

**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Subdivision Review – Amendment to an Approved Plat
#2016-05-SD Kingsbury/Baccari**

The applicant, Scott Kingsbury, requests an amendment to the previously filed subdivision plat issued by the Planning Commission on November 11th, 1989 to relocate the permitted house site and building envelope, to eliminate provision #8 in the Findings of Act of the Warren Planning Commission document dated June 23, 1997 which calls for permission/approval by Mr. Bruce Jope for tree cutting, and for the replacement area for the wastewater system currently located on the Jope property to be relocated to the subject property currently owned by Mr. and Mrs. Baccari. The applicant proposes to construct a single family dwelling and a sugar house on the 5.3 acre property which is located in the Forest Reserve (FR), and Rural Residential District (RR), and is currently owned by Paul L & Christina M Baccari. The parcel is located on the Roxbury Mountain Road across from number 1069 and is identified as Warren Parcel Id. # 001011-100.

A duly warned hearing was held on **February 15, 2016** and attended by DRB members Peter Monte, Chris Behn, Tom Boyle and Virginia Roth. Others in attendance were Scott Kingsbury, Maryellen Kinhan, Dave Olenick, Margo Wade, Geoff Wade, Miron Malboeuf and Ruth Robbins. A site visit was held on **February 24th** and attended by Mr. Schoellkopf, Mr. Swain, Mr. Olenick and Mr. Malboeuf. The next hearing was conducted on **February 29th** and attended by DRB members Jeff Schoellkopf, Chris Behn, Don Swain and Virginia Roth. Others also at this hearing were: David Olenick, Scott Kingsbury, Joel Taplin, Charles Taplin, Margo Wade, Maryellen Kinhan, Miron Malboeuf and Ruth Robbins. Needing additional information from the applicant the hearing was continued until **March 21st** but a quorum could not be obtained so it was continued again until **April 18th** at which the following DRB members were in attendance: Peter Monte, Virginia Roth and Tom Boyle. Others also there were David Olenick, Scott Kingsbury, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a complete application, proposed site plan, agreement with the abutter Mr. Jope signed 12/31/15 regarding changes in conditions from the current subdivision approval, notice to abutters and proof of mailing.
- 2) Two of the neighbors [Wade and Kinhan] in attendance at the initial hearing expressed some concern as to the exact location of the proposed house site as there is a "cut zone" that allows them to keep overgrown trees from impeding their view and they wanted to know how a house might factor into that view. They had a meeting at the site with the applicant and with a clearer understanding of what was being proposed their concerns were alleviated.
- 3) The Board approved the elimination of item #8 under the Findings of Fact of the Subdivision Review made by the Warren Planning Commission and signed August 8, 1997 that required Mr. Jopes' approval for any tree cutting. Mr. Jope has signed a document as an addendum to this application consenting to the removal of this condition dated December 31, 2015.
- 4) The Board approved the relocation of the replacement wastewater system from Lot A to a new location on Lot B with conditions.
- 5) The Board found this to be a Minor subdivision as per Sec. 6.1 (C) (1).
- 6) The Board found Sec. 7.2 Subdivision General Standards, Sec. (A) through (D) to be satisfied with the amendment that relocates the building envelope and allows the replacement area for the wastewater system to also be relocated.

- 7) The Board found Sec. 7.2 (F) to be satisfied due to the agreement with Joep and the cut easement with the neighbors Wade and Kinhan.
- 8) The Board found that the proposed building envelopes are the only reasonable locations and that Sec. 7.2 (G) Energy Conservation and (H) Disclosure of Subsequent Development Plans is satisfied.
- 9) Sec. 7.6 and Sec. 7.7 are found by the DRB to not be applicable to this application.
- 10) The Board finds Sec. 7.8 Water Supply and Wastewater Disposal is satisfied with conditions.
- 11) The Board found the applicant has satisfied Sec. 7.5 Stormwater management and Erosion Control with conditions.
- 12) The Board found that Sec. 7.10 Signs is not applicable for this application.
- 13) The Board found that the areas to be developed in both building envelopes falls under the requirements of Article 3, Sec. 3.4 (B) (1) therefore requiring Conditional Use review.
- 14) The Board found that the standards under Sec. 5.3 (A) (1 – 5) Conditional Use General Standards are satisfied by the applicant.

Notice of Decision:

After review of the Subdivision standards for revisions of an approved plat [Sec. 6.7] and review of Conditional Use Standards [Sec. 5.3] for on steep slopes [Sec. 3.4] the Board approves the applicant's request to amend a previously approved plat subject to the findings and conditions voted on by the Board. The conditions of this approval are as follows:

1. The relocation of the replacement wastewater system from Lot A to a new location on Lot B is subject to: 1) approval by the State of VT; 2) the system is not located within 150 feet of the southern edge of the right-of-way of Town Highway #1; 3) not located in the cut easement area that benefits the uphill abutters of Strauss and Bullock; and 4) not located within any of the required zoning setbacks of the parcel.
2. Sec. 7.8 Water Supply and Wastewater Disposal is satisfied on the condition that 1) the final plat shows the replacement wastewater system relocated as submitted on the application and to state /town specifications and 2) that no development takes place until the revised VT State wastewater permit is issued.
3. Sec. 7.5 Stormwater management and Erosion Control is satisfied with the condition that standard erosion control measures be implemented on any slopes that are disturbed of 15% grade or greater and that all efforts are made to avoid Primary and Secondary Conservation Areas from being disturbed during development.
4. All requirements and conditions from the previous approvals of 1990 and 1998 will remain in effect unless specifically modified by the hearings on this application #2016-05-SD.
5. Sec. 7.9 Utilities is satisfied subject to the requirement that all utilities be placed underground from the town right-of-way to the building site as per current standards.

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6. The applicant is required to satisfy the following standards under Sec. 3.4 (D) Items (6) and (8).
7. Sec. 3.4 (D) is satisfied with the inclusion of the erosion control plan on the site plan.

Development Review Board

Peter Monte 5/15/16

Peter Monte date

Virginia Roth date

Tom Boyle 5-16-16

Tom Boyle date

TOWN OF WARREN, VT

Received for Record 5/18 2016

at 11:45 o'clock A M and Received in

Vol. 239 Page 300-302
Robert [Signature]

TOWN CLERK

VT Property Transfer Tax Return #

