

Received for Record 8/22 2017  
at 10:15 o'clock A M and Received in

Town of Warren  
Development Review Board  
Findings of Fact and Notice of Decision  
Zoning Violation Remediation  
2017-27-VO 731 ROUTE 100 LLC

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Ruth Robbins  
TOWN CLERK  
VT Property Transfer Tax Return # —

The applicant, **731 ROUTE 100 LLC** was issued a violation by the Zoning Administrator for the unpermitted removal of trees within the 50' riparian stream buffer in the Flood Hazard Overlay District. The applicant came before the Board to get approval for a remediation plan. The violation will be reviewed under Section 3.13 (Surface Water Protection) and Table 2.14 (Flood Hazard Overlay District (FHO) of the Warren Land Use and Development Regulations.

A duly warned hearing was held on Monday August 7, 2017 and attended by DRB members Mr. Swain, Mrs. Roth and Mr. Boyle. Others in attendance were Peter Lazorchak, Gunner McCain, Jolanea Brauer, Jocelyn Brauer, Jeff Brauer, Bryan Neill, Miron Malboeuf and Ruth Robbins. A site visit was conducted on June 19, 2017 and attended by members Mr. Monte, Mrs. Roth and Mr. Boyle. Others in attendance were Mr. Rood and Mr. Malboeuf.

Findings of Fact and Conclusions of Law:

- Mr. Lazorchak of Wilcox and Barton represented the owners Zan and Dana Franc. Submitted to the DRB was a site plan that showed existing trees and the proposed addition of some trees. The plan also included an erosion control plan.
- An email [dated 5/31/17] to the Zoning Administrator, Mr. Malboeuf from Mr. Czaplinski representing the Friends of the Mad River was submitted with the Friends of the Mad River's suggestions for remediation.
- The Board upheld the Zoning Administrator's issuance of a violation as they found the land owner had violated the standards under Sec. 3.13 Surface Water Protection due to the removal of trees, vegetation and soil disruption within the 50 foot stream buffer area.

Notice of Decision:

The DRB approved the proposed remediation plan with the following conditions:

- 1) The applicant is required to submit a completed remediation plan that re-establishes vegetation within the 50 foot stream buffer area that was disturbed that includes at least 6 trees of a 3-inch caliper or greater and will submit to the Zoning Administrator for review and approval documentation for the installation of ground cover with roots systems that are appropriate for withstanding a heavy water event/erosion.
- 2) The applicant is required to submit a maintenance plan, to cover no less than five years to address 1) the critical areas subject to erosion and 2) the areas to be maintained for recreation and access to the river.

Development Review Board

Don Swain

date

Tom Boyle

date

Tom Boyle 8-21-2017

Virginia-Roth

date

Virginia-Roth 8/21/2017