

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

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Members Present: Peter Monte, Chris Behn, Jeff Schoellkopf (for Mountainside Condominiums only), and Virginia Roth.

Others Present: David Roy, Brian Lane-Karnes, Nannette Prillon McCoy, and Elizabeth Pittis, Bob Cummiskey, Gunner McCain 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 change the engineering and materials for the construction of the retaining wall. The proposal uses boulder/rubble rock instead of a formed block system. 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) The applicant, **Steadman Property Services, LLC**, is requesting approval for the development of a PUD {Article 8} consisting of three duplexes and the Conditional Use approval to construct a single family residence with a shop building and sand/mulch storage for a Cottage Industry {Sec. 4.8 (B)} and for the development on Steep Slopes {Sec. 3.4} and for Front Setback relief {Sec. 3.6 (C)}. The property is located at 71 Golf Course Road, is approx. 2.5 acres and in the Vacation Residential District (VR). This application, **2018-02-PUD/2018-03-CU** 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.
- 3) Deliberative Session ( as necessary) *New*
- 4) Review and sign minutes of 2/5/18 – Mountainside (app 1), Milford Management decisions.
- 5) New/other business

Mr. Monte called the meeting to order at 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 change the engineering and materials for the construction of the retaining wall. The proposal uses boulder/rubble rock instead of a formed block system. The property is located in the Sugarbush Village Commercial District, at 251 Mountainside Drive and is identified as Warren Parcel Id. # 323000.

This application seeks to change the engineering and materials for a retaining wall. Mr. Lane-Karnes, an engineer with DeWolfe Engineering, told the Board that the proposed boulder style wall would be in the same location as the engineered block wall and at the same elevations. This proposed wall will also match an existing boulder wall as well as provide some cost savings. Mr. Lane-Karnes assured the Board

that the new wall had been designed based on the building codes making sure that the weight of the boulders can resist the pressure of the soil it is meant to hold in place. He also spoke of the drainage swale that that will be stone lined behind the wall at the top to keep water from coming down the hill and flowing over the wall onto the parking area. The wall varies in height in sections and is wider at the base. The plan shows that the excavation back into the slope will comply with OSHA stability rules however depending on what they find for soil type and should they run into ledge that may change. He again assured the Board that even in a worst case scenario that they would be well away from the base footings of the buildings(s) located above the wall. Regarding oversight of the construction, Mr. Lane-Karnes said that they would have an initial site visit at the beginning to verify that the bottom base layer of rock is the right width and correct in providing stability; a second inspection when they finish laying the boulders to make sure all the dimensions are correct and a final inspection to make sure all the details such as the drainage swale are done according to the specifications.

Mr. Monte asked if they had the inspection schedule spelled out anywhere in the plans. Mr. Lane-Karnes said they it was contained in the application on page 3 as a response to a question asked at the past meeting. He continued to say that they had no problem with the schedule being a condition of any approval. Mrs. Roth asked how visible the wall was as she was concerned it might be too fortress-like. The answer was that due to the location it would not be very visible to neighbors with the new building blocking it and it would be sitting below the neighbor above. It was also noted that they thought the boulder design would be less fortress-like and more natural looking than the engineered block would have been. The Board also was told that the new design would in no way encroach on the parking area as there were strict specifications for the dimensions of the parking area. Mr. Schoellkopf asked about the location of a fire hydrant at the top of the wall and if that would be impacted. He continued to express a concern about what might happen during the installation of the wall if a heavy rainstorm occurred – what would be at risk and how to prevent that. Mr. Lane-Karnes did say that there was some infrastructure, water, sewer and electric, conduits that will cross through the wall. There is an erosion control plan as required by the state as well as soil stabilization. The contractor is going to have to keep an eye on the weather for the possibility of temporary stabilization to the exposed soil and Mr. Lane-Karnes said they would coordinate closely with the contractor during construction.

**MOTION** by Mr. Monte that a condition of any approval will require the applicant to adhere to the three stage scheduled inspections [with field reports after each of the inspections submitted to the Zoning Administrator within 30 days], as stated on page 3 of the application [dated 2/10/18] and within 60 days following completion the engineer is to certify in writing to the Zoning Administrator that the wall has been constructed in accordance with the approved plans. **SECOND** by Mr. Behn. **DISCUSSION:** Mr. Schoellkopf asked about survey and monitoring of the adjacent properties due to possible adverse effects to the adjoining neighbor who sits above the area to be excavated. Mr. Lane-Karnes replied that that would be at the discretion of the contractor and/or owner and in his experience is typically used when blasting occurs with a pre-construction survey of the neighbors' property. Mr. Schoellkopf asked if he thought any blasting might be needed and Mr. Lane-Karnes said he did not know. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that the Board approves the change in materials for the retaining wall with the fore voted on conditions and that the project will be developed as per the plans and specifications submitted. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

- 2) The applicant, **Steadman Property Services, LLC**, is requesting approval for the development of a PUD {Article 8} consisting of three duplexes and the Conditional Use approval to construct a single family residence with a shop building and sand/mulch storage for a Cottage Industry {Sec. 4.8 (B)} and for the development on Steep Slopes {Sec. 3.4} and for Front Setback relief {Sec. 3.6 (C)}. The property is located at 71 Golf Course Road, is approx. 2.5 acres and in the Vacation Residential District (VR).

