

**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Review
#2023-02-CU Eriksen/Davey**

Application #2023-02-CU submitted by Phillip Eriksen & Amanda Davy requests a Conditional Use approval for a Setback Waiver for the addition of a pre-existing/non-conforming structure. Additionally, there will be a review of the proposed development in the Fluvial Erosion Hazard Area [FEH] The property is located at 894 Main Street, approx. .40 acres and parcel ID # 004005-6 on the Warren grand list.

A duly warned hearing was held on Monday January 30, 2023 and the DRB members in attendance were Chris Behn, Megan Moffroid, Peter Monte (Chair), Virginia Roth, Jeff Schoellkopf and Don Swain. Others in attendance were Ruth Robbins (ZA), MRVTV, Carol Chamberlin (Recording Secretary), Andrew, Kevin Babic (Sugarbush), Harvey Blake, Jeff Campbell (Warren Fire Chief), Bob Cumiskey, Susan Cumiskey, P D, Phillip Erikson, Naomi Fury, John Hammond (Sugarbush), Joe Hanley, Lisa Loomis (Valley Reporter), Peter MacLaren, Rebecca Marchand, Brenden McCarthy, Kevin McGoniagke, Jeff Polubinski, Gerald Principe, Roberta Principe, Steve Roy (Weimann Lamphere Architects), TomNjennifer, Margo Wade (Sugarbush), Jim Westhelle (Sugarbush)

Findings of Fact and Conclusions of Law

- 1) The applicant submitted a complete application, site plans showing current and proposed structure footprint, notice to abutters and proof of mailing. A copy of an email from Ned Swanberg, Regional Floodplain Manager, was also submitted.
- 2) The Board found the proposed development will not increase the degree of non-conformity because no portion of the building will be located closer to the front setback than the existing structure, and volume calculation is not included under the Land Use Regulations being used for review.
- 3) The Board found the Conditional Use Standards outlined in Section 5.3(A) 1-5 are satisfied by the application materials submitted.
- 4) The Specific conditional Use Standards [Sec. 5.3 B] were found to not be needed for this application.
- 5) The DRB noted that as no basement is included in the renovated areas, no LOMA will be required.
- 6) The DRB found that the project as proposed will not increase the susceptibility of the property or other properties to fluvial erosion damage.
- 7) The DRB found that the project as proposed will not increase the potential for materials to be swept into the stream channel or onto other land and cause damage from fluvial erosion.

Notice of Decision

The Development Review Board having found that the standards of the Land Use and Development Regulations have been met hereby approve the Conditional Use requested subject to the following:

1. The project shall be constructed as per the specifications and plans submitted and approved by the DRB.
2. The applicant is required to provide post-construction BFE certification as required by Mr. Ned Swanberg, Regional Floodplain Manager.

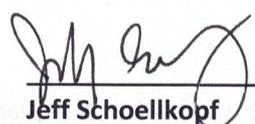
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- 3. All necessary necessary State Wastewater permits must be obtained prior to construction.
- 4. No structure is to be located less than 50' from the river and that a 50' vegetated buffer strip is to be maintained along the river.
- 5. There are to be no changes in grade or existing elevations and that areas disturbed during construction will be restored after construction is complete; this will be documented by submission of a stie plan to the Zoning Administrator showing 2' contours of any area on the site that will be disturbed during construction.
- 6. There can be no supporting structures placed outside the footprint of the plans submitted.

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.

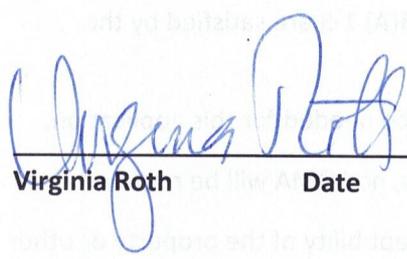
Development Review Board

 3/20/23
Peter Monte, Chair Date

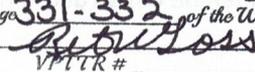
 3/17/23
Jeff Schoellkopf Date

 03/20/23
Chris Behn Date

Megan Moffroid Date

 3/20/23
Virginia Roth Date

Don Swain Date

TOWN OF WARREN VERMONT
Documents received for record on
2/22 2023 at 9 AM
M. Recorded in Volume 279
Page 331-332 of the Warren Land Records.
Attest:  Town Clerk
VPTTR # _____