

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
SUBDIVISION AMENDMENT REVIEW 2
#2007-02-SD – GRAVES, GOLDHILL ROAD

James and Elizabeth Graves were granted a two-lot subdivision in 1998 [permit # 1998-05-SD] which was then amended in 2002 by permit #2002-07-SD. The Graves are now requesting an additional amendment to relocate the drive and building envelope. The road leading in has already been built and considerable ledge was encountered while being built, thus the change from the original approved road location. Additionally, the site is steep, thus requiring review under Section 3.4 Erosion Control & Development on Steep Slopes standard.

A duly warned hearing was held on March 21, 2007 and a follow-up hearing was held on May 9, 2007. The DRB members attending the March 21, 2007 meeting were: Peter Monte, Lenord Robinson, Virginia Roth and Jeff Schoeilkopf. Others also in attendance were: Craig Chase, Ryan Caisns, Erin Post, Andres Torizzo, Preston Jump, Linda Lloyd, Bill Maclay, Kathy Beyer, Miron Malboeuf and Ruth Robbins. On May 9, 2007 the following members attending were: Peter Monte, David Markolf, Bob Kaufmann and Virginia Roth. Others in attendance were: Ron Graves, Elizabeth Graves, Craig Chase, Susan Lee, Don Swain, Tim Hultgren, Irwin Bronkan, Miron Malboeuf and Ruth Robbins. A site visit was conducted on April 28, 2007 at which Mr. Robinson, Mrs. Roth and Mr. Malboeuf attended. Also at the site visit was Mr. Chase and Mr. Torizzo.

Findings of Fact & Conclusions of Law:

1. The applicant submitted a completed application, proof of notice to abutters and the following maps:
 - As-built plan by Chase & Chase dated 11/3/06
 - Erosion Prevention & Sediment Control Plan by Chase & Chase dated 11/3/06 and revised 2/7/07 and 4/30/07
 - Plat of Proposed Improvements by Chase & Chase dated 4/3/07
2. When the road was put in they encountered ledge that resulted in the creation of an additional switchback.
3. One section has a 17% to 19% slope that they were proposing to grade to a maximum of 15% slope.
4. Mr. Torizzo, a watershed consultant, was proposing that some of the culverts be cut back and stone aprons be added.
5. The road was constructed in variance to the permit they were issued due to encountering ledge and not bothering to check before proceeding.
6. The Board members did not observe any evidence of erosion during the site visit on April 28, 2007.
7. It was determined that the following would be recommended to maintain the road until development takes place: Stone aprons/cutting back of culverts, lining of swales with stone or matting and soil matting for exposed earth.
8. The proposed relocation of the building envelope on the plan dated 4/3/07 was found to be an improvement over the original, that setbacks were adequate and that the slope was less than 15%.

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Robert Glass

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SUBDIVISION REVIEW - GRAVES # 2007-02-SD

TOWN CLERK

Notice of Decision:

The Development Review Board approves the application to amend the subdivision permit #2002-07-SD with the following conditions:

- The erosion control measures be shown on the final recorded plat
- Within 120 days the Phase I work [stone aprons/cutting back of culverts, lining of swales with stone or matting and soil matting for exposed earth] be completed on the road as it is now built
- The rest of the work to be completed according to the plan prior to the occupancy of any dwelling.
- No further changes in the road other than those called for in the implementation of the approved plan.
- All previous Findings and Conditions from permit #2002-07-SD will remain in force where applicable.
- That the mylar submitted is in conformance with the requirements outlined in Article 6, Table 6.2 (B).

In accordance with Section 6.5 and the Act [§4416], within 180 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 180-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.

Development Review Board

Peter Monte date

Bob Kaufmann 9/19/07 date

David Markolf 9/19/07 date

Virginia Roth 9/20/07 date