Mr. McCain began with an overview of the project. He referred back to the Sketch Plan Review meeting held on August 7, 2017 where they presented six residential units in two tri-plexes along with a single family residence, shop building and a sand/mulch storage area for the General Services business/Cottage Industry. After some architectural input they revised the plan to have three duplexes instead of the two tri-plexes. Everything else is pretty much the same except that there is a little less generous parking space. Thought has been given to keep trees/vegetation as well as adding trees to help buffer the project from neighbors. Mr. McCain also provided the Board with a Stormwater Management and Erosion Control plans. There is an existing driveway shared with the Cummiskeys off of Golf Course Road that will provide access to both the duplexes and the single family home and business. The duplex condominiums will all be three bedroom units of approximately 1600 square feet. They will be two level townhome style with parking underneath. The majority of the land will be used as common space.

The DRB then turned to the adjoiningers who had some comments. Ms. Pittis lives south of the project and looks down at the area of the project that is to be the single family home and the property management company which is closest to her property. She had no real problem with the residential duplexes but took exception at having a business with several trucks right under her nose as it would disturb the tranquil quality of life she currently enjoys. She continued to express concern about the traffic, operation hours and noise from the trucks. Ms. Pittis shared with the Board members some photos that showed her view of the proposed project area from her hot tub.

Mr. Cummiskey also made comments to the Board with his concerns about the project. He said he had some of the same concerns as Ms. Pittis regarding the aesthetics, but was mostly concerned about the operation of the business and its effect on their business, the Sugar Lodge. He said that back when they bought the lodge and before they purchased the lot where their house is, a property management business operated on the house site. Despite having a permit from the town that called for certain hours of operation and the max number of vehicles, all of which were complied with, there was still a problem with noise and early morning disturbances. Staff parking was also an issue and when the original business was sold the new owner wanted to grow the business. Guests of the lodge had a hard time understanding the nature of the business and were not very forgiving of the disturbances.

Ultimately the owners of the property management business realized the location was not suited for their future business plans.

Mr. Monte strongly encouraged the abutters to get together with the applicant to try and come up with mutually acceptable conditions. He continued to say that under the zoning regulations this type of development and activity is allowed but that the DRB can impose conditions that might help mitigate the situation. The Board discussed when to have a site visit to more adequately understand the neighbors concern with proximity to the project. After a bit of back and forth they decided on Wednesday March 28<sup>th</sup> at noon for a site visit. Mr. McCain said he'd have the buildings staked out.

**MOTION** by Mr. Monte that the Board moves to continue this hearing until Monday April 2<sup>nd</sup> with a site visit scheduled for Wednesday March 28<sup>th</sup> at noon. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

In new and other business the members reviewed and signed the minutes of the previous meeting as well as the decisions for Mountainside [#1] and New Milford Management Corp.

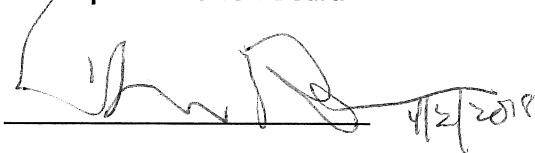
The meeting was adjourned at 8:36 pm.

Respectfully submitted,

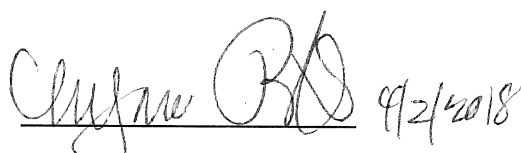
Ruth V. Robbins

DRB/PC Assistant

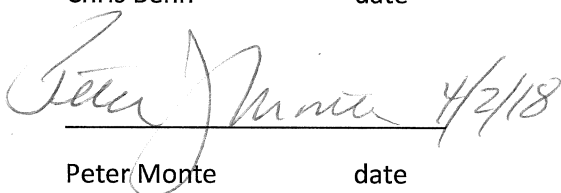
**Development Review Board**



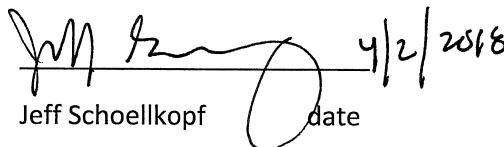
Chris Behn                      date



Virginia Roth                      date



Peter Monte                      date



Jeff Schoellkopf                      date

[for the Mountainside Management Corp  
application only]