

**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Review
#2014-26-CU Sims/Berlan**

The applicants, Douglas and Ellen **Berlan**, request permission to construct a single family dwelling within the Meadowland Overlay District. The property is located at 4939 E. Warren Rd, in the Rural Residential and Meadowland Overlay Districts (Parcel Id and No 002002-102).

A duly warned hearing was held on Monday June 16, 2014 and attended by DRB members Peter Monte, Jeff Schoellkopf, Lenord Robinson, Virginia Roth and Don Swain. Others in attendance were Clayton-Paul Cormier, Matt Groom, Richard King, Tom Davies, Miron Malboeuf and Ruth Robbins. Prior to the meeting a site visit was conducted and attended by DRB members Mr. Robinson, Mr., Swain and Mr. Monte. Also at the site visit was Mr. Cormier and Mr. Groom. The hearing was adjourned and continued until June 30, 2014 for two final pieces of information before a decision was rendered. At the June 30th hearing DRB members in attendance were Lenord Robinson, Chris Behn, Don Swain and Virginia Roth. Also in attendance was 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. The applicant's propose to build a three or four bedroom home of approx. 4,000 square feet on a 4.8 acre lot in East Warren. They also plan on an attached three car garage, an in-ground pool and an equipment shed all within the proposed building envelope.
3. During the site visit the DRB members observed that the entire lot is open and noted that the earlier Subdivision process created and approved a lot that is entirely in the Meadowland District.
4. The building site is proposed to be at the back center of the parcel to minimize the impact on the meadowland and to honor a deeded view shed requirement to the north.
5. There is an existing old outbuilding on the lower part of the parcel and the driveway curves by it. The proposed curve in the driveway most likely would not be seen from the road as the old shed will partially screen it keeping the impact to the meadowland from the driveway to a minimum.
6. The lower part of the parcel is the steepest with the house site towards the back of the parcel.
7. Attorney King was present representing the concerns of the landowner to the south of the applicant's property. The primary concern was about how his geothermal system might be affected as he believed the water source was spread too thin. He was also was concerned about screening from the visual impact this project would produce as well as preserving an old hand dug well that was located along the stone wall that runs on the adjoining property line.
8. The impact on the neighbor's geothermal system was found to not exist which was confirmed in a letter from Attorney Richard King dated June 30, 2014.
9. The representative for the applicant noted that there were existing trees and vegetation along the old stone wall that should provide screening.
10. Due to the project being in the Meadowland Overlay District the Board requested that the building envelope be reduced. A revised site plan complying with this request was submitted

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June 30th and found to be satisfactory. It is noted that the building envelope honors a view shed deed restriction to the north.

11. The Board found that Table 2.13 (E) (1) (b) (i, ii, iii) of the Meadowland Overlay District [MO] is the applicable standard for this application.
12. The Board found that the application meets the criteria of Table 2.13 (E) (1) (b) (i, ii, iii) as the site plan places the dwelling such that it minimizes the scenic quality of the site; retains the maximum of open meadowland for agricultural use; and protects primary agricultural soils.
13. The Board found that there is no adverse impact on the character of the neighborhood or the traffic on roads in the area by the proposed development [Sec. 5.3 (A) (2) (3)].
14. The Board found the application conforms to the bylaws and ordinances currently in effect [Sec. 5.3 (A) (4)].

Notice of Decision:

The Board approves the Conditional Use application for Development in the Meadowland Overlay District having found that the project satisfies the standards Under Article 2, Table 2.13 and Article 5 Sec. 5.3 conditional Use Review subject to:

- 1) The project being built as per the plans and specifications submitted,
- 2) The applicant is required to follow the State of Vermont Best Practices for Erosion Control with special attention along the driveway.
- 3) The existing vegetation starting from above the easement that gives access through the parcel to the west [or the western property line] and 20 feet north from the southern property line is to be maintained as a vegetated buffer with no cutting allowed except for diseased or dying trees.

Development Review Board

Don Swain date

Chris Behn date

Peter J. Mante 8/4/14

PETER J. MANTE

Lenord Robinson 8/11/2014

Lenord Robinson date
Virginia Roth 8-4-2014

Virginia Roth date

TOWN OF WARREN, VT

Received for Record 8/5 2014

at 11:30 o'clock A M and Received in

Virginia Roth
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TOWN CLERK

VT Property Transfer Tax Return # _____