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**Town of Warren
Development Review Board
Minutes of Meeting
Monday February 5, 2018**

Members Present: Chris Behn, Peter Monte, Virginia Roth and Jeff Schoellkopf.

Others Present: David Roy, Whitney Phillips and Ruth Robbins.

Agenda: Call meeting to order, 7:00 pm

1. The applicant, The **Mountainside Condominium Association**, represented by architect **Matthew Reed of Wiemann Lamphere Architects**, seeks an amendment to existing permit 2014-50-CU-ZP-AM to eliminate the inclusion of decorative chimneys from the reconstruction of a 36-unit condominium building. The property is located in the Sugarbush Village Commercial District, at 251 Mountainside Drive and is identified as Warren Parcel Id. # 323000. This application, **2018-02-CU-ZP-AM** will be reviewed under the Warren Land Use and Development Regulations as adopted by the Warren Select Board on March 25, 2008 and last amended November 11 2012. [Article 5, Sec 5.3 Conditional Use Review Standards].
2. Application **2018-01-CU**; Renewal of an expired Condition Use permit. *[Continued from hearing on January 29, 2018]* Applicant **New Milford Management Corp.** requests the renewal of Conditional Use approval 2014-20-CU which allowed a change in the commercial use of the property. The property is located at 247 Main Street in the Warren Village Commercial District [WVC], .25 acres, and parcel id # 001000-200. This application will be reviewed under the Warren Land Use and Development Regulations as adopted by the Warren Select Board on March 25, 2008 and last amended November 11 2012. [Table 2.10 WVC and Article 5, Sec 5.3 Conditional Use Review Standards].
3. Deliberative Session (as necessary)
4. Review and signing of the minutes from the previous meeting and the Mylar for the Eardensohn 2- lot Minor subdivision #2017-90-SD.

Mr. Monte called the meeting to order at 7:02 pm.

- 1) The applicant, The **Mountainside Condominium Association**, represented by architect **Matthew Reed of Wiemann Lamphere Architects**, seeks an amendment [2018-02-CU-ZP-AM] to existing permit 2014-50-CU-ZP-AM to eliminate the inclusion of decorative chimneys from the reconstruction of a 36-unit condominium building. The property is located in the Sugarbush Village Commercial District, at 251 Mountainside Drive and is identified as Warren Parcel Id. # 323000.

After Mr. Monte read the warning for the applicant, he asked if there were any other changes besides the removal of the chimneys. Mr. Roy, representing the applicant, told the Board that they yes, were taking off the chimneys from the rear of the building and also modify the retaining wall on the upslope side of the property by changing it from a structural block system to a rubble wall. In addressing the change with the chimneys Mr. Roy said that the chimneys in the original building served a function as

there were wood burning fireplaces. With the fireplaces now being gas and direct vent it seemed unnecessary to extend all the duct work just to have the aesthetic of a chimney.

MOTION by Mr. Monte that the Board finds that the elimination of the chimneys has no adverse effect on the standards reviewed in issuing the original permit. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

Mr. Schoellkopf reminded Mr. Roy that even though the fireplaces were no longer wood burning that they needed to be aware of clearance requirements to meet fire code standards especially since these types of structures can be tricky. He added that due to the cause of the former building having been destroyed by fire that he was sure the State Fire Marshall has reviewed and approved this venting scheme. Mr. Roy assured him that they were on top of the requirements per the fire marshal.

Mr. Monte then went on to ask if the proposed rubble wall would have any different effect on the ability to adequately hold back the hill behind it. Mr. Roy replied, no, that the difference was in the engineering approach, that the function would be the same. He continued to say that the structural pre-manufactured blocks have a certain engineering criteria in the way in which they are stacked whereas with the installation of the rubble wall DeWolfe Engineering would be on-site for monitoring during the installation to address engineering concerns as they arise. When asked if DeWolfe would be there the entire construction phase Mr. Roy said that he did not think so but that they would be there a good portion of the time. Mr. Behn then asked if there would be an as-built inspection to verify that the rubble wall was built correctly. Mr. Roy said yes, there would be an as-built inspection and certification.

Mr. Schoellkopf brought his concern about the Forum condos above and how the excavation might affect them. Can there be assurances that the excavation for the construction of this wall will not impact them? Mr. Roy honestly said he did not know the answer to that. Discussion continued about the possibility of a heavy rainfall that could impact the slope while the wall was being constructed and that though the Forum sat relatively high up, that they needed to be very careful in how this was done. The question was asked as to why the change in materials for the retaining wall, to which the answer was twofold, aesthetics as it matched the other wall and it was considered a savings over an engineered wall.

