

**Town of Warren
Development Review Board
Minutes of Meeting
Monday March 4, 2019**

Members Present: Peter Monte, Chris Behn, Don Swain, Virginia Roth
Others Present: Ruth Robbins, Amy Scharges, Zeb Swick, Charlotte Robinson and Gunner McCain
Agenda: Meeting Called to order at 7:05 p.m.

Preliminary/Final Plan Review Applicant, Anne Burling, who is proposing a 2-lot subdivision of her 93.3+/- parcel located at 512 Roxbury Mountain Rd in the Rural Residential District [RR] and containing some of the Meadowland Overlay District [MO]. Lot 1 will contain the existing house and will be 40.50 +/- acres. Lot 2 will be comprised of the remaining 53.7 +/- acres and is subject to a Vermont Land Trust Easement. Lot 2 is proposed to be conveyed to Zeb Swick who currently leases the property for his agricultural operation. Though a portion of the parcel is located in the Meadowland Overlay District no development or construction proposed at this time on either lot. **Application #2019-02-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; Table 2.13 Meadowland Overlay District; Article 5 Development Review Sec. 5.3 Conditional Use Review Standards].

Mr. McCain described the layout of the 90 acre property on the corner of Brook Rd. and Roxbury Mtn. Road. Existing home will remain on 40 acres, remaining 50 acres to be conveyed out with agricultural restrictions. The remaining acreage will be under the auspices of the Land Trust with a conservation easement that is already on this section, and they will be adding to the easement due to the farmstead area which is currently excluded from this easement. Increasing restrictions on the overall parcel, requesting a subdivision for active farming. No proposal for building on the land only to convey the use to Zeb Swick for agricultural use.

Mr. McCain clarified that there is an existing 1 acre parcel which currently has a separate deed, already permitted for house.

Mr. Behn asked if there is a meadowland boundary, it was confirmed yes by Mr. McCain as depicted on the map provided. Mr. Monte inquired as to who has the control on restrictions of the farmstead area. Mr. McCain stated that the Land Trust holds the easement. Mr. McCain will have all agreements sent to the DRB and an amendment to the easement for the current permit.

Mr. Behn asked if there was an agreement with the DeFrest's to use the land. Mr. Zwick claimed that there is a deeded well but no interest from the DeFrest's to use the land. Mr. Behn asked if there was any intention of use for the open area of the parcel and Mr. Zwick stated it would be used for pasture and vegetation.

Ms. Robbins commented on the boundary line adjustment in reference to the encroachment on Burling property on East Community Market. David Defreest was noticed of the adjustment but had no interest or concern, similar to this notice.

Mr. Monte asked about the current use of Walt's Flower Farm and Mr. Swick confirmed it was on Burling's side of the property. Mr. Zwick confirmed that the property for agricultural use would be a purchase. Ms. Robbins added that Land Trust covenants follow the land no matter who owns the parcel.

Mr. Monte clarified that there are tax issues and continued with fair market value discussion and sell options. Mr. McCain claimed they would be fine with a requirement for a condition to cover what might happen in the future. Mr. Zwick commented that future sale of the parcel would be required to be sold at agricultural value.

Mr. Monte claimed that should they impose a requirement there appears to be no provision in the ordinance for the Board to say no. Mr. Behn added that the land is already encumbered with meadowland while Ms. Robbins claimed that conservation easement protects the meadowland farming use. Mr. McCain and Mr. Monte discussed the need for restrictions, if at all. Not sure on what basis they would do it. Mr. McCain specified that the area was not suitable for future build due to the wet area and stream area. Mr. Swain suggested the DRB review the Land trust agreement and asked if they would add the newly merged and proposed farmstead complex to the parcel. Ms. Roth asked if the Burling's own all of it. Mr. McCain said yes and there is limited development due to restrictions on the 4.9 acres as per the farmstead. Limited development is allowed relative to the proposed farming use of the land. Mr. Swain asked how this agreement would be undone, and Mr. McCain claimed it would be complicated. Mr. Monte explained that possible restrictions and options exist if and when the parcel is sold. Mr. Swick talked about Burling considering splitting parcels, but the Land trust did not consider it because it is already being conserved. If it were a larger parcel they may change their consideration, but at this time it is too small. Mr. Monte added that with the meadowland restriction they would need to come back the DRB.

