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TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
CONDITIONAL USE AND VARIANCE REVIEW

Application #2005-12-CU submitted by Bast & Rood on behalf of **Monteverde First Corporation**, parcel ID # 001012-000, 16.4 acres on the Roxbury Mountain Road. Applicant seeks Conditional Use Review for the construction of a residential outbuilding (gazebo) in the Forest Reserve District and a Variance Review of 43' from the 150' side yard setback requirement in that district. This project requires review under *Article 2.1 (Table 2.1) Forest Reserve District*, *Article 5.3 Conditional Use Review* and *Article 9.6 Variances*.

A duly warned hearing was conducted on May 4, 2005. Members present were: David Markolf, Lenord Robinson, Jeff Schoellkopf, Chris Behn and Virginia Roth. Others present were Mac Rood (of Bast & Rood representing the applicant), Shelia Getzinger, Mark Bannon, Rick Patterson, Laura Patterson, Miron Malboeuf, and Ruth Robbins.

FINDINGS OF FACT & CONCLUSIONS OF LAW:

- 1- In addition to a completed application, the following was also submitted: abutter notification and proof of mailing, drawing showing the gazebo plans and elevations dated 3/24/05, and site plan.
- 2- The proposed construction of a gazebo will be an accessory building to a yet to be built permitted residential dwelling.
- 3- The gazebo is scheduled to be built this fall as part of a Yestermorrow course.
- 4- Even though the primary structure has not been built, the Board determined that this could be an accessory building to an agricultural activity.
- 5- The proposed location of the gazebo is in an existing clearing, yet to meet the setback requirements some additional clearing would take place but would be minimal. Any disturbed landscaping would be restored with similar vegetation.
- 6- Though the applicant has yet to determine the color of the structure, limiting the choices to earth tones will not be a problem.
- 7- Lighting inside up in the ceiling is proposed and will conform to the lighting ordinance.
- 8- As long as the conditional use standards in *Article 5* are met, *Article 3, § 3.6 C (1)* allows the Board to grant the setback reduction and not have to subject the application to *Article 9.6*.

NOTICE OF DECISION:

Based on the forgoing Findings of Fact and Conclusions of Law, the application of Monteverde First Corporation is approved by the Warren Development Review Board subject to the following conditions:

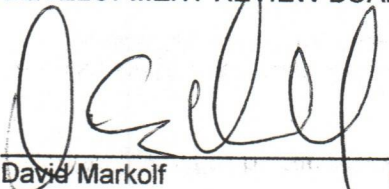
- 1- The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
 - ▶ In the application
 - ▶ All exhibits furnished by the applicant, and
 - ▶ All findings of fact and conclusions stated above in this decision.

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- 2- The structure will be of a muted earth tone color, the roof non-reflective, the landscaping in keeping with the surrounding vegetation and the lighting is in conformance with the current lighting ordinance.

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.

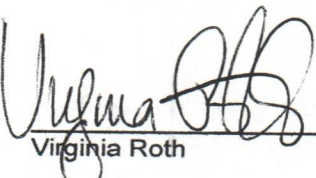
DEVELOPMENT REVIEW BOARD


David Markolf date 6/15/05

Lenord Robinson date

Jeff Schoellkopf date


Chris Behn date 06-20-05

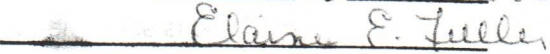

Virginia Roth date June 15, 2005

TOWN OF WARREN, VT

Received for Record June 20, 2005

at 4:00 o'clock P M and Received in

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TOWN CLERK
assistant