Mr. Monte commented that he thought two things may have to happen: one, that an engineer come before the Board and assure and convince them that the plans to construct the wall will not have a negative impact, not that he {Mr. Monte} felt qualified or knowledgeable enough about it to make a sound judgement, and two, require the engineer to provide prior to breaking ground certification that the plans and construction methods will not create movement of the bank that the wall is intended to support. Mr. Behn said he really wanted to know the crucial differences between the current plan and the new proposed plan and just how much land is being impacted. Mr. Schoellkopf echoed Mr. Behn's concern.

MOTION by Mr. Monte that the DRB denies the request to change the retaining wall as it was not included in the submitted application and confine any approval to that of the elimination of the chimneys. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

of approval. **SECOND** by Mr. Schoellkopf. **VOTE:** Three "yea" (Monte, Schoellkopf, Behn), one "nay" (Roth), the motion passed with a majority of the Board and those present.

MOTION by Mr. Monte that though there has been a delay in the completion of the project, nothing has occurred during the delay to alter the original approval or adversely affect the findings and conclusions of that approval other than the condition imposed regarding the parking plan previously voted on. The Board therefore approves the renewal of the permit. **SECOND** by Mr. Behn. **DISCUSSION:** Mr. Schoellkopf noted that there is a larger handicap bathroom but that it is of no significant consequence. **VOTE:** all in favor, the motion passed.


- 3) Review and signing of the minutes from the previous meeting and the Mylar for the Eardensohn 2-lot Minor subdivision #2017-90-SD.

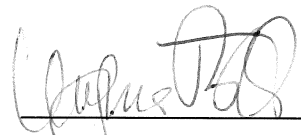
Respectfully submitted,

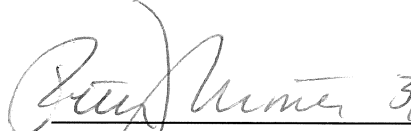
Ruth V. Robbins

DRB/PC Assistant

Development Review Board

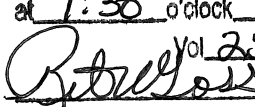
 03-05-18
Chris Behn date

 3/5/18
Virginia Roth date

 3/5/18
Peter Monte date

 3/5/18
Jeff Schoellkopf date

TOWN OF WARREN, VT

Received for Record 3/7 2018
at 7:30 o'clock PM and Received in
 Vol 250 Page 217-220
TOWN CLERK
VT Property Transfer Tax Return # —

MOTION by Mr. Behn that the Board approves the request to remove the chimneys from what was previously approved in permit # 2014-50-CU-ZP-AM having found that the removal has no adverse effect on the standards used in approving the project. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

- 2) Application **2018-01-CU**; Renewal of an expired Condition Use permit. *[Continued from hearing on January 29, 2018]* Applicant **New Milford Management Corp.** requests the renewal of Conditional Use approval 2014-20-CU which allowed a change in the commercial use of the property. The property is located at 247 Main Street in the Warren Village Commercial District [WVC], .25 acres, and parcel id # 001000-200.

Mr. Phillips had appeared before the Board on January 29th to renew the Conditional Use approval for a change in use for the property at 247 Main Street. The reason the permit had expired was due to the construction taking longer than expected.

Though most everything that had been previously reviewed and approved had stayed the same, the creation of a masonry chimney on the backside of the building has eliminated a planned parking place. Mr. Phillips was told by the Board that he either needed to find a way to reconfigure the parking to keep the same number of spaces or have the permit reduce the number of seats for patrons. Mr. Phillips returned to the DRB with a parking plan that utilized "stacked" parking for employees only. A couple of the members had concerns about just how realistic the stacked parking approach would work in this situation.

One member asked whether or not the protruding chimney really was that much of an issue that a car could still park up alongside of it. Mr. Phillips told the Board that the electrician on the project pointed out the power pole connection is located right next to the chimney and that the regulation is to not have a car parked within 36" of that connection. He also asked if there were smaller dimension requirements for "compact car parking" that could be used. Mr. Monte said that he did not see any way they could alter the dimensional requirements. He also noted that the owner has frequently talked about wanting to have an EV charging station to help encourage the use of electric vehicles. One DRB member asked if there could be parking right in front of the building parallel to the street like the parking is in front of the Pitcher Inn. With that space being part of the Town ROW it was considered doubtful unless the owner and the Town had some sort of actual agreement.

The discussion continued in the direction of keeping the parking plan as it was originally approved [1 employee, 2 residents and 4 patrons] with the knowledge that the space that was where the chimney now is would be retained but located 36" from the building with the assumption that the space in front of it would have to be used by the employee. Even with that, a concern was expressed about how the layout would function during the winter with snow.

MOTION by Mr. Behn that if the permit is renewed the Board reapproves the original parking plan with the following modifications: space #3 is to be for employees only and signed accordingly and space #4 will be located no less and no more than 36" away from the electrical connection to the structure. A revised site plan with these modifications is to be submitted to the Zoning Administrator within 30 days