

**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Review – Setback Waiver
#2025-03-CU Kennedy**

Application # 2025-03-CU submitted by Sean & Jennifer Kennedy requested a Conditional Use approval for a setback waiver. The property is located at 67 Upper Village Road, Unit F, parcel id # 301006 in the Sugarbush Village Residential District.

A duly warned hearing was held on Monday August 18, 2025 and attended by DRB members Megan Moffroid, Chris Noone, Jon Rickard and Jeff Schoellkopf. Others in attendance were Ruth Robbins (ZA), Jim Crafts, Jen Kennedy, and Sean Kennedy. A site visit was conducted by Jeff Schoellkopf, Jon Rickard and Ruth Robbins prior to the meeting.

Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a complete application, Conditional Use worksheet, drawings of the proposed structure, site plan, notice to abutters and proof of mailing.
- 2) A site visit by DRB members found that this is an older row house project, constructed in 1964, long before zoning regulations existed in Town, consisting of two blocks of five houses each. Each house is completely independent, and independently owned. The Kennedy's house is on the end of one set of units, across an open space from the end unit of the other set.
- 3) It was found that the distance between the two sets of units is 38' and thus the property line for the parcels is assumed to be at the 19' mark. The Zoning District requires a 20' side and rear setback, and a 25' front setback. It was noted that the Board is able to provide up to 30% relief of the setback distance through the waiver process.
- 4) Board members offered input on the need for fire safety measures to be in place, and advised the applicants to consult with the State Fire Marshall. The applicant was warned specifically to explore the requirements for fire separation walls at the proposed expanded common wall area of the submitted plans.
- 5) It was noted that a small area of steep slope will be impacted, which will become less steep when the proposed addition is completed.
- 6) Ken Oppenheimer, the adjoining neighbor on the other side of the open space between the buildings, spoke in support of this application. He noted that there is an agreement in place that the space be left open for skiers, but that this addition will still allow that access.
- 7) The Board found that the standards of Section 3.6 Height & Setback Requirements, (C) 1-2 have been satisfied by the application.
- 8) The Board found that the General Standards outlined in Section 5.3 (A) 1-5 have been satisfied by the application materials submitted or are not applicable.
- 9) No Board members felt that any of the Specific Standards, Sec. 5.3 (B), needed to be addressed.

Notice of Decision:


The Development Review Board, having found that the application has satisfied the requirements under Sec. 3.6 Height & Setback Requirements and the standards under Article 5 Conditional Use Review, approves the applicant's request for a setback waiver by up to 30% for an addition to the side of the dwelling as per the plans and

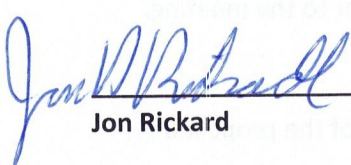
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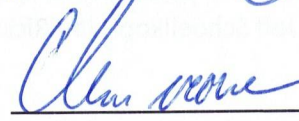
specifications submitted to and approved by the Board in the application. The Applicant is responsible for obtaining any and all required VT State permits that may apply to this project.

Development Review Board

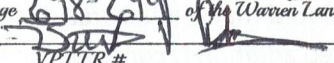
 9/29/25
 Megan Moffroid Date

 9/30/25
 Jeff Schoellkopf Date

 9/29/25
 Jon Rickard Date

 10/1/25
 Chris Noone 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].

TOWN OF WARREN VERMONT
 Documents received for record on 10-1-2025 at 2:06 PM
 M. Recorded in Volume 289
 Page 698-699 of the Warren Land Records.
 Attest:  Town Clerk
 VPIR#