

Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday January 7, 2019

TOWN OF WARREN 000233  
Received for Record 2/7 2019  
at 3 o'clock P M and Received in  
Vol. 255 Page 233-235  
*Robert Ross*  
TOWN CLERK  
VT Property Transfer Tax Return # -

Members Present: Peter Monte, Chris Behn, Tom Boyle and Bob Kaufmann

Others Present: Virginia Roth, Peter Lazorchak, Chris Burfoot, Maria Burfoot, Ruth Robbins and Amy Scharges.

Agenda: Meeting Called to order at 7:05 p.m.

1. The applicant, **Chris and Maria Burfoot**, are proposing to subdivide their existing 24.1 acre lot, designated as parcel id# 100006-102 in the Warren Grand List, into 3 lots; Lot 1-13.4 acres, Lot 2-2.9 acres and lot 3-7.8 acres. Both lots 2 and 3 have existing dwellings and utilize a shared driveway. Each parcel is proposed to be served by on-site water and wastewater systems. Also, part of the Subdivision request is a Conditional Use request for the construction of a driveway and utilities on slopes greater than 25%. This parcel is located at 4535 Vt. Rte. 100 in the Rural Residential District {RR}. **Application #2019-01-SD-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. [Article 6 Subdivision Review; Article 7 Subdivision Standards; Article 3 General Regulations, Sec. 3.4 Erosion Control & Development on Steep Slopes; Article 5 Development Review Sec. 5.3 Conditional Use Review Standards].

Mr. Behn verified that Ms. Roth was not sitting at the table as a Board member but just as an observer as she has a relationship to the applicant.

Mr. Lazorchak explained that not much has changed since the Sketch Plan review with the proposed 3 lot subdivision of an existing 24.1 acre parcel with 2 residences and a shared drive. One lot is 7.8 acres, the second is 2.9 acres and the proposal is for a third undeveloped lot 13.4 acres that has an existing wastewater permit for subdivision. They are working with VTrans to permit a new curb cut on the northern side of Rte. 100, south of the Village across from Warren Falls Hostile. Application is for Subdivision and a CU Review for Development of slopes over 25% and erosion control plan, envelopes did not exist on the prior plan and now they have been added. Notice was received From VTrans of intent to issue curb cut permit pending town approval.

Mr. Monte inquired on access to the lot while Mr. Lazorchak responded that it is a shared right of way for 2 lots and a dedicated drive for the proposed lot with no right of ways needed. Existing bedrock and ledge would make it difficult to extend or share a drive. Mr. Monte asked about cost sharing for the shared drive for the existing two houses the plan. It was acknowledged it was to be just a shared drive, as a part of the sale it would be up to the attorneys. Mr. Monte suggests it be included as an overlay to the approval process in the form of a condition approving the terms of an arrangement that the applicant would submit. Mr. Monte asked if it was the applicant's plan to sell it unoccupied first. Mr. Burfoot indicated that they want to keep the property affordable.

Ms. Robbins asked if the well and wastewater was shared and Mr. Burfoot explained the well is shared currently by the first 2 lots, but the new lot will have its own well. The applicant verified that maintenance arrangements for the exiting well is outlined in the Deed.

Mr. Monte discussed existing provisions for shared maintenance for wastewater and well systems, payment for attorney fees in breech, and how it is written. Without this written component any legal recourse is unenforceable. Mr. Monte suggested extending the language in the Deed to reflect the existing and proposed sharing of wastewater, well, etc. for all lots.

Mr. Behn inquired on the septic field location and the removal of vegetation in an effort to minimize the affect on vegetation. Mr. Lazorchak described the typical area of about ten feet, digging the trench and placement of the fill on the uphill side and backfill so that it goes into the trench. Mr. Behn asked if there was infrastructure needed on the steep slope to prevent material movement and disturbance. Mr. Monte also asked of there were steep slopes in any of the building envelopes. Mr. Lazorchak claimed they purposely kept the steeper slopes out of the envelope.

Mr. Monte claimed that it made sense not to allow another drive if another lot is proposed. Mr. Lazorchak verified that a future curb cut would be the lot access on the drive. Discussion was had on the future access of lots based on curb cut access to lot 3 and the responsibility on the property owner.

Mr. Monte MOVES in the event of any property included in this 3 lot subdivision access to any new lots must be accessed through the existing/proposed curb cuts. Discussion was had regarding the requirement for language of easement in the Deed for access to the lots. Mr. Behn added to require an easement for third drive and to minimize curb cut. Mr. Lazorchak claimed that there was language referencing this and to add that for access to lower lot. Mr. Behn SECONDS to limit future subdivision to sharing future curb cuts. ALL IN FAVOR, motion PASSES.

