

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT AND NOTICE OF DECISION  
SUBDIVISION REVIEW

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Application #2005-14-SD, Boundary Line Adjustment, submitted by McCain Consulting, Inc. on behalf of John M. and Biagina Zimmerman, seeking approval of a 2-lot subdivision of 45 +/- acres located at 1729 Lincoln Gap Road in the Rural Residential District, **parcel # 003005-211**. The applicant is transferring an approximate 1.56 acre parcel to the adjoining land owner, Biagina Zimmerman whose **parcel ID # 003005-201** is approximately 4.7 acres.

A duly warned hearing was held on Wednesday November 30, 2005. Members in attendance were: Peter Monte, David Markolf, Eric Brattstrom, Virginia Roth and Lenord Robinson. Others in attendance were: Jack Zimmerman, Adam Whitney, Marilyn Ruseckas, Milo Noel, Peggyann Noel, Bob Wetherby, Miron Malboeuf, and Ruth Robbins.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. The applicant submitted the following: Completed application, proof of abutter notification, and preliminary paper copy of mylar showing the new boundary line between the two parcels.
2. John M. Zimmerman & Biagina are transferring approximately 1.56 acres to the adjoining property owner, Biagina Zimmerman.
3. It is understood that the acquisition of this additional piece of property is for the purpose of keeping an existing pond all on one parcel and that there is no intent for any development or clearing.
4. This boundary line adjustment will not result in any non-conforming lots.

**NOTICE OF DECISION:**

Based on the forgoing Findings of Fact and Conclusions of Law, application #2005-14-SD submitted by McCain Consulting, Inc. on behalf of John M. and Biagina Zimmerman requesting a Boundary Line Adjustment is hereby approved with the following conditions:

1. The 1.1 +/- acres is to be deeded and merged with **parcel ID # 003005-201** within 60 days of the plat's recording.
2. That the mylar submitted is in conformance with the requirements outlined in Article 6, Table 6.2 (B).
3. In accordance with Section 6.5 and the Act [§4416], within 90 days of the date of receipt of final plan approval under Section 6.4(C), the applicant shall file 3 copies of the final 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.

TOWN OF WARREN, VT  
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at 11:34 o'clock A M and Received in  
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Elaine E. Fuller  
assistant TOWN CLERK

