 72 Covered Bridge Road, which involves development on steep slopes. The applicant is also requesting setback relief on the northern side yard for the location of her garage. This project requires review under Article 3 §3.4, *Erosion Control & Development on Steep Slopes* and §3.6 (C) (1), *Height & Setback Requirements*.

A duly warned hearing was held on Wednesday March 8, 2006 and a site visit was conducted earlier that same day. Development Review Board (DRB) members at the site visit were Mr. Brattstrom, Mr. Schoellkopf and Mrs. Roth. Mr. Behn conducted a site visit independently. Others at the site visit were Mr. Connell, Mr. Moninger, Ms. Lloyd and Mr. Malboeuf.

The DRB members at the hearing were: Jeff Schoellkopf, Chris Behn, Eric Brattstrom, Virginia Roth and Lenord Robinson. Others in attendance at the hearing were: John Connell, Jared Moninger, Linda Lloyd, Carol Thompson, Dorothy Todd, Miron Malboeuf and Ruth Robbins.

Findings of Fact & Conclusions of Law:

- 1- The following are submittals in conjunction with this application:
 - Completed application
 - Abutter notification and proof of mailing
 - Addendum to application
 - Letter from applicant to Mr. Malboeuf dated 11/29/05
 - Letter from Warren Town Administrator to applicant dated 2/17/06
 - Memo from Select Board Chair Barry Simpson to Town Administrator cc'd to Mr. Malboeuf and the DRB
 - North, South, East and West elevation drawings, 3/3/06
 - Erosion Control Plan by McCain Consulting, Dated 3/6/06
 - Site Plan "S1" by 2morrow Studio, Dated 3/6/06
 - Flood Profile maps
- 2- The applicant is proposing to build a two level single family dwelling with 2,019 livable square feet with a 279 square foot screened porch. A detached single car garage with additional storage space is also planned.
- 3- In addition to the existing culverts, the applicant will be creating some swales to aid in "dewatering" the site.
- 4- The first level of the dwelling will be faced with stone that is extracted from the site; the second level will be of a color that is similar to the stone. The roof will be a standing seam metal roof of a neutral, natural color.
- 5- The applicant was asked to give sufficient notice to the Town and neighbors prior to any blasting. The applicant was also requested to provide traffic control for any periods of time during construction that the road might be impeded by equipment.
- 6- The erosion control plan submitted was a final plan and did not indicate how erosion would be addressed during construction.

TOWN OF WARREN, VT

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TOWN OF WARREN

DEVELOPMENT REVIEW BOARD

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- 7- The location of the proposed garage is limited by the configuration of the site, the placement of the Town wastewater system pumping station and how much or how little to cut into the slope.
- 8- The DRB granted as allowed under Article 3 Section 3.6 (C) (1) a 30% reduction in the setback requirement for the northern sideline for the construction of the garage.
- 9- With the construction of a new garage, the applicant is being required to remove the old existing garage. The applicant also plans to chain off the unapproved access from Route 100 to the old garage.
- 10- The Board found based on the applicant's testimony and documentation that the property and proposed dwelling was not located in the Flood Hazard Overlay District.
- 11- The Board found that a) the site presents a "hardship" to development in that it is such an odd shape, b) limited site improvements are occurring contiguous to a level area and c) the additional area gained by extending into the 25% slope was minimal and met the guidelines of the ordinance under Article 3 Section 3.4.
- 12- The Board found the application met the applicable standards under Article 5 Development review.

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, as amended
 - All exhibits furnished by the applicant
 - All findings of fact and conclusions previously stated above in this decision
- 2) An erosion and sediment control plan for the construction phase to be submitted for review and approval by the Zoning Administrator prior to the commencement of construction.
- 3) That the driveway be constructed and maintained in such a way as to not interfere with drainage on Covered Bridge Road.
- 4) The applicant provides plantings consistent with the existing plantings along Route 100 in the area of the abandoned driveway.
- 5) The submission of a completed FEMA "Elevation Certificate".

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

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DEVELOPMENT REVIEW BOARD
CONDITIONAL USE REVIEW – LLOYD # 2006-03-CU

Development Review Board

Jeff Schoellkopf date

Chris Behn date

Lenord Robinson
Lenord Robinson date

Eric Brattstrom April 7, 2006
Eric Brattstrom date

Virginia Roth April 7, 2006
Virginia Roth date