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**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
PUD Review
#2014-08-PUD Rood**

The applicants, L. Macrae and Roberta Rood are requesting 3 lot Subdivision /PUD at their property located at 960 Fuller Hill Rd. The applicants ask that the proposed PUD be reviewed under the Rural Standards for an Upland Enclave. The property, a 16.5 acre parcel is located in the Rural Residential and Meadowland Overlay Districts and is identified as Warren Parcel Id. # 023002-301.

A duly warned hearing was held on Monday March 31, 2014 and attended by DRB members Lenord Robinson, Peter Monte, Bob Kaufmann, Jeff Schoellkopf and Virginia Roth. Others in attendance were: Bobbi Rood, Mac Rood, Miron Malboeuf and Ruth Robbins. A second and final hearing was held on Monday May 5, 2014 and attended by DRB members Lenord Robinson, Chris Behn, Peter Monte, Bob Kaufmann and Tom Boyle. Others in attendance were: Bobbi and Mac Rood, Alan Hartshorn, Peter Lazorchak, Connie Hartshorn, Paula Hartshorn Brown, Jeff Brown, Miron Malboeuf and Ruth Robbins. An informal Sketch Plan Review was held on June 17, 2013.

Findings of Facts and Conclusions of Law:

- 1) The applicants submitted a complete application, site plan as done by McCain Consulting with a final modification date of 4/16/14, letter to abutters with proof of mailing and State of Vermont Wastewater permit # WW-5-5667-1 dated 4/2/14.
- 2) The current drive would become a 20 foot right-of-way for all three lots to share for access to the parcels. Also included will be a 12 foot by 50 foot turnout due to the length of the drive.
- 3) Open space, as is required in PUDs, will be limited to the steep slopes on the west side and the meadowland overlay area to the east.
- 4) Declaration of Covenants and Restrictions of the Rood Planned Unit Development were submitted as there are several shared facilities among the three units: maintenance, repair and reconstruction of a deck, walkway, electrical service, driveway sewage disposal system and water supply.
- 5) The Board found that Article 8 Planned Unit Development Sec. 8.3 (E) General Standards items 1 through 6 are satisfied whereas items 7 and 8 are considered not applicable for this application.
- 6) The Board found that the development standards under Sec. 8.3 (F) (3) Uplands Enclave items (a) through (d) are satisfied by the application.
- 7) The Board found that Sec. 8.3 (F) (3) (e) regarding interconnecting walking paths/trails is not appropriate/applicable for this application.
- 8) The Board found that the site plan submitted shows 51% or greater of the parcel being used for open space satisfies Sec. 8.3 (F) (3) (f).
- 9) The Board found that Sec. 8.3 (F) (3) (g) and (h) have been satisfied by the applicant.

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Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
PUD Review
#2014-08-PUD Rood

Notice of Decision:

The Development Review Board, having reviewed and found that the application has met the standards under Article 8 of the Land Use and Development Regulations for the development of PUDs [Planned Unit Development] and hereby approves the application for a 3-unit PUD on Fuller Hill Road subject to:

1. The project being developed as per the plans submitted and approved by the DRB on May 5, 2014.
2. The Declaration of Covenants and Restrictions of the Rood Planned Unit Development being amended to include under Section Seventeen the following language: *"The prevailing party shall recover their reasonable attorney's fees and court costs in any action brought to enforce these covenants."*
3. In accordance with Section 6.5 and the Act [§4416], within 180 days of the date of receipt of final plan approval under Section 6.4(C), the applicant shall file 3 copies of the final approved subdivision plat, 1 mylar copy and 2 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 90-day period shall expire. Prior to plat recording, the plat must be signed by at least two authorized members of the Development Review Board.

Approval shall become effective once this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. Beginning the effective date of this decision, there is a 30-day period during which parties may appeal the decision to the Environmental Court.

Development Review Board

Peter Monte 6/16/14

Peter Monte date

Lenord Robinson 6/16/14

Lenord Robinson date

Chris Behn date

Tom Boyle 6-18-14

Tom Boyle date
TOWN OF WARREN, VT

Bob Kaufmann date

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