Mr. Monte MOVES to find that applicant does impinge on steep slopes but there is no practical option to avoid some encroachment, erosion control plans are satisfactory with exception of the trench area and the proper measures taken to minimize disturbance. Mr. Monte asked if the applicant is encroaching 1,000 ft. on steep slopes and Mr. Lazorchak clarified that they might be if they were to include the main going up to the leech field. Mr. Monte added to require that material must be stored on uphill of trench until refill. Mr. Behn SECONDS, ALL IN FAVOR, motion is PASSED.

Mr. Monte MOVES to require engineering plans be modified to add a requirement that earth/materials moved during wastewater must be stored uphill and the entire disturbed area be revegetated. Mr. Behn SECONDS, ALL IN FAVOR, motion PASSED.

Ms. Robbins suggests a document for review relative to owners sharing of services to come before the DRB prior to the sale of any lot.

Mr. Monte MOVES that before the sale of Lot 1, 2 or 3, the owners must submit a DRB approved written arrangement of sharing of expenses for wastewater and well usage with driveway shared elements. Mr. Kaufmann SECONDS, ALL IN FAVOR, motion PASSED.

Mr. Monte MOVES under Article 3, Sec 3.4, they find small encroachments into steep slopes satisfies the requirements of 3.4B (2) (a). Mr. Schoellkopf SECONDS, ALL IN FAVOR, motion PASSED.

Mr. Monte moves that under Conditional Use Review, General Stds of 5.3(A) are satisfied. Mr. Behn SECONDS, ALL IN FAVOR, motion PASSED.

Mr. Behn asks about screening from the road, Mr. Lazorchak claims that natural buffer or screening exists. Mr. Behn MOVES Section 7.2 through H is satisfied. Mr. Schoellkopf SECONDS, ALL IN FAVOR, motion PASSED.

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Mr. Monte MOVED that the erosion control plan and supplemental conditions voted on in this meeting relative to Stds 7.3 is satisfied. Mr. Schoellkopf SECONDS, ALL IN FAVOR, motion PASSED.

Mr. Monte MOVES that Sect 7.4 is not applicable, Mr. Behn SECONDS, ALL IN FAVOR, motion is PASSED.

Mr. Behn asked about drainage and culvert placement. Mr. Behn MOVES that 7.5 is satisfied. Mr. Monte SECONDS, ALL IN FAVOR, motion is PASSED.

Mr. Monte MOVES that 7.6, 7.7 are not applicable. Mr. Behn SECONDS, ALL IN FAVOR, motion is PASSED.

Mr. Behn asked about the pathway to the proposed well site and the potential impact on the slope. Mr. Behn requested that erosion control language refer to the implementation of the well site.

Mr. Monte MOVES that the allowance for above ground utilities to serve the existing 3 envelopes satisfies requirements of 7.9 because of unreasonable cost of blasting necessary for underground service. All extensions upon further subdivision must be reviewed by the DRB to see whether above or below ground service is appropriate. Mr. Behn SECONDS, ALL IN FAVOR, motion PASSED.

Mr. Behn asked if the applicant plans to install the curb cut. The applicant verified that it is on paper for future owners to have the option for installation.

Mr. Monte MOVES that the requirements of Sect. 7.8, 7.9 are satisfied with additional conditions approved during this meeting. Section 7.10 is not applicable. Mr. Schoellkopf SECONDS, ALL IN FAVOR, motion is PASSED.

Mr. Monte moves to approve the application subject to conditions approved during this meeting and usual conditions. Mr. Behn SECONDS, ALL IN FAVOR, motion is PASSED.

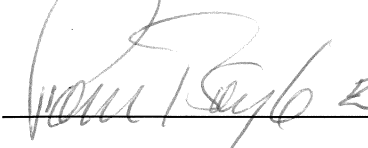
Meeting adjourned at 7:55 p.m.

Additional decisions were signed and future meeting details were discussed.

Respectfully submitted,

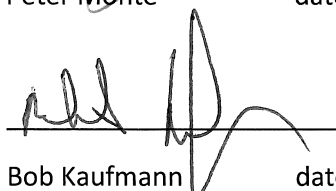
Amy Scharges  
Recording Secretary

**Development Review Board**

 2-7-19  
\_\_\_\_\_  
Tom Boyle date

\_\_\_\_\_  
Chris Behn date

 2/4/19  
\_\_\_\_\_  
Peter Monte date

 2-4-19  
\_\_\_\_\_  
Bob Kaufmann date

