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**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
CONDITIONAL USE REVIEW  
#2010-05-CU TOWN OF WARREN CEMETERY**

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The applicants, the **Warren Cemetery Commission and the Town of Warren** request Conditional use approval to expand the development of cemetery plots and accessory roads on approximately 2 acres of a 22.35 acre parcel off Cemetery Rd. This parcel is owned by the Town of Warren (parcel id #001001-100) and is located in the Warren Village Historic Residential District.

A hearing was duly warned for Monday May 17, 2010 but continued at the request of the applicant until June 21, 2010. The DRB members at the **June 21, 2010** hearing were: Lenord Robinson, Peter Monte, Bob Kaufmann and Virginia Roth. Others in attendance were: Marcella & Raymond Gratton, Chris Austin, Cindi Jones, Charles Snow, Peggy Rodrigues, Don Swain, Rudy Elliot, Miron Malboeuf and Ruth Robbins. The hearing was then continued to Wednesday **July 7, 2010** at which the following DRB members were present: Lenord Robinson, Chris Behn, Peter Monte, Jeff Schoellkopf and Virginia Roth. Others present were: Brian Sullivan, Arthur Dreher, Eric Potter, Peggy Rodriguez, Michelle Kababik, AJ Lanpher, Steve Weatherber, Sandy Carter, Joe Carter, Dick King, Charles Snow, Miron Malboeuf and Ruth Robbins.

**Findings of Fact & Conclusions of Law:**

- 1) The applicant submitted a complete application, site plan prepared by LandWorks of Middlebury, VT, notice to abutters and proof of mailing.
- 2) The Town of Warren Cemetery Commission wants to expand the cemetery since there are currently only 12 sites remaining.
- 3) There are some "mounds" that were leftover from a previous gravel extraction that will be leveled out and part of an existing field area will be incorporated into the plan. Additionally there will be a slight extension of the parking area and a better organization of the roads.
- 4) It was determined that though it is town owned property it has never been through any review and technically should be reviewed under Conditional Use review for a pre-existing non-conforming use and development on steep slopes.
- 5) Mrs. Rodrigues whose property abuts the cemetery expressed concern about the road that was proposed as it came right along her property line and its installation could potentially harm her spruce trees which act as a buffer.
- 6) Mr. Potter, a certified arborist, pointed out that with the proposed road being only 10-11 feet from the trunks of the spruce trees [on Mrs. Rodrigues' land] that extensive pruning would be needed that would ruin their current beauty and result in part of the tree dying off. He also stated that the feeder roots of these trees only go six to ten inches down and depending on the depth of the road the tree's health would also be additionally damaged.
- 7) Concern was expressed about the proposed road being excessive and not in keeping with the character of Vermont country cemeteries. Concern was also noted about the size of the parking lot and how it should be finished – paved or not.
- 8) Erosion control measures were listed on the site plan. They included some planting(s) to help stabilize the bank and noted that the composition of the existing soils being sand and gravel allows for good drainage.

**Notice of Decision:**

Having found that the applicant meets the requirements under Sec. 5.3 Conditional Use Review, the DRB approves the expansion of the Town of Warren Cemetery subject to the following conditions:

- 1) The western side of the proposed 12 foot road, parallel to Ms. Rodrigues property line, is to be moved six (6) feet to the east resulting in a minimum distance of 16 feet from the Rodrigues property line.
- 2) The submittal of a new site plan reflecting the road change is required for this approval to be valid.
- 3) The applicant must adhere strictly to the grading, seeding and erosion control measures as stated on the submitted site plan and that all construction activity must conform to all required state permits.

**DEVELOPMENT REVIEW BOARD**

*Peter Monte* 8/20/10  
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Peter Monte date

*Jeff Schoellkopf* 8/20/10  
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Jeff Schoellkopf date

*Virginia Roth* 8/20/2010  
\_\_\_\_\_  
Virginia Roth date

*Lenord Robinson* 8/20/2010  
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Lenord Robinson date

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Chris Behn date

TOWN OF WARREN, VT

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at 1:48 o'clock P M and Received in

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*R. B. [Signature]*

TOWN CLERK