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**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
CONDITIONAL USE REVIEW
#2012-01-CU FENNELLY/HAYES**

The applicant, Michael D & Deirdra A **Fennelly** are proposing construction of a Single Family Dwelling located in the Sugarbush Village Residential District (Parcel Id# 210-043). The construction associated with this application will take place on slopes greater than 15 % and thus requires Conditional Use Review for development on steep slopes. The existing parcel, a 0.9-acre lot, located on Upper Village Rd., is owned by Michael & Christina **Hayes** (co-applicants).

A duly warned hearing was held on Monday February 20, 2012 and attended by DRB members Chris Behn, Lenord Robinson, Bob Kaufmann and Don Swain. Others in attendance were: Mark Bannon, Bill Heitmann, Mike Fennelly, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a complete application, including a site plan and erosion control plan done by Bannon Engineering, notice to abutters and proof of mailing.
2. The utilities [water & wastewater] serving the single family dwelling will be supplied by the mountain services, and the required set backs are being met.
3. The existing slopes run anywhere from 13%to a max of 26%.
4. Stormwater will be directed via a natural gully with a retaining pond/dry pond to capture the output.
5. Due to the small size of the lot that setbacks were used for the building envelope boundaries.
6. A prior to construction meeting with the contractor and homeowner [pre-op] followed by an inspection after week 2 on the plan, after the tap connection week 8-10, and then a final inspection when all the construction is complete was recommended by the engineer as the appropriate schedule of inspections for this project.
7. It was also recommended if there were any "heavy rain events" during the construction an inspection should be made to make sure the erosion control measures put in place were doing their job.
8. The Board found that the applicant has met the standards as set forth in Table 2.4 for the Sugarbush Village Residential District.
9. The Board found that the project as presented satisfies the standards of Sec. 3.4 (C) items (1) & (2) and is classified for applicability under Sec 3.4 (B) (1) for steep slopes review.

Notice of Decision:

The Board finds that the applicant having met the standards required for development on steep slopes in the Warren Land Use and Development Regulations hereby grants conditional Use Approval with the following conditions:

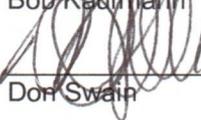
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- The project be constructed as per the plans and specifications submitted;
- Applicant is to follow the erosion control plan as stated on the site plan prepared by Bannon Engineering and dated 02/20/12.
- There are to be no less than four scheduled inspections of the erosion control measures and their installation/performance by a certified engineer.
- That before a Certificate of Compliance is issued a qualified professional must submit to the Zoning Administrator a written statement verifying that the project has been constructed as per the plans including especially the implementation of the erosion control plan.

DEVELOPMENT REVIEW BOARD


Chris Behn date 03/19/2012


Lenord Robinson date 3/19/2012


Bob Kaufmann date

Don Swain date 3/19/12

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TOWN CLERK