

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT & NOTICE OF DECISION  
CONDITIONAL USE REVIEW  
#2008-01-CU - MCMANN

000001

Angela and Andrew McMann seek approval to renovate their home located at 149 Upper Village Road in the Sugarbush Residential District. The project is intended to improve access to the existing dwelling as well as create additional living area, a two car garage and storage area. The issues needing review are a request for setback relief and review of development on steep slopes.

A duly warned hearing was held on Wednesday March 5, 2008 and attended by the following DRB members: Lenord Robinson, Peter Monte, Bob Kaufmann, Chris Behn and Virginia Roth. Others also in attendance were: Andy McMann, Miron Malboeuf and Ruth Robbins

**Findings of Fact & Conclusions of Law:**

1. The applicant submitted a completed application, summary of proposed project, site plan prepared by Littlehales design dated 3/20/07, notice to abutters and proof of service.
2. A letter submitted by Sugarbush Resort, dated march 5, 2008, summarizes a joint meeting with the applicant during which the following items were addressed: right-of-ways and easements, erosion prevention and sediment control, road access and plowing, and the proximity to water supply.
3. The site plan, as presented, appears to show part of the addition (pylons for the entryway) as encroaching on the setback boundary, including that amount of distance that can be granted as setback relief by the DRB.
4. It was made clear to the applicant that setback relief, if granted, had to include any part of the structure, not just the main foundation, but that eaves, decks and the like had to meet the requirement.
5. The plan seemed to be well within the character of the neighborhood as most of the surrounding properties were small lots and had some steep slopes.
6. It was noted that the addition of a poured foundation would help in stabilizing the slope. An erosion control plan however, would still be required.
7. A survey may be the only solution to making sure the proposed development does not encroach on the setback relief boundary.

**Notice of Decision:**

The DRB, having found that the application satisfies the standards under Article 5, Conditional Use Review, hereby grant setback relief as allowed under § 3.6 (C) (1), approves the applicant request with the following conditions:

*Before commencement of construction, the DRB must see and approve:*

- 1) the roadside elevations of the proposed addition (easterly side),
- 2) a survey of the property line that runs along the road, lines that represents the setback boundary and the setback relief boundary,
- 3) any part of the new structure [eaves, overhang, deck] that is within ten (10) feet of the original setback boundary, and
- 4) an erosion control plan. This erosion control plan applies only to those areas that will be disturbed by the planned construction.

DEVELOPMENT REVIEW BOARD

Peter Monte 4/23/08  
Peter Monte date

Bob Kaufmann date  
Bob Kaufmann date

Lenord Robinson 4/23/08  
Lenord Robinson date

Virginia Roth 4/23/08  
Virginia Roth date

Chris Behn date  
Chris Behn date

TOWN OF WARREN, VT  
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