Ms. Robbins asked if the roadcuts to the parcel are existing, Mr. McCain confirm they are, however Mr. Swick claimed one road cut on the top of the hill is fairly dangerous. Mr. Swain inquired on the Land trust agreement and the community gardens area. Rootswork currently has an agreement on using the land. Mr. Swick's hope is to sign a new agreement with Rootswork relative to the plot of land and the lease. The reason it was not included in the conservation land, if it gets conserved, it can never go to Rootswork or the town.

The DRB found that based on the discussion there was no need to add to any of the already imposed conditions of the VT Land Trust.

Mr. Monte **MOVES** that under Art. 7, Subdivision Stds., that Gen. Stds. 7.2 A, B, C & D are satisfied. Mr. Behn **SECONDS, ALL IN FAVOR**, motion **PASSED**.

Mr. Monte asked about building envelopes as it appeared none were noted on the site plan. Mr. McCain replied that relative to the building envelope for the Farm Complex area they

would limited to the setback requirements excluding any steep slopes and wetlands. He continued to say that that would be the same for the parcel Anne's house was on. Mr. Monte MOVES to require that the final plan when submitted will include building envelopes for both parcels that exclude all setback areas, any steep slopes and wetlands that may lie on the property. Mr. Swain SECONDS and also asks if an outline of designated wetland areas is needed. Mr. Swain amends motion with verbal description of wetlands and any other environmental restrictions is adequate as opposed to delineation on the map [An exhaustive examination of wetlands is not required.] Mr. Monte asks the applicant to send a draft with that language for review prior to the submission of the final plat.

Mr. Monte MOVES that based on the previous motion that Sec 7.2, E is satisfied as are Sections F, G and H. Mr. Behn SECONDS, ALL IN FAVOR, motion PASSED.

Mr. Monte MOVES to find that Sec. 7.3 is satisfied because Land Trust easements commit property for the foreseeable future to agricultural use and the only areas where buildings are required do not contain any conservation areas. Mr. Behn SECONDS, ALL IN FAVOR, motion PASSED.

Mr. Monte AMENDS to include both sections 7.3 and 7.4 as satisfied. Mr. Behn SECONDS, ALL IN FAVOR, motion PASSED.

Ms. Robbins wanted the applicant to know that any new road cuts that do not exist require a roadcut permit. Mr. Monte claimed that the Select Board controls road cuts and the state law requires this. Ms. Robbins is to be informed if there are any new road cuts.

Mr. Behn MOVES that the Board finds Sec. 7.5 and 7.6 are not applicable to this application. Ms. Roth SECONDS, ALL IN FAVOR, motion PASSED.

Mr. McCain claimed that there is no interest in granting easements for access, only the ski trail that exists. Mr. Swick discussed the right of way and access for the community and additional farming use and the recommendation not to include additional uses of the right of way. Mr. Behn asked about the access to the conserved land for the purposes of community use. Ms. Roth asked about parcel size where the garden behind the EWCM is located. She was told that it is a 2.17 acre area and that the Schoolhouse Community Market owns none of the parcel.

Mr. Behn MOVES that the Board finds Sec. 7.7-7.10 are satisfied, Ms. Roth SECONDS, ALL IN FAVOR, motion PASSED.

Mr. Monte MOVES to approve the subdivision on the usual terms and conditions and additional conditions regarding building envelopes as discussed. Ms. Roth SECONDS, ALL IN FAVOR, motion PASSED.

In new and other business the members reviewed and signed the minutes of the previous meeting and had a conversation with Charlotte Robinson about filling the vacant seat left by Lenord Robinson.

Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Amy Scharges
Recording Secretary
Development Review Board

Peter Monte 4/15/19

Peter Monte date

Don Swain date

Chris Behn 04/15/2019

Chris Behn date

Virginia Roth 4/15/19

Virginia Roth date

TOWN OF WARREN, VT

Received for Record 4116 2019

at 1:48 o'clock P M and Received in

Vol. 256 Page 208-211

Rita Ross

TOWN CLERK

VT Property Transfer Tax Return # _____