

**Town of Warren
Development Review Board
Findings of Fact & Notice of Decision
Subdivision Review
#2014-16-SD Hartshorn**

The applicants, Alan & Constance Hartshorn are seeking approval for the subdivision of their existing 79 acre lot into four lots. There will be two new residential lots: Lot 2 will contain 2.8+/- acres and Lot 3 will contain 1.8+/- acres. Lot 1 will contain 6.7+/- acres and the existing residence and Lot 4, the balance of land (68+/- acres), will remain undeveloped at this time, continue to be enrolled in the current use program and will be used for forestry. The property is located in the Rural Residential District at 94 Powderhound Rd. parcel ID #100001-100.

A Sketch Plan Review was done at the May 5, 2014 meeting and attended by DRB members Lenord Robinson, Chris Behn, Peter Monte, Bob Kaufmann and Tom Boyle. Others in attendance were Alan Hartshorn, Peter Lazorchak, Connie Hartshorn, Paula Hartshorn Brown, Jeff Brown, Miron Malboeuf and Ruth Robbins. A final Plan Review was held at a duly warned hearing on Monday September 15, 2014 and attended by DRB members Lenord Robinson, Peter Monte, Don Swain and Virginia Roth. Others in attendance were Connie Hartshorn, Ken Lavanway, Paula Hartshorn Brown, Jeffrey Brown, Alan Hartshorn, Peter Lazorchak, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

- 1) The applicants submitted a complete application, Subdivision Worksheet, site plan prepared by McCain Consulting, a deed verifying a ROW, notice to abutters and proof of mailing.
- 2) The Board found that :(1) although the existing driveway is in part more steep than would typically be allowed to serve two dwellings, any alternative access would be even less desirable due to the resulting intrusion into conservation areas or the excessive disruption of soils; and (2) The Warren Fire Department has reviewed and approved the accessibility to both lots using the existing driveway.
- 3) The Board found that the standards under Section 7.2 of Article 7 Subdivision Standards items (A) through (H) are found to be satisfied by the proposed subdivision.
- 4) The Board found that the proposed development avoids any intrusion into primary and secondary conservation areas thus satisfying the standards of Sec. 7.3.
- 5) The Board found that the Board finds that Sec. 7.4 Open Space & Common Land is satisfied by the application with the ongoing use of lot 4 for forestry and agriculture and based on the condition imposed requiring DRB approval before any development can take place on Lot 4.
- 6) The Board found that Sec. 7.5 Stormwater Management & Erosion Control is satisfied as per the plans submitted by the applicant.
- 7) The Board found that Sec. 7.7 Roads and Pedestrian Access is satisfied by the plans submitted as the access shown is considered a driveway, not a road, by definition.
- 8) The Board found the Board finds that the applicant has satisfied the standards of Sec. 7.6, 7.8, 7.9 and 7.10 of the Warren Land Use and Development Regulations.

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Notice of Decision:

The DRB, having found that the application meets the standards for subdivision development, approves the application for a 4-lot minor subdivision as per the findings and conditions voted on by the Board and the usual standard conditions and subject to the following conditions:

1. The project must be built and completed in accordance with the plans and specifications submitted.
2. The applicant is required to amend the proposed plat before final submittal to include 1) a building envelope for Lot 1 as sketched and reviewed by the Board at the September 15, 2014 meeting, and 2) the addition of a "no development" zone within 50 feet of either side of the stream shown on the plat.
3. The existing driveway that now serves Lots 1 and Lot 2 may not be used for access to Lot 4 except for agricultural or forestry purposes.
4. Before Lot 4 is developed or used for any purpose other than forestry or agriculture, the applicant must submit to the DRB, for its review and approval, full details regarding the location and construction of the proposed access driveway that will provide access to Lot 4.
5. Before any development can take place on Lot 4 the applicant must submit a plan showing a building envelope and a provision for open space for review and approval by the DRB.

In Accordance with Section 6.5 and the Act[§ 4416], within 180 days of the receipt of final plan approval under Section 6.4 (C), the applicant shall file 4 copies of the final subdivision plat, 1 mylar copy and 3 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plats not filed and recorded within this 180-day period shall expire. Prior to plat recording, the plat must be signed by at least two authorized members of the Development Review Board.

Not later than ten (10) days after the date the surveyed site plan is filed for record in the Warren Land Records, the applicant shall be caused to file with the Town Zoning Administrator a certificate by a Vermont registered land surveyor or a Vermont licensed professional engineer that the certifier has delivered a readable digital copy of the site plan as filed in the Warren Land Records in AutoCAD drawing format release 2000 or later format to the Warren Lister's office. In addition the drawing should be referenced to Vermont State Plane Feet Coordinates. The deadline for filing this certificate may be delayed to a later date with either (a) approval of the DRB (b) the written permission of the Warren Lister's Office. Such DRB approval or Town Lister's permission may be given at any time before or after the deadline.

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Development Review Board

Peter Monte 9/29/14

Peter Monte date

Don Swain 9/30/14

Don Swain date

Virginia Roth 9/30/14

Virginia Roth date

Lenord Robinson date

TOWN OF WARREN, VT

Received for Record 9/30 2014
at 12:17 o'clock P M and Received in
Vol. 230 Page 182-184

Rita Wilson
TOWN CLERK

VT Property Transfer Tax Return # _____

