

**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Subdivision Review & Conditional Use Review
#2022-13-SD-CU 2-Lot Alfano**

Applicant Peter C. Alfano III has requested a 2-lot Subdivision #2022-13-SD-CU at 1984 West Hill Road, 115+/- acres, parcel ID# 016004-9 in the Warren grand list and located in the Rural Residential District. The parcel is proposed to be divided into two parcels, with Lot 1 being 110.4 +/- acres and Lot 2 5.2 +/- acres. The Conditional Use approval is being requested for development on steep slopes. The applicant has previously obtained a Conditional Use approval to build on Lot 1.

A duly warned hearing was held on Monday November 21, 2022 and attended by DRB members Chris Behn, Bob Kaufman, Megan Moffroid, Peter Monte (Chair) and Chris Noone. Also in attendance were Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary) and David Frothingham of Wilcox & Barton, Inc. A site visit was conducted and attended by Ruth Robbins, David Frothingham and abutting neighbors Tom and Charlotte McHugh. The Preliminary/Final Plan review was held on Monday December 5, 2022 with DRB members Chris Behn, Bob Kaufman, Megan Moffroid, Peter Monte (Chair) and Chris Noone. David Frothingham was in attendance representing the land owner.

Findings of Fact and Conclusions of Law

- 1) The applicants submitted a complete subdivision and conditional use applications, project narrative, subdivision site plans, wastewater design and erosion control plan details including the roadway and building envelope, and notice to abutters with proof of mailing.
- 2) Mr. Behn indicated that he had been involved in the sale of the property to the applicants, but that he had no continuing interest in the parcel. Nobody felt that he needed to recuse himself from the hearing.
- 3) Mr. Frothingham told the Board that the new driveway would lead off from the current driveway/curb cut, and that the portion of the proposed lot not in the building envelope is largely undevelopable due to wetland impediments. The proposed building envelope has been delineated using property and wetland setback requirements.
- 4) Mr. Frothingham stated that there are no slopes 25% or greater that will be disturbed, and that the site contains minimal areas which are slightly above a 15% slope. On these minimally steep slopes, there is proposed to be approximately 2500 square feet of disturbance.
- 5) Though there is potential on the property to create an additional upper lot, which would require lengthening of the existing driveway there are no current plans in place to proceed with development of a third lot.
- 6) Tree clearing limits have been labelled in the area between the wetland buffer edge and the building envelope.

- 7) The Board found that the application materials submitted satisfy the General Standards of Article 5, Section 5.3 (A) 1-5.
- 8) The Board deemed this to be a Minor Subdivision.
- 9) The Board found that that the Standards in Sections 7.2, 7.4, 7.5, 7.6, 7.7, 7.8, and 7.10 are either satisfied by the application materials or not applicable.
- 10) The Board found that the Standards in Section 7.3 have been satisfied by the information contained in the application materials, and that Conditional Use approval for construction will be required in the event that this approval has expired.

Notice of Decision:

The DRB approves the creation of a 2-lot subdivision with the following provision and conditions:

1. The Board approves the submitted sediment and erosion control plans and find that they are adequate to deal with the steep slopes that may be intruded upon and that those intrusions in the proposed plans are kept to a minimum; this provides for Conditional Use approval of the subdivision itself, with the *understanding that final development plans for a dwelling and associated structures will require further Conditional Use approval.*
2. It is a requirement that lines for utility services be installed underground.
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, Chair Date

 Robert Kaufman Date

[Signature] 12/22/22

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#2022-06-SD Edgcomb & Leacock # 2022-13-SD-CU ALFANO

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