

**Town of Warren  
Development Review Board  
Findings of Fact and Notice of Decision  
Conditional Use/Subdivision Review  
#2017-45-CU/SD Robinson**

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The applicants, Lenord & Genevieve **Robinson** request a determination that the lot described as 1.13 ACRES & Dwelling, XCTY Ski Center/Rental may be subdivided as 2 separate lots of .43 acres and .70 acres as they existed before zoning regulations were established. This determination will be reviewed under Section 3.5 of the Warren Land Use and Development Regulations .The property is located in the Rural Residential District at 424 & 404 Plunkton Road, Property Id 028001-903.

A duly warned hearing was held on Monday August 21, 2017 and attended by DRB members Peter Monte, Tom Boyle, Virginia Roth and Bob Kaufmann. Others in attendance were Herb Williams, Lenord Robinson, George Robinson, Miron Malboeuf and Ruth Robbins.

**Findings of Fact and Conclusions of Law:**

1. The applicant submitted a complete application, survey map, request narrative, notice to abutters and proof of mailing.

**The DRB made the following findings:**

2. The .70 acre parcel shown on the Drown & Marsh map with trailer was subdivided in 1962 to enable a purchase and sales contract with Russell Downs for the property;
3. No purchase and sales nor deed was recorded at the time;
4. Russell Downs continuously occupied the lot under the purchase and sales contract for fifteen [15] or so years;
5. Mr. Downs did not fully execute the purchase and sales agreement and left the property in 1977, or there about abandoning the sales agreement;
6. In May 1971 Drown and Marsh prepared a survey showing the .70 acre lot and a .43 acre lot as separate parcels both owned by Leonard and Genevieve Robinson and treated as two separate lots since 1962. The .43 acre lot is occupied by the applicant's cross country ski center and the .70 acre lot has one or another occupant, none of whom were Leonard or Genevieve Robinson at any time since 1962
7. Years before the effective date of the zoning ordinance both the .43 acre and .70 acre parcels were developed and served by adequate water and wastewater systems that have operated continuously in good order to date.
8. That Sec. 3.5 (B) items (1) and (2) of the Warren Land Use and Development Regulations were satisfied

**Notice of Decision:**

Based on the findings and conditions voted on the Board approves the application requesting the recognition of two existing small lots with the following conditions:

- 1) That at the time of transfer the standards under Sec. 3.5 (B) items (3) [each water supply and wastewater system is functioning in an acceptable manner], and (4) [the deeds of conveyance create appropriate easements on both lots for replacement of one or more wastewater systems,

potable water systems, or both, in case there is a failed system or failed supply as defined by the state (10V.S.A. Chapter 64)] must be satisfied.

- 2) The Drown and Marsh map presented at this hearing dated May 1971 Revised 8/12/71 must be transferred onto Mylar to be recorded in the Town Office with a paper copy to the Zoning Office within 90 days of approval.

**Development Review Board**

Peter Monte 11-6-17

Peter Monte                      date

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Tom Boyle                      date

Bob Kaufmann 11/6/17

Bob Kaufmann                      date

Virginia Roth 11/6/17

Virginia Roth                      date

TOWN OF WARREN, VT

Received for Record 11/7 2017

at 11 o'clock A M and Received in

Robert Vol 248 Page 340-341

TOWN CLERK

VT Property Transfer Tax Return #