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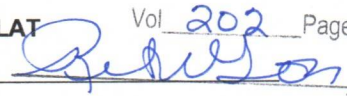
TOWN OF WARREN, VT

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT & NOTICE OF DECISION  
SUBDIVISION REVIEW – REVISION TO AN APPROVED PLAT  
#2009-05-SD PELTIER**

Received for Record 9/10 2009

at 11 o'clock A M and Received in

Vol. 202 Page 471-472



TOWN CLERK

The applicants, Chris and Heather Peltier, are requesting approval to construct a driveway and a single-family home and possible guesthouse on a forty-acre parcel adjacent to the Lincoln Ridge Subdivision and Sugarbush Ski Resort. The Peltier's parcel, formerly known as the Mirabel parcel, is located in both the Rural Residential District and the Forest Reserve District. The proposed development is located outside of the Forest Reserve District in the Rural Residential District. Access to the property is via a right-of-way through Lots 10 and 11 of the Lincoln Ridge Subdivision.

A duly warned hearing was held on Wednesday March 7, 2007. DRB members in attendance were: Peter Monte, David Markolf, Virginia Roth and Chris Behn. Others also attending were: Don Marsh, Mike Krongel, Erin Post, Chris Peltier, Cindy Carr, Miron Malboeuf and Ruth Robbins.

*This development was considered and approved by the DRB at a hearing on March 7, 2007 and by written decision dated April 5, 2007. This application, for the same identical project was filed because the project mylar was approved by the DRB on March 8, 2007, before the April 5, 2007 decision was signed by the DRB. The timing of the mylar's filing casts doubt on the validity and survival of the prior approval. This application was filed to remove any such doubt.*

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

- 1- *There have been no material changes in the relevant facts or law since the DRB approved this project in 2007. The DRB therefore readopts its findings of fact and conclusions of law as stated in its April 5, 2007 decision for this project.*
- 2- The applicant submitted a completed application, conditional use worksheet, notice to abutters and certification of mailing. Also submitted was a site plan, septic system design and road profiles prepared by Thomas C. Otterman and dated 7/7/06. A copy of the Road Maintenance and Easement Agreement was also provided.
- 3- The proposed building envelope is located in an area of less than 15% slope and below the 2,000-foot elevation mark that designates the Forest Reserve District.
- 4- Accommodations have been made for emergency vehicles with the appropriate road widths and turnouts indicated on the site plan.
- 5- The right-of-way granted to the applicant from Lincoln Ridge limits that access to one house with an accessory dwelling thus eliminating any further development.
- 6- The house is expected to be no larger than a five-bedroom house in keeping with the wastewater system design.

**Notice of Decision:**


The Development Review Board approves the Conditional Use application as per Article 5 Development Review, Section 5.3 Conditional Use Standards and finds that the requirements of Table 2.1 are satisfied as all proposed development is situated below the 2000 foot elevation and therefore not within the Forest Reserve District boundary. In addition, this approval is subject to the following conditions:


TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT & NOTICE OF DECISION – PELTIER #2009-05-SD

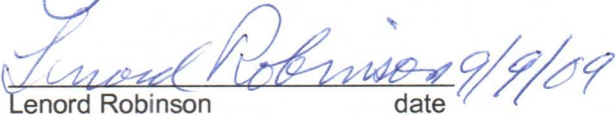
- 1) The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
  - In the application
  - All exhibits furnished by the applicant, and
  - All findings of fact and conclusions stated above in this decision.
  
- 2) The applicant's property, parcel id # 016004-102, is and will remain subject to the Road Maintenance agreement with Lincoln Ridge LLC dated 2/28/07 and recorded in the Town of Warren land records.
  
- 3) The cutting of trees is prohibited except for those that are diseased or dead located at or above the 2000-foot elevation and that the maintenance of a minimum density of 25 trees per acre as outlined in the Lincoln Ridge Subdevelopment Covenants be applicable to this property except for within the building envelope that has no clearing restrictions.
  
- 4) The mylar <sup>ppm dm</sup> ~~utilized~~ which shows the right-of way for the Peltier property, is the mylar most recently filed on 06/18/09 showing changes to Lincoln Ridge LLC Lots 9,10,11 and 12. It is titled: "Property Subdivision of Land in Warren VT belonging to Lincoln Ridge LLC Lots 9, 10, 11 and 12"; Map #585, Slide 277, in the Town of Warren Land Records. This mylar will be re-signed and re-filed with the signing of this decision.

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**

 9-9-09  
 Peter Monte date

 9/9/09  
 David Markolf date

 9/9/09  
 Lenord Robinson date

NOTE: The mylar signed in conjunction with this re-issued decision is Map # 585, Slide 277 recorded in the Town of Warren.