

Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Subdivision Review & Conditional Use Review
#2022-12-SD 3-Lot Dzelzitis

Application #2022-12-SD/#2022-15-CU submitted by Jennifer & Sam Allen as co-executors of the Betty Ann Dzelzitis Estate, requested a three-lot Subdivision and a Conditional Use approval for development on Steep Slopes for property at 677 Main Street consisting of 38.5 acres which extends up to Fuller Hill Road and has an existing house and barn on Main Street. The property is parcel id # 004005-000 on the Warren grand list and is in the Warren Village Historic Residential District.

A duly warned hearing was held on Monday October 17, 2022 and attended by DRB members Chris Behn, Peter Monte (Chair), Chris Noone, Jeff Schoellkopf. Also in attendance were Ruth Robbins (ZA), Jennifer Allen, Sam Allen, Todd Hill, Keith Streeter, and Carol Chamberlin (Recording Secretary). The Preliminary/Final Plan review was held on Monday December 5, 2022 and attended by DRB members Chris Behn, Bob Kaufman, Megan Moffroid, Peter Monte (Chair), Chris Noone.

A site visit had taken place prior to the meeting of October 17, 2022, attended by Mr. Hill, Mr. Monte, Mr. Noone, and Ms. Robbins. The entire site was traversed, and the building locations, septic locations, utility line plan, and driveway routes observed.

Findings of Fact and Conclusions of Law

- 1) The applicants submitted both a complete subdivision and conditional use application, worksheets, subdivision site plan, water & wastewater designs, erosion and sediment controls by Todd Hill, and notice to abutters with proof of mailing.
- 2) DRB member Mr. Behn recused himself from this application to participate as an outside interested party.
- 3) Additional submittals including a slope analysis map, building envelope for Lot 1, and limits of clearing were outlined were provided.
- 4) Mr. Hill told the Board the only development planned for slopes of 25% or greater is a section of the underground power line installation, which will necessitate clearing approximately a 10' wide swath. There are some small areas within the building envelopes that are over 15% slope, as well as the septic disposal area for Lot 3 however the house sites are on a shelf, causing little impact to the 15% slope areas.
- 5) The Board found that the submitted plan satisfies the requirements of Section 3.4 D that steep slope disturbance is adequately managed, as the primary development is confined to less steep areas and an adequate sediment and erosion control plan is included in the application materials.

- 6) The Board found that the Standards in Section 7.2 have been satisfied by the information contained in the application materials and with the applicants stating that there is no current intention to further subdivide the property.
- 7) The Board found find that the only conservation areas on the site are steep slopes and that the application plans adequately address those by excluding development on very steep slopes except as necessary to install an underground power line, avoiding where possible development on steep slopes, and providing adequate sedimentation and erosion control plans where applicable.
- 8) The Board found that the Standards in Sections 7.4 through 7.10 have been satisfied by the information contained in the application materials.

Notice of Decision:

The Development Review Board, approves with the following conditions the request for a 3-lot subdivision.

This approval is subject to the following:

1. The land owner is required that any tree removal on areas with a 25% slope or greater, with a stump diameter greater than 12 inches, must have the stumps left in place.
2. All improvements on each lot are subject to Conditional Use Review if those improvements will disturb an area of greater than 1000 square feet on a slope of greater than 15%, or other very steep slope parameters that are applicable at the time of development.
3. *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 3 copies of the final subdivision survey plat, 1 mylar copy and 2 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 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 12/19/22

Peter Monte, Chair Date

Robert Kaufman 12-21/22

Robert Kaufman Date

Chris Noone 12/21/22

Chris Noone Date

Megan Moffroid 12/19/22

Megan Moffroid Date

TOWN OF WARREN VERMONT

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Page 75-77 of the Warren Land Records.

Attest [Signature]

VTTR # _____ Town Clerk

