

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
CONDITIONAL USE REVIEW
#2012-61-CU JDMC Properties Realty

The applicant, **JDMC Properties Realty Trust** is requesting permission to construct a driveway over steep slopes to a development site for a proposed Single Family Dwelling. The property is identified as 70.9 Acres off Senor Road and is in the Rural Residential and the Forest Reserve Districts, parcel id 023008-601.

A duly warned hearing was held on Monday November 5, 2012 and attended by DRB members Lenord Robinson, Peter Monte, Virginia Roth and Bob Kaufmann. Others in attendance were: Peter Lazorchak, Dave Olenick, Miron Malboeuf and Ruth Robbins. The hearing was continued to Monday December 3, 2012 and DRB members attending were: Chris Behn, Peter Monte, Lenord Robinson, Virginia Roth and Don Swain. [note: Alternate member Tom Boyle was in attendance but not participating in the proceedings]. Others also in attendance were: Peter Lazorchak, Miron Malboeuf and Ruth Robbins. A final hearing was held on Monday January 21, 2013 and attended by DRB members Chris Behn, Tom Boyle, Lenord Robinson, Bob Kaufmann and Don Swain. Others attending this hearing were: Joy McCallum, Peter Lazorchak, Miron Malboeuf and Ruth Robbins

Findings of Fact and Conclusions of Law:

- 1) The Applicant submitted a completed application, site plan prepared by McCain Consulting, notice to abutters and proof of mailing. The applicant is requesting a driveway, crossing steep slopes, to a proposed site for the construction of a single family dwelling. The driveway is estimated to be 2800 feet long.
- 2) Subsequent site plans were submitted with the plan that was finally approved dated October 16, 2012, revised 01/17/13.
- 3) The Warren Fire Department submitted a letter with their recommendations dated 1/15/13.
- 4) The State of VT has issued a Wastewater System and Potable Water Supply Permit # WW-5-6238 dated 11/21/2012 and an Individual Wetland Permit #2112-171 approved on January 23, 2013.
- 5) A Road Access permit has been granted by the Warren Select Board.
- 6) There is a small piece of this parcel that is in the Forest Reserve District. None of the proposed development takes place in that area, but the standards of that district could still be applied. The DRB members looked at the layout of the project and found that the stricter standards of the Forest Reserve were not required here especially since the development taking place was outside of that section.
- 7) The engineer stated that the placing of the drive was done so as to minimize any possible impact to the wetlands buffer and that there is no direct impact to the wetlands with this plan. There is also a small stream crossing requiring a culvert that will need a stream alteration permit that the engineer was confident would meet the criteria and not need full ANR review.
- 8) An erosion control plan was submitted as part of the site plan that includes matting that allows for vegetative growth, stone lined ditches, stone check dams during construction, silt fencing below house site and the leach field and recommended seed mixtures. This

plan was modified prior to approval to include the area where the proposed fire pond will be constructed.

- 9) Though the parcel is large enough to accommodate more than one dwelling, the current intent is for one single family dwelling. Should additional dwellings be desired, the applicant is aware that they must come back before the DRB. The access is therefore deemed a driveway, not a development road.
- 10) The engineer told the Board that they most likely would be applying for a moderate risk construction general permit [CGP] that will have phasing added in to the actual procedure in development of the site.
- 11) Due to the length of the drive, several pull offs were required, spaced approximately every 400 feet. The final plan shows seven pull offs of a 12 foot by 50 foot size.
- 12) The width of the driveway was originally presented as being 14 feet wide. After meeting with the Warren Fire Department, the driveway has been widened to 16 feet and is reflected as such on the final plan.

Notice of Decision:

The Development Review Board has found that the applicant has met the criteria for Conditional Use approval for development on steep slopes and approves the application with the following conditions:

1. That the project be constructed as per the plans and specifications submitted and approved by the DRB;
2. That before the applicant begins construction they are required to enter into an agreement with the adjoining landowners [currently Traub] for the sharing of the common road-cut on Senor Road and thus giving up the current logging road curb-cut and confirming the agreement to the DRB in writing;
3. That the applicant is required to submit a letter of compliance with the Zoning Administrator stating that the erosion control measures/structures are operating as designed based upon an inspection by a licensed engineer at two intervals: at one year from completion and at two years from completion;
4. The applicant is also advised to submit a zoning application for the construction of this project within 30 days of the execution of this approval unless already submitted.

DEVELOPMENT REVIEW BOARD

Lenord Robinson 2/4/13
Lenord Robinson date

Tom Boyle 2-4-13
Tom Boyle date

Bob Kaufmann
Bob Kaufmann date

Chris Behn
Chris Behn date

Don Swain
Don Swain date

TOWN OF WARREN, VT

Received for Record 2/5 2013

at 1:22 o'clock P M and Received in

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Ret Wilson
TOWN CLERK