

**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Review – Steep Slopes
#2022-03-CU Alfano**

Application #2022-02-CU submitted by Peter C. Alfano, III, has requested Conditional Use approval for development of a three-bedroom SFR and one-bedroom Accessory Dwelling that will impact steep slopes greater than 15%. The project is located on West Hill Road, parcel ID 016004-900, 115 acres +/-, with the development located in the Rural Residential District.

A duly warned hearing was held on Monday March 7, 2022 and attended by DRB members Chris Behn, Peter Monte (Chair), Chris Noone, Virginia Roth (online), Jeff Schoellkopf (online). Others in attendance were Ruth Robbins (ZA), Peter Alfano (online), Caldwell Clark, David Frothingham, Austin Kelly, Tim Kelly, Tom McHugh, and Carol Chamberlin (Recording Secretary). A site visit was held earlier that day and attended by Ruth Robbins, Peter Monte, David Frothingham and Chris Noone.

Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a complete application including a site plan with slope analysis and an erosion control plan prepared by Wilcox & Barton, Inc. dated 01/18/2021, notice to abutters and proof of mailing.
- 2) DRB member Mr. Behn noted that he was the listing agent when property was sold to Mr. Alfano, and confirmed he has no continuing financial interest in the parcel. There were no objections to Mr. Behn's participation in the hearing.
- 3) The access will be from West Hill Road and necessitate a stream crossing near the southern boundary and it has been confirmed that the design as planned will not require a Stream Alteration Permit from the State. A Road Access permit from the Town has been approved [#2022-01-RC]
- 4) The driveway will cross slopes greater than 15% in some locations (for a total disturbance of about 3000 ft²) and at one point greater than 25% (disturbing approximately 800 ft²), in order to access a plateau where the house site has been designated. The driveway has been planned in order to avoid a significant wetland, although the wetland buffer will be impacted and the appropriate State permit has been applied for.
- 5) Board members who had participated in a site visit earlier in the day confirmed that there is no other obvious route to be used to get to the house site without an even steeper approach or greater impact to the wetland.
- 6) Any clearing on steep slopes will only be what is required for the driveway, house site, and septic system. Along the property line, the plans identify a no-cut zone width of 25 feet.
- 7) The Board found that the application meets the general requirements of Section 3.13, Surface Water Protection, of the Land Use and Development Regulations, allowing for site work necessary for road development while avoiding sensitive areas.
- 8) The Board found that given the conditions and findings already approved, the general Conditional Use Standards of Sections 5.3(A)(1-5) of the LUDRs have been satisfied and that no other specific Conditional Use Standards needed to be addressed.
- 9) The Board found that the submitted plans provide adequate control of erosion and sedimentation and that the intrusion on steep slopes required for development of the lot has been minimized.

Notice of Decision:

The Development Review Board having reviewed the request for Conditional Use for development on steep slopes and having made the above findings hereby approves the application subject to the following conditions:

- The proposed development must be constructed in accordance with the plans submitted and approved by the DRB.
- No cutting of trees will be allowed on portions of the property with greater than 25% slopes except a) dead, dying, or diseased trees, b) those that must be removed to allow for construction of the roadway or installation of the septic system, c) cutting authorized by a forest management plan which has been approved under participation in the Current Use Program, d) trees less than 6" in diameter at chest height, and e) all trees 8" or greater in diameter at chest height which are in the view corridor which was depicted on the plan at the hearing and will be included in the final plans submitted .
- No development can be commenced until a State Wetlands Permit is issued and a copy submitted to the Warren Zoning Office.
- 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

Peter Monte 4/4/22
Peter Monte Date Chris Behn Date

Jeff Schoellkopf Date Virginia Roth 4/12/22
Jeff Schoellkopf Date Virginia Roth Date

Chris Noone 4/4/22
Chris Noone Date

TOWN OF WARREN, VT
Received for Record 4/14 2022
at 8:45 o'clock A M and Received in
Vol. 275 Page 294-295
Rebecca Goss
TOWN CLERK
VT Property Transfer Tax Return # _____