

Development Review Board  
Findings of Fact and Notice of Decision  
Conditional Use Approval – Steep Slopes  
#2024-04-CU Matsoukas

Documents received for record on 5-8 2024 at 3:00 PM  
M. Recorded in Volume 283  
Page 26-27 of the Warren Land Records.  
Attest: [Signature] VPTTR # [Signature] Town Clerk

**Application # 2024-04-CU** by Spyridon Matsoukas requested a Conditional Use Approval for development of a driveway on steep slopes greater than 15% to access a single family dwelling. There was no request to approve the house construction at this time. The property is located at the end of Larrow Farm Road consisting of 87+/- acres, parcel ID # 023005-500 in the Rural Residential District.

A duly warned hearing was held Monday April 1, 2024 and attended by DRB members Chris Behn, Jeff Schoellkopf, Peter Monte (Chair) and Megan Moffroid. Others in attendance were Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary), Chris Burfoot, Maria Burfoot, Gunner McCain and Milford Cushman.

A site visit was held prior to the meeting, attended by Mr. Monte, Ms. Robbins and Mr. Cushman.

**Findings of Fact and Conclusions of Law:**

- 1) The applicant submitted a complete Conditional Use application and Worksheet, site plan with slope analysis, erosion and sediment control plan, drive profile, tree cutting clearing plan map and process description, aerial viewshed maps, Letter from the Warren Volunteer Fire Department dated 04/12/2024, notice to abutters and proof of mailing.
- 2) The existing woods road is too steep to be repurposed as a drive to the house site though the underground utility lines will be placed using the woods road which provides a route that does not need further clearing of tree canopy.
- 3) The new 1900-foot road will impact some areas of greater than 15% slope, but does not cross any areas greater than 25%. No stream crossings are included in the plans, although there will need to be some encroachment during construction within the 50-foot setback area for an unmapped seasonal waterway.
- 4) The tree cutting plan includes clearing up to 80% of forest cover in the building envelope, 60% in a middle zone, and 40% in the lower zone of the property. No other clearing is planned, although the property is enrolled in the Current Use Program and therefore will be following the Forest Management Plan in place.
- 5) The Board found the intrusion on steep slopes requested in the application is necessary in order to enable development on a more level portion of contiguous land on the parcel.
- 6) Required pull-offs at regular intervals due to the length of the drive are depicted on the plans, and the road will be subject to both construction and operational stormwater permits from Vermont DEC.
- 7) With the condition that the stumps of any trees cut on slopes of 25% or greater must be left in the ground, the Board found the standards outlined in Section 3.4 (D) (1) – (11) of the LUDRs to be satisfied.
- 8) The Board found that the General Standards outlined in Section 5.3 (A) items 1-5 of the LUDRs are all satisfied by the application materials presented.

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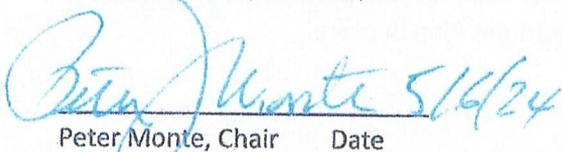
- 9) The Board found that the driveway outlined in the plans presented, along with the parking area modifications included in the updated plans, meet the specifications requested by the FD.
- 10) The Board found that the clearing plan depicted on Sheet T-2 satisfies the Board's request for appropriate phrasing of the clearing limits outlined.

**Notice of Decision:**

The Development Review Board, having reviewed the applicable standards in the Warren Land Use and Development Regulations as adopted by the Warren Select Board on March 25, 2008 and last amended November 11, 2012, hereby approves Conditional Use subject to the following:

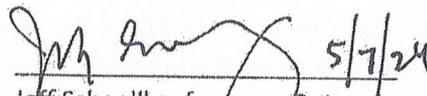
- 1. The project shall be completed, operated, and maintained in accordance with the conditions of this permit and the permit application, plans, and exhibits on file with the Board and other material representations.
- 2. The applicant is required to install a sprinkler system that meets the requirements of the National Fire Protection Association [NFPA] applicable to this residential use.
- 3. Work shall not commence until any and all required VT State permits have been obtained.
- 4. Any stumps from trees cut in any area greater than 25% slope are to be left in the ground.
- 5. The tree cutting limits depicted on Site Plan Sheet T2 are to be established such that in Zone A not less than 20% of the canopy coverage, in Zone B not less than 40% of the canopy coverage, and in Zone C not less than 60% of the canopy coverage shall remain now and forever more; and that on the remainder of the property trees will not be cut unless dead, dying, or diseased, except as prescribed by any timber stand improvement plan in place as part of the Current Use Program.

**Development Review Board**

  
Peter Monte, Chair      Date

Chris Behn      Date

  
Megan Moffroid      Date

  
Jeff Schoellkopf      Date

*Approval shall become effective when this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. The applicant or any other interested person who has participated in a regulatory proceeding of the Development Review Board may appeal a decision rendered by the Board within 30 days of such decision to the Vermont Environmental Court, in accordance with the Act [§4471].*