

Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Review – Setback Waiver
#2024-12-CU Willis Schenk

TOWN OF WARREN VERMONT
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Application # 2024-12-CU submitted by Willis Schenk requested Conditional Use approval for an addition to a residential home that is pre-existing and non-conforming due to encroachment into the 50 foot stream buffer. The property is located at 1490 Lincoln Gap Road, parcel id# 003003-800 in the Rural Residential District.

A duly warned hearing was held on Monday October 21, 2024 and attended by DRB members Bob Kaufmann, Megan Moffroid, Chris Noone and Jeff Schoellkopf. Others in attendance were Stefanie LaRock, Ted LaRock, George McCain, Lily Pigue, Willis Schenk, Andrew Volansky, Ruth Robbins (ZA) and Carol Chamberlin (Recording Secretary). A site visit had been held preceding the meeting, attended by Ms. Moffroid, Mr. Noone, Mr. Schoellkopf and Ms. Robbins.

Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a complete application and worksheet, house addition plans, notice to abutters and proof of mailing.
- 2) At the site visit the Board observed a stream flowing on the property, although it does not appear as a blue line on the official USGS map. The current house is located 35 to 45 feet away from the stream.
- 3) The Board noted the exceptions allowed for development within the 50-foot stream buffer, which include as Section 3.13 (D) an allowance for the expansion or enlargement of structures in existence prior to the effective date of the Regulations with approval of the DRB.
- 4) The Board found that the house existed prior to the adoption of Zoning Regulations by the Town, as it was built in 1966.
- 5) The Board found that the site is relatively level, and that runoff from the house area is not likely to run toward the stream.
- 6) The Board found that the General Standards of Section 5.3 (A) 1 – 5 are either satisfied by the application materials presented or not applicable.

Notice of Decision:

The Development Review Board gives Conditional Use approval for an addition to the existing house that does not meet the stream buffer requirement subject to the following:

1. The project is to be constructed as per the plans and specifications submitted to and reviewed and approved by the DRB.
2. The owner is required to maintain a naturally vegetated (no mowing allowed) buffer area of 20 feet along the stream. An amendment proposed by Ms. Moffroid to reduce that area to 15 feet was accepted.
3. The owner is required to maintain of a minimum of a 40 feet vegetated buffer between the stream, the structure as proposed to be enlarged, and any future additions to the structure.

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- 4. It is also required that a silt fence between the construction area and the stream is utilized while work is underway.

Development Review Board

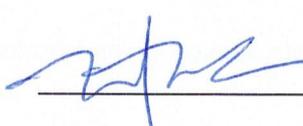
Jeff Schoellkopf Date



Bob Kaufmann Date



Chris Noone Date



Megan Moffroid 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].