

**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Review
#2014-09-CU Simpson**

The applicant, Bobbin Mill Real Estate LLC, requests to locate a temporary structure in the Warren FEH Overlay District. The applicant has been approached by the State of Vermont about leasing part of their parcel for the construction of a prefabricated state highway bridge and the placement of a construction trailer. The property is located at 209 Bobbin Mill Road and is in the Bobbin Mill Commercial District, parcel id # 100004-102.

A duly warned hearing was held on Monday April 21, 2014 and attended by DRB members Peter Monte, Chris Behn, Virginia Roth and Lenord Robinson. Others in attendance were Sue Carter, Marilyn Miller, Barry Simpson, Craig Klofach, David Sellers, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a complete application, project narrative, site plan, notice to abutters and proof of mailing.
2. A letter from the Vermont Department of Environmental Conservation addressed to the Zoning Administrator Mr. Malboeuf and dated April 8, 2014 was submitted and contains the State's review of the application.
3. Since the location of this particular bridge is part of a preservation area the State is not permitted to build a detour road while replacing the bridge. To facilitate the construction of the new bridge a site close by was sought out. This particular location has been used before for just this type of purpose.
4. The Applicant has asked permission for a 10 x 40 [or 45] foot trailer and an area set aside for the casting of four 10 x 100 foot concrete sections to be located on his parcel beginning in May 2014 until the end of September 2014.
5. The applicant stated that the only other possible site on the parcel would be up in the pit area but the road leading up to it was too steep for the equipment and to change the road would involve changing the existing drainage system.
6. The pit area was considered a good area for the storage of any potentially hazardous materials.
7. The Board found that the forms being assembled in the concrete casting area do not constitute a "structure" for zoning purposes.
8. The Board found that the following standards of the Bobbin Mill Commercial District [BMC] have been met: all proposed activities are taking place below 950 feet; the concrete industry activity requires conditional Use Review as per (D) item 8 of Table 2.12; The 50 foot setback required under Sec. 3.13 (A) is not applicable because of Figure 2.1 of Table 2.12 BMC since the proposed trailer's location is not in non-compliance.

**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Review
#2014-09-CU Simpson**

9. The Board found that at-grade parking is allowed in all the existing parking and roadway areas contained within the FEH. [Table 2.16 (E) (3)].
10. The Board found that the proposed trailer is an accessory to the concrete casting operation which is an industrial use as is allowed in the BWC District.
11. The Board found that the standards under Sec. 3.11 (A) (1-5, 7, 8) are considered not applicable to this application.
12. The Board found with the conditions already voted on that the standards under Conditional Use Review Sec. 5.3 (A) (1-5) will not be adversely affected.
13. The Board found this temporary development will not (a) increase the susceptibility of the property or other properties to fluvial erosion damage and/or (b) increase the potential for materials to be swept into the stream channel or onto other land and cause damage from fluvial erosion. [Table 2.16 (G) (2)].

Notice of Decision:

With a thorough review of the applicable Articles and standards and the aforementioned findings, the Development Review Board grants the applicant's request subject to the following conditions:

- 1) Compliance with Table 2.16 (D)(3) which calls for any storage of floatable materials, chemicals, fertilizers, pesticides, explosives, flammable liquids and other toxic or hazardous materials are to be stored outside of the boundary of the Fluvial Erosion Hazard Overlay District (FEH).
- 2) The trailer, concrete forms and any other materials associated with the project be removed from the site by no later than December 1, 2014 or 30 days after the completion of construction whichever comes first. The DRB will entertain a written request if an extension is needed.
- 3) Absolutely no fill is to be placed anywhere within the Fluvial Erosion Hazard Overlay District (FEH).
- 4) Grading and excavation is limited to the staging area where necessary for the concrete casting operation. [Table 2.16 (E) (5)]
- 5) The construction trailer is required to be tied down as per the standards set forth by the State of Vermont FHA or FEH regulations whichever is more stringent, be located as proposed in the application and no larger than 500 square feet.
- 6) All lighting shall be aimed down and away from Route 100. [Sec. 3.11 (A) (6)].

000666

Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Review
#2014-09-CU Simpson

Development Review Board

Peter Monte 6-2-14
Peter Monte date

Lenord Robinson 6/2/14
Lenord Robinson date

Virginia Roth 6/2/2014
Virginia Roth date

Chris Behn 06-02-2014
Chris Behn date

TOWN OF WARREN, VT

Received for Record 613 2014
at 11:13 o'clock A M and Received in

Vol 228 Page 664-666
[Signature]

TOWN CLERK

VT Property Transfer Tax Return # —

