

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
APPEAL OF ADMINISTRATOR'S DETERMINATION
SIMPSON - 493 PRICKLY MOUNTAIN ROAD

TOWN OF WARREN, VT
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TOWN CLERK

The Administrative Officer investigated a report of a camper/trailer that was alleged to be in use as a dwelling. He conducted a site visit on August 8th and notified the land owners, Donn and Susan Simpson, in a letter by certified/return receipt mail dated August 15, 2008 of his investigation and determination. It was the opinion of the Officer that the owners were required to apply for a Conditional Use Permit as per Article 4, Section 4.1 Accessory Dwelling.

On August 28, 2008 a Notice of Appeal was hand delivered to the Town Offices to the attention of the Secretary of the DRB. Mr. and Mrs. Simpson's letter was acknowledged by letter dated September 3, 2008 by the Secretary and notified of the scheduling of a hearing with the Development Review Board on Wednesday October 1, 2008 at 7:00 pm.

The appeal was heard by the DRB on October 1, 2008. The members in attendance were: Peter Monte, David Markolf and Lenord Robinson. The Simpson's were represented by Attorney Alan Solomon. Both Mr. Solomon and the Administrative Officer, Miron Malboeuf sat at the table with the Board and offered to the Board their interpretation of the situation.

Findings of Fact:

- 1- There has been a camper/trailer situated on the Simpson's property in use since May of this year.
- 2- A concrete pad was installed in 1989 for a camper/trailer to sit on and has been used as such on and off for several years. The pad encroaches on the required setback from Prickly Mountain Road. The pad therefore, is not a complying structure.
- 3- In 1991 access to water, electricity and phone service was provided to the camper/trailer site.
- 4- The Simpson's took ownership of the property in 1999. The pad was used by the former owner after 1999 for an undefined time but never during the winter months.
- 5- The camper/trailer site was used periodically [for a few weeks at a time during the summer months] by the Simpson's from 2003 until may 2008. Occupancy of the camper/trailer has exceeded 30 consecutive days in recent years.
- 6- A new septic system was installed by Fred Viens in 2000. A letter dated July 18, 2008 by McCain Consulting, the designers of the system, states that it is his opinion that the system can accommodate the effluent from the seasonal use of the camper/trailer. The Board did not determine whether or not McCain's opinion is correct.

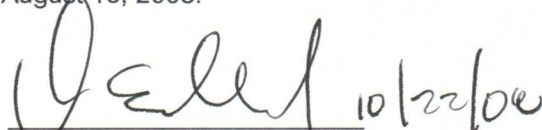
Conclusions by the DRB:

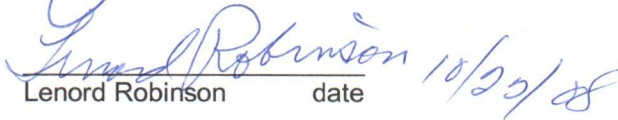
- A. The Zoning Administrator correctly concluded that the current use of the camper/trailer does not conform to the existing regulations of the Warren Land Use and Development Regulations specifically but not limited to those under Article 4 Specific Use Standards § 4.3 Campers & Temporary Shelters.
- B. The encroachment of the camper/trailer and pad precludes Administrative approval of an accessory dwelling use under § 4.1 (A).
- C. Only way long term [over 30 days] occupancy could be approved is as an Accessory Dwelling which would require modification of the existing layout and would require Conditional Use approval by the DRB (if granted).

By a unanimous vote of the three members present, the Board affirmed the determination of violation issued by the Administrative Officer on August 15, 2008.

DEVELOPMENT REVIEW BOARD


Peter Monte date


David Markolf date


Lenord Robinson date