

Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Appeal of Violation
2015-21-NOT.VIOL.AP_Romano

Application **2015-21-NOT.VIOL.AP**. Appeal of zoning violation cited on October 21, 2015 and appealed by the property owner, Salvatore & Nancy **Romano and the Grand Hollow Association** [the latter whom did not respond], on November 6th, 2015. The citation issued after a site visit on October 21, 2015 stated that "*On October 21, 2015, I conducted a site visit to your property. After reviewing notes and zoning permit application 2008-50-ZP. I find that you are in violation of the Warren Land Use & Development Regulations. You have constructed a wall and excavated on slopes greater than 15 % and in an area within the repair buffer and setback of Clay Brook.*"

A duly warned hearing was held on Monday June 20, 2016 and attend by DRB members Peter Monte, Tom Boyle and Don Swain. Others also in attendance were Nancy Romano, Betty Romano, Mark Bannon, Marianne Stankiewicz, Richard Stankiewicz, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

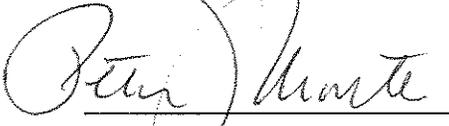
- 1) The applicant submitted a notice of appeal with the request for Conditional Use approval for the work done as well as additional work to be done that was summarized in a project narrative. Notice to abutters with proof of mailing was also submitted as well as an "as-built" site plan by Bannon Engineering. Photos included in the file were done by the Zoning Administrator.
- 2) The Board found that the work done without a zoning permit is a violation of Article 3, Sec. 3.4 Erosion Control & Development on Steep Slopes and Sec. 3.13 Surface Water Protection as the work that was done was on slopes of 15% grade or greater and was within the setback requirements of Clay Brook; and as per Sec. 9.3 Zoning Permit that prohibits any development without first getting a permit to do so.
- 3) The Board found **1)** the area physically occupied by the new stairway is exempt; **2)** the area of one foot on both the east and the west side of the stairway necessary for the construction of the stairway is exempt; and **3)** the area from the low end of the stairway easterly but not greater than 3 feet away from the structure (to the south) is exempt as a walkway as allowed under Sec. 9.2 (A) (2); **but all of the other work performed is not exempt.**
- 4) The Board found that the proposed patio falls within the 50 foot setback of Clay Brook and therefore is barred from development.
- 5) The Board found the area proposed for the location of a utility shed is the same area that would have been an unpermitted area as it had slopes in excess of 15% though it is now a level site due to unpermitted activity.
- 6) The Board found the area of the proposed shed falls within the 50' setback for Clay Brook and therefore cannot be located in that area.

Notice of Decision:

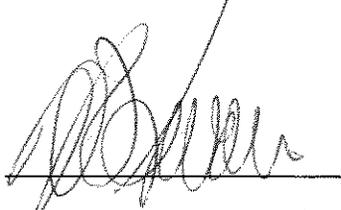
The DRB hereby dismisses the appeal and affirms the notice of violation dated October 21, 2015. The Board additionally denies the request for a patio and a shed as presented as they are not allowed under the regulations.

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Development Review Board

 8/1/16

Peter Monte date

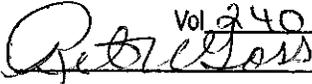


Don Swain date

Tom Boyle date

TOWN OF WARREN, VT

Received for Record 812 20 116
at 8:50 o'clock P M and Received in
Vol. 240 Page 323-324


TOWN CLERK

VT Property Transfer Tax Return # _____