

**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Condition Use Review – Steep Slopes
Troyansky/Weinstein #2020-13-CU**

Application # 2020-13-CU was submitted by Matthew Troyansky requesting approval to build a primary single-family dwelling and an Accessory Dwelling [Guest House] on a 3.25-acre parcel containing steep slopes. The property is at 20 Morningstar Drive and owned by Marilyn & Mark Weinstein and located in the Rural Residential District, parcel id # 005004-503.

A duly warned hearing was held virtually on Monday **December 7, 2020** and attended by DRB members Chris Behn, Devin Klein Corrigan, Peter Monte (Chair), Virginia Roth, and Jeff Schoellkopf. Others in attendance were Ruth Robbins (ZA), David Frothingham, Caldwell Clark, Laura Jackson, Amanda Locker, John Locker, Kevin Losty, Joseph Lucchese, Patricia Lynch, Don Marsh, Don Swain, Matthew Troyansky, and Carol Chamberlin (Recording Secretary). The application was continued to an additional hearing on Monday **January 4, 2021** and attended by DRB members Devin Klein Corrigan, Peter Monte (Chair), Virginia Roth, and Jeff Schoellkopf. Other's in attendance were Ruth Robbins (ZA), Chris Behn, Kevin Losty, Joseph Lucchese, Patricia Lynch, Don Marsh, Gunner McCain, Matthew Troyansky, and Carol Chamberlin (Recording Secretary). A site visit was also conducted on January 4th which was attended by Mr. Marsh, Mr. Lucchese, Mr. Monte, Ms. Klein-Corrigan, and Ms. Robbins.

Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a complete application including a site plan and slope analysis prepared by Don Marsh of Grenier Engineering, notice to abutters and proof of mailing.
- 2) The applicant is requesting to move the primary dwelling to a higher location on the lot to provide for passive solar potential. The proposed accessory building would be located on the more level portion of the lot, and would house a studio/office and potentially a future one-bedroom apartment.
- 3) A couple of neighbors expressed concern over the use of the garage/accessory dwelling being a separate structure as the covenants of the subdivision states that only an apartment "attached" to the main dwelling is allowable.
- 4) The proposed driveway crosses a short distance of land with greater than 25% slope, but requires much less earth moving and fill. Both structure sites are on less than 25% areas.
- 5) The two structure locations depicted in the plans dated 12/21/20 will be considered the building envelopes as when the subdivision was created building envelopes were not required.
- 6) The Board found the proposed limited development of very steep (over 25%) slopes is allowable under Section 3.4(B)(2)(a) of the Land Use and Development Regulations (LUDRs) and that that no other area of proposed development is on very steep slopes.

- 7) The Board reviewed the erosion and sediment control plans for the new driveway and structure locations and found them to be complete thus satisfying Sec. 3.4 (C) of the LUDRs.
- 8) The Board found the allowance for requiring an independent technical review of the proposed plans (Section 3.4(D) of the LUDRs) is not necessary for this application.
- 9) Mr. Don marsh of Grenier Engineering stated that utility lines will all be underground, and will generally run along the driveway. The well site will be moved to a location more accessible from the drive or house site to minimize the need for drilling equipment to cross steep terrain.
- 10) The Board found that Section 5.3(A)(1) of the LUDRs has been satisfied as the proposed development will not place an undue burden on Town facilities and services.
- 11) The Board found that Section 5.3(A)(2) of the LUDRs has been satisfied as the proposed development will not adversely affect the character of the neighborhood
- 12) The Board found that Conditional Use Sections 5.3(A)(3), 5.3(A)(4), and 5.3(A)(5) of the LUDRs have been satisfied in the proposed plans and that no other specific Conditional Use Standards [Sec. 5.3 (B)] needed to be addressed.

Notice of Decision:

The Development Review Board having reviewed the request for Conditional Use for development on steep slopes and having made the above findings hereby approves the application subject to the following conditions:

- The proposed development must be constructed in accordance with the plans submitted and approved by the DRB.
- The well shall be drilled in accordance with state regulations, and shall be in a location accessible to well drilling equipment without the equipment needing to travel across any slope greater than 25 percent.
- The cutting of any live trees over 8" in diameter is prohibited, except for diseased or dying trees and minimal removal as necessary for the construction/connection of the septic system, on slopes greater than 25 percent, above the 1300' elevation line, or within 25 feet of the property lines.
- The applicant is also advised to submit a Zoning Application for the construction of this project within 30 days of the execution of this approval unless already submitted.

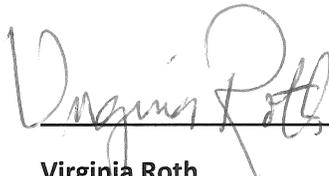
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Development Review Board

_____ 2/15/21
Peter Monte Date

 _____ 2/15/21
Jeff Schoellkopf Date

 _____ 2/15/21
Devin Klein Corrigan Date

 _____ 2/15/21
Virginia Roth Date

TOWN OF WARREN, VT

Received for Record 3/3 2021

at 10 o'clock A M and Received in

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TOWN CLERK

VT Property Transfer Tax Return # _____