

000332

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
CONDITIONAL USE REVIEW
UNDERHILL #2007-08-CU

The applicants, Keith and Susan Underhill, Trustees, seek approval to construct a development road in the Meadowland Overlay District. This request was previously approved May 22, 2002, however a zoning permit to build the road was never obtained and the Condition Use approval has since expired.

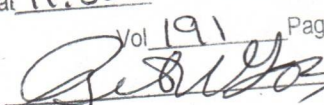
A duly warned hearing was held on Wednesday June 20, 2007. Members in attendance were: David Markolf, Chris Behn, Bob Kaufmann, Virginia Roth, Lenord Robinson and Peter Monte. Others in attendance were: Bill Nedde, Bill Maclay, Kathy Beyer, Dave Olenick, Erin Post, William Senning, Susan Hemmeter, Alec Newcomb, Don Swain, Charlie Snow, Jim Caffrey, Miron Malboeuf and Ruth Robbins. A site visit was conducted the same day, June 20, 2007, and attended by: Mrs. Roth, Mr. Robinson, Mr. Kaufmann, Mr. Behn, Mr. Markolf, Mr. Olenick, Mr. Senning and Mr. Malboeuf.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a completed application, notice to abutters, certificate of mailing, and a site plan showing the proposed road, wastewater design and approximate proposed house site, prepared by McCain consulting and dated 6/12/07
2. The file contains two letters submitted by an abutter, Mr. Michael Barker, who expressed concern that the Meadowland Overlay District must not be infringed on in any way and also some concern about drainage from the subject property. The two letters are dated June 9, 2007 and June 15, 2007.
3. The Vermont Agency of Natural Resources issued a wastewater permit, case # WW-5-4227 on 5/3/07.
4. At the site visit the members measured the distance from what was assumed to be the northerly edge of the leach field to the spring box and well head of the neighbor to the north and found that the distance to the spring box was 160 feet and to the well was 230 feet.
5. Discussion took place over whether or not the board's review was limited to just that section which was in the Meadowland Overlay District, or the entire parcel.
6. The possibility of the Underhill parcel sharing the existing drive of their neighbors was discussed and if it had been thought of years ago when those parcels had been formed it would have been a good thing but at this point it can't be insisted on.
7. Prior to any construction the Board *strongly encourages* the owner to discuss the possibility of a shared drive with the land owner to the east.

Notice of Decision:

The Development Review Board, finding that the proposed development road meets the standards of Article 2, Table 2.13 Meadowland overlay District as is required by Article 5 § 5.3 Conditional Use Review Standards (C) (3), hereby approves the application subject to the following conditions:


TOWN OF WARREN, VT
Received for Record 7/19 2007
at 11:50 o'clock A M and Received in
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TOWN CLERK

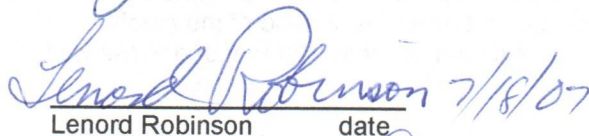
- 1) The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
 - In the application
 - All exhibits furnished by the applicant
- 2) Requires State approval of the septic system with attention given to the spring and well on the adjoining property.
- 3) Prior to commencement of construction of the dwelling or the septic system, the owner must obtain approval from the DRB of a clearing and landscaping plan for the area between the building site of the dwelling and the meadowland to the south/southwest with the intent of the plan being to satisfying *Table 2.13 (E) (1) (a) (i) "minimizes the disruption of the scenic quality of the site"*.

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

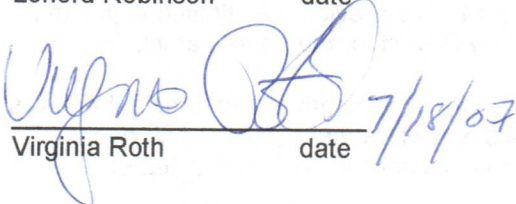
Development Review Board


Peter Monte date


David Markolf date


Lenord Robinson date

Chris Behn date


Virginia Roth date

Bob Kaufmann date