

Town of Warren
Development Review board
Findings of Fact and Notice of Decision
Conditional Use Review
2017-40-CU Brauer/Morehouse

The applicants, Jeffrey Lawrence **Brauer** & Jolanea Ann Brauer request Setback Relief from an existing stream to allow construction of SFD & detached garage. . The property is located at 329 Mad Meadows Road in the Rural Residential and Meadowland Overlay District, Parcel ID. # 023006-100.

A duly warned hearing was held on Monday August 7, 2017 and attended by DRB members Don Swain, Virginia Roth and Tom Boyle. Others in attendance were Peter Lazorchak, Gunner McCain, Jolanea Brauer, Jocelyn Brauer, Jeff Brauer, Bryan Neill, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a complete application, a site plan prepared by McCain Consulting, notice to abutters and proof of mailing.
- 2) The subject property is a pre-existing undeveloped lot in the Mad Meadows subdivision which predates the ordinance regarding setback buffers from streams.
- 3) The engineer for the applicant stated that in order to satisfy a 100 foot setback from the stream they would be left with an unbuildable piece of property. The proposed house has been modified by the builder to meet a 50 foot buffer which is allowed with conditional Use approval from the DRB.
- 4) Some trees will be cut in the 50 foot buffer to allow for a well to be drilled and the construction of the house. As such, The Board found Sec. 3.13 (A) is not applicable as the dwelling is outside of the 50 foot buffer; the water well, within the 50 foot buffer at 25 feet, is exempt as it is a utility.
- 5) The Board found Sec. 3.13 (B) (3) not applicable; (C), (D) and (F) not applicable and therefore the standards of Sec. 3.13 are found to be satisfied.
- 6) With a condition of a standard erosion control plan and the future maintenance of the stream so as to keep any impediment from altering its course, Sec. 3.13 (B) (2) is found to be satisfied by the Board.
- 7) Conditional Use Review General Standards Sec. 5.3 (A) items (1) thru (5) are found by the Board to not be applicable to this application.
- 8) The Board determined that under Sec. 5.3 (B) the following items were found to not be applicable: (1) thru (3), (5), (6), (10) and (11); item (7) is found to be satisfied as the wetlands that may be present are deemed to be insignificant but the designation of a building envelope is a condition of any approval; item (8) is satisfied upon the receipt of an erosion control plan reviewed and approved by the Zoning Administrator; and item (9) is satisfied based on the review and vote by the Board that the applicant has satisfied the standards under Sec. 3.13.

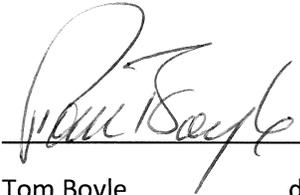
Notice of Decision:

Having found that the applicant has satisfied the standards where applicable under Sec. 3.13 and Sec. 5.3 the Board hereby approves the building of a dwelling with only a 50 foot stream buffer subject to the following:

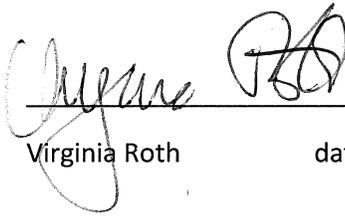
1. The project is to be built as per the details submitted to the DRB
2. A standard erosion control plan must be submitted to the Zoning Administrator and the applicant is required to maintain the stream so as to keep any impediment [tree branches] from altering its course.

Development Review Board

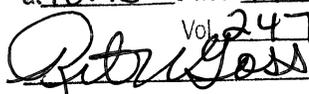
Don Swain date

 8-21-2017

Tom Boyle date

 8/21/2017

Virginia Roth date

TOWN OF WARREN, VT
Received for Record 8/22 2017
at 10:15 o'clock A M and Received in
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VT Property Transfer Tax Return #