

Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Review – Steep Slopes
#2023-05-CU Zelman

Johanna Zelman submitted application #2023-05-CU for a Conditional Use approval to construct a new Accessory Dwelling [located in a new connected garage with a 2-bedroom apartment] and associated infrastructure which will impact some steep slopes of 15% or greater. The property is located at 752 Mad Meadows Road, 8.3 +/- acres, parcel ID # 023006-400 in the Warren Grand List and located in the Rural Residential District.

A duly warned hearing was held on Monday June 19, 2023 and attended by DRB members Peter Monte (Chair), Megan Moffroid, Chris Noone and Jeff Schoellkopf (Vice Chair). Others in attendance were Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary) and Gunner McCain.

Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a complete application, site plan showing slopes, the grading and an Erosion Prevention and Sediment Control Plan [EPSC], Natural Resources Atlas maps, notice to abutters and proof of mailing.
- 2) More than 1000 square feet of steep slope will be impacted by the change in driveway configuration and the building of the garage. A foot bridge will connect the second floor of the house to the garage. The areas of steep slope beneath the foot bridge are manmade, and the area impacted there will be less than 1000 square feet.
- 3) A new wastewater system is part of this plan, and the associated mound system is the only development that will be in the Meadowland portion of the property. The septic tanks and pipes will cross a wetland area of approximately 200 sf, and impact 6,800 sf of the buffer area, and a State permit for this work is in place. The system itself does not encroach on the wetland, however this location was chosen because everything closer to the house is too wet and there is not a large enough area above the existing pond. There will be approximately 300 sf of wetland buffer impacted by other portions of the project, which are also included in the State permit, as the site chosen for the garage is the only reasonable location on the property.
- 4) The driveway reconfiguration will cross some steep areas (between 15% and 25% slope), and that this approach to the garage has been chosen to avoid an even steeper area. It was noted that 60 feet of the current driveway will be re-naturalized when the drive is relocated. The EPSC covers this part of the project as well as the development of the garage.
- 5) The Board found that the development of the leach field and associated service lines within the meadowland are in compliance with Section 2.13 (E) (1) of the Land Use Regulations because there is no other suitable location and the location shown on the application materials minimizes the disruption of the area's scenic quality, retains agricultural use, and there is no preferable location on less productive land.
- 6) The Board found the following: **a)** the new septic system is on no greater than 25% slope **b)** other aspects of the development affect small areas that are greater than 40% slope; these are not naturally occurring but rather the result of prior development that was appropriate at the time completed, **c)** all other slopes affected are 25% or less with a substantial amount being 15% or less, and **d)** the plans submitted indicate that the net result is a reduction in impact to slopes over 15%.
- 7) The Board found that the disruption of slopes that currently exceed 25% is necessary to facilitate development on slopes that are less than 25%.

- 8) The Board found the erosion prevention and sediment control plan [EPSC] included in the application materials is adequate to address the work being done on steep or very steep slopes.
- 9) The Board found the project complies with Article 5, Development Review, Sec. 5.3 Conditional Use Review Standards, General Standards (A) items 1, 2, 3, and 4 of the Warren Land Use Regulations, and that item 5 is not applicable to this application. No Board member indicated that the Specific Standards (B) needed to be addressed for this application.

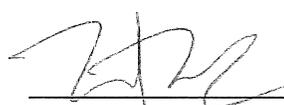
Notice of Decision:

The Development Review Board, having reviewed the applicable standards in the Warren Land Use and Development Regulations as adopted by the Warren Select Board on March 25, 2008 and last amended November 11, 2012, hereby approves Conditional Use subject to the following:

1. The project shall be completed, operated, and maintained in accordance with the conditions of this permit and the permit application, plans, and exhibits on file with the Board and other material representations.
2. Work shall not commence until any and all required VT State permits have been obtained.

Development Review Board


Peter Monte, Chair Date 7/17/23

 7/17/23
Megan Moffroid Date

Jeff Schoellkopf Date

 7/18/23
Chris Noone Date

Approval shall become effective when this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. The applicant or any other interested person who has participated in a regulatory proceeding of the Development Review Board may appeal a decision rendered by the Board within 30 days of such decision to the Vermont Environmental Court, in accordance with the Act [§4471].