

**Town of Warren
Development Review Board
Minutes of Meeting
Monday April 29, 2019**

Members Present: Peter Monte, Jeff Schoellkopf, Virginia Roth, Devin Corrigan

Others Present: Nathan Wilson, Mike Clement, Ward Smyth, Richard King, Ruth Robbins and Amy Scharges

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

SITE VISITS: 5:30 CLEMENT: 40 UPPER VILLAGE RD – 6:15 KING: 448 CIDER HILL RD

1. A Conditional Use approval is requested by applicant, Michael and Margaret **Clement**, Application **#2019-03-CU**, who is proposing the development of a driveway and 20'x20' garage at 40 Upper Village Road, parcel id # 210004-000. The garage will be attached to the east side of the house and the steps on the west side of the house will be removed. 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. [Article 3 Sec. 3.4 Erosion Control & Development on Steep Slopes; and Article 5 Development Review Sec. 5.3 Conditional Use Review Standards].
2. A Conditional Use approval is requested by applicants, Richard and Harