

**Town of Warren  
Development Review Board  
Findings of Fact and Notice of Decision  
Conditional Use Review – Steep Slopes  
#2021-03-CU Lindenfeld**

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Application # 2021-03-CU submitted by Ralph & Sarah Lindenfeld seeks Conditional Use review for earth disturbance to "steep slopes" between 15%-25%, a 30% setback waiver, and a building envelope within 100' of a stream. The existing lot, denoted as Lot 4/5 of 2.2± acres, is located at 118 Orchard Road, PID # 480706-100 and proposed to be improved with a single-family residence. There is an existing camp on the site that will remain as a seasonal accessory structure to the proposed residence. The building envelope has been located to avoid slopes. The building envelope has been located to avoid slopes 25% or greater and meets the required minimum 50' stream buffer setback per section 3.13 of the Zoning Regulations.

A duly warned hearing was held on Monday January 18, 2021 and attended by DRB members Devin Klein Corrigan, Peter Monte (Chair), Virginia Roth, and Jeff Schoellkopf. Others in attendance were Ruth Robbins (ZA), Chris Austin, David Frothingham, Sarah Lindenfeld, Bryan Lowe, George McCain, Sue Anne Stager, Henry Turner, Sarah Turner, and Carol Chamberlin (Recording Secretary). A site visit was held earlier that day and attended by Ruth Robbins, Jeff Schoellkopf, and George McCain.

**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 McCain Consulting dated 01/18/2021, notice to abutters and proof of mailing.
- 2) Mr. McCain stated that the drive for the site would be a mellow access from Journey's End and that there is currently no access from Orchard Road, and no such access is planned.
- 3) Mr. McCain explained that slope considerations indicate the need for the driveway to be within 20-25 feet of the stream running through the property and that the current regulations allow for stream setback relief consideration for driveways. An additional setback waiver is for the front which will allow for the house to be constructed on the site's plateau and reduce steep slope impacts of both the building and the driveway.
- 4) There is no intention by the applicants to provide septic access or water supply to the existing seasonal structure.
- 5) 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.
- 6) 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.



**Notice of Decision:**

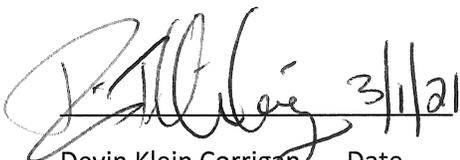
The Development Review Board having reviewed the request for Conditional Use for development on steep slopes and having made the above findings hereby approves the application subject to the following conditions:

- The proposed development must be constructed in accordance with the plans submitted and approved by the DRB.
- It is required that the driveway location is no closer to the stream than is depicted on the submitted plans.
- In addition to the protection otherwise granted in Section 3.13(A) of the Land Use Regulations, no tree cutting in the 50-foot stream buffer shall be allowed except for as necessary for driveway and septic work or in the case of a diseased or dying tree that is threatening damage to a structure
- 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**

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Peter Monte                      Date

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Chris Behn                      Date

  
Devin Klein Corrigan                      Date

  
Virginia Roth                      Date

  
Jeff Schoellkopf                      Date

TOWN OF WARREN, VT  
Received for Record 313 2021  
at 10 o'clock A M and Received in  
Robert Ross Vol 268 Page 348-349  
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VT Property Transfer Tax Return # \_\_\_\_\_

