

**Town of Warren**  
**Development Review Board**  
**Findings of Fact and Notice of Decision**  
**Subdivision Review & Conditional Use Review**  
**#2022-01-SD-CU Clark /Jackson**

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Caldwell Clark & Laura Jackson have requested approval for a 3-lot Subdivision with Conditional Use approval due to some minimal development over steep slopes. The approximately 95-acre parcel is proposing the following: Lot 2, 4.4-acres; Lot 3, 4.28-acres and Lot 4 will be the remaining 87+/- acres. Lot 1 was previously subdivided in 2016. There is no intention of any further subdivision. The property is located at 1094 VT Route 100 in the Warren Rural Residential District and is PID # 100002-2 in the Warren Grand list.

A duly warned hearing was held on March 7, 2022 and attended by DRB members Peter Monte, Jeff Schoellkopf, Virginia Roth, Chris Behn and Chris Noone. Others in attendance were David Frothingham, Caldwell Clark, Ruth Robbins [ZA] and Carol Chamberlin [Recording Secretary].

This subdivision request was previously reviewed in three hearings [10.05.20, 11.16.20, 12.07.20 and a site visit 11.10.20] but was never fully executed within the required timeframe thus no longer in effect

**Findings of Fact and Conclusions of Law**

1. The applicants submitted a complete application including a project narrative, site plan, road profile plan, grading and erosion control plans, wetland impact plan, notice to abutters and proof of mailing.
2. During the 2020 site visit the members observed and found a roughed in road and that the existing road terminus would be moved to the west to eliminate the portion where it currently crossed the wetland area; that the building envelopes will not encroach on the wetlands; that the building envelopes will not encompass any area that has a slope of greater than 15%. It was also discovered that the existing driveway to the house on Lot 1 is not in conformance with what was approved in the original subdivision application for this parcel, but that the current location of the driveway is an acceptable configuration for the site conditions.
3. Mr. Frothingham stated that the building envelopes have been defined by either road or property-line setbacks, and that a 50-foot wetland buffer, plus some extra footage for grading allowances, has been taken into account and noted on the site plan. There are also some setbacks from steep slope areas, and while some of the envelopes contain areas between 15% and 25% slope, nothing where buildings are planned is above 25%.
4. It was noted that Lot 1 was approved in a previous subdivision in 2016, but that as part of this application approval is sought for a ROW revision to allow for approval of that lot's as-built location of the driveway.
5. It was found that the wetlands on the property are Class II Wetlands, which are secondary conservation areas. It was also found that none of the building envelopes impinge on wetland buffers, but that the envelopes do include areas of slope between 15% and 25%, which are also secondary conservation areas.
6. The Board found the proposed roadway wetlands crossing of 30 feet follows a pre-existing field road, and that the improvements being sought have a negligible adverse effect on the wetlands. It was additionally noted that upon review no alternative route was determined to be practical as other configurations all would have a much greater wetland impact.



7. The Board found that the applicant has satisfied the requirements of Article 7, Section 7.3 of the Land Use and Development Regulations regarding the protection of conservation areas.
8. The Board found that the general standards of Article 7, Sections 7.2(A) –7.2 (D) have been satisfied.
9. The building envelope setbacks on this application are set to respect the road easements as property lines. It was agreed that the frontage requirements were written to avoid long skinny lots with multiple drives entering the road in a short distance, and this application satisfies the understood intent of a reasonable boundary length (400+ feet on side where drive enters the property) rather than a strict interpretation of road frontage.
10. It was confirmed that at this point no further subdivision is planned, and with the remainder of the parcel being quite steep and containing multiple ledge outcroppings, and that septic considerations also would make creation of further lots difficult.
11. The Board found that the general standards of Article 7, Sections 7.2(E) – 7.2(H) have been satisfied.
12. The Board determined that there is not a need to create common land or open space requirements, and thus the standards of Article 7, Section 7.4 are irrelevant.
13. The Board found that the standards of Article 7, Section 7.5 have been satisfied in the plans presented.
14. The Board found that the standards of Article 7, Sections 7.6 related to community services and facilities have been satisfied by the road width and turnoffs depicted in the plans presented.
15. When the owner(s) of Lot 1 become parties to the application to request as-built approval, the standards of Section 7.7 will be satisfied.
16. The Board found that the standards of Article 7, Section 7.9 have been satisfied, as the utilities are designated to be underground in the plans provided. Additionally, it was found that Article 7, Section 7.10 is not applicable to this application
17. Since the DRB's approval of the subdivision (with conditions) in 2020, there have been no changes to the regulations nor to the surrounding properties or the proposed development that would result in the Board altering any of the findings and conclusions of law as made during the earlier approval and stated above.

**Notice of Decision:**

The Development Review Board, readopts as previously approved with the following conditions the request for a 3-lot subdivision.

This approval is subject to the following:

- 1) That the project be constructed according to the specifications as presented with the application and approved by the DRB.

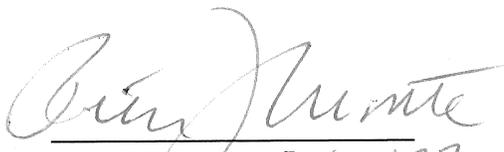
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- 2) That before construction begins all State Wastewater and Potable Water Supply permits for Lots 2, 3 and 4 must be obtained; upon issuance of those permits, the requirements of Article 7, Section 7.8 will be satisfied.
  
- 3) *In accordance with 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 REVISED final subdivision 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.*

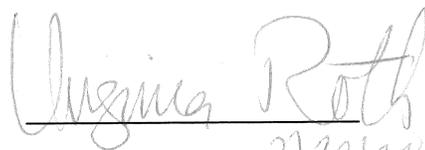
Approval shall become effective once this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. Beginning the effective date of this decision, there is a 30-day period during which parties may appeal the decision to the Environmental Court.

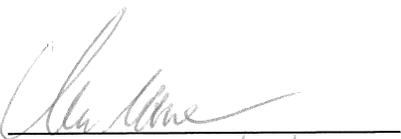
**Development Review Board**

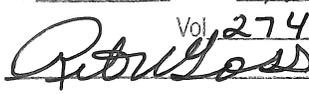
  
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 Peter Monte 3/21/22

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 Virginia Roth 3/22/22

  
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 Chris Noone 3/21/22

TOWN OF WARREN, VT  
 Received for Record 3/24 2022  
 at 8:50 o'clock A M and Received in  
 Vol 274 Page 623-625  
  
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 TOWN CLERK  
 VT Property Transfer Tax Return # \_\_\_\_\_

