

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
SUBDIVISION REVIEW - #2007-12-SD – LONG ASSOCIATES

000367

The applicant, Pete Reynells (Long Associates), is requesting to subdivide his approx. 75+/- acres into two lots, one being approx. 5 acres and then the second being the remaining 70+/- acres. It is the intention of the applicant to convey the 5+/- acres to an adjoining land owner (Herb Kiendl and Patricia Lynch) parcel id # 005006-400 and has no development plans for the remaining lot. The Long Associates parcel, id # 005001-400 is located on the Sugarbush Access Road and is in the Rural Residential District.

A duly warned hearing was held on Wednesday June 6, 2007 and attending by the following DRB members: David Markolf, Peter Monte, Bob Kaufmann and Lenord Robinson (arr. 7:24). Others in attendance were: Jason Lisai, Pete Reynells, Dave Olenick, Erin Post, Margo Wade, Deirdre Malone, Jack Malone, Hal Stevens, John Hammond, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a completed application, notice to abutters and certificate of mailing, and a surveyed site plan showing the subdivided lot.
2. The 5.0 conveyed acres would have to be merged with the existing parcel so as not to create a non-conforming lot (it would be land locked with no permitted access).
3. Mr. Malone, who lives above the proposed subdivision, stated he wasn't opposed to the land transfer but wanted the Board to be aware of a water problem due to development that has taken place nearby. [photos submitted included in file]

Notice of Decision:

The Development Review Board, finding that the application meets the standards of Article 7 Subdivision Standards, hereby approves the application subject to the approval of the Subdivision Plat by the DRB and the following conditions:

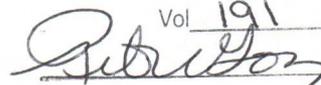
- 1- The existing parcel owned by Kiendl & Lynch be merged by deed with the 5 +/- acres from Long Associates within 30 days after the decision has become final.
- 2- The deed includes language that restricts the 5-acre parcel acquired from Long Associates from being developed unless DRB approval is acquired.

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 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 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.

TOWN OF WARREN, VT

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Vol 191 Page 367-369



TOWN CLERK

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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.

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

