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**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
SUBDIVISION REVIEW - REVISIONS TO AN APPROVED PLAT
#2009-02-SD MORGAN**

Michael and Kaoru Morgan's, who own both Lots 10 and 9 in the Lincoln Ridge Subdivision, are requesting to relocate the approved building envelope and adjust the lot line between lot 10 and 9.

A duly warned hearing was held on Wednesday June 17, 2009. Members present at the hearing were: Peter Monte, David Markolf, Virginia Roth and Lenord Robinson. Others present were: Alice Olenick, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a complete application, narrative of request, notice to abutters and verification of mailing, copy of erosion control plan and site plan showing new building envelope and proposed boundary line adjustment.
2. Conservation areas issues were viewed and found to be within the standard's requirements. It was noted that the slopes on paper were not as severe when observed in person.
3. The clearing area has also been relocated but is no greater in size than previously approved.
4. The result of the proposed boundary line adjustment would be an approximate change of 1.75 acres, which would result in Lot 10 becoming approx. 8.2 acres and lot 9 approx. 4.8 acres.
5. The DRB concluded that none of the proposed changes were in conflict with the criteria of the regulations under Article 2, Zoning Districts & District Standards, Table 2.2, Rural Residential District, Article 6, § 6.2(E), Boundary Adjustment § 6.7, Revisions to an Approved Plat & 6.1(C), Minor Subdivision, and § 6.4, Final Plan Approval, and Article 7, Subdivision Standards, of the Warren Land Use and Development Regulations.

Notice of Decision:

The Development Review Board approves the applicants request to relocate the building envelope and make a boundary line adjustment as per the plans submitted with the following conditions:

- 1) The entire portion of the shared roadway as it crosses lot 10 and 11 must be maintained [width & general maintenance] by the standards required under the Lincoln Ridge Subdivision approval [the Road Maintenance agreement with Lincoln Ridge LLC dated 2/28/07 and recorded in the Town of Warren land records.]
- 2) The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
 - i. In the application
 - ii. All exhibits furnished by the applicant, and
 - iii. All findings of fact and conclusions stated above in this decision.

In accordance with Section 6.5 and the Act [§4416], within 180 days of the date of receipt of final plan approval under Section 6.4(C), the applicant shall file 4 copies of the final subdivision plat, **1 mylar copy and 3 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

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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.

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 during which parties may appeal the decision to the Environmental Court.

Development Review Board

Peter Monte 6-17-09
Peter Monte date

David Markolf 6/17/09
David Markolf date

Lenord Robinson 6/17/09
Lenord Robinson date

Virginia Roth 6/17/09
Virginia Roth date

TOWN OF WARREN, VT
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Robinson
TOWN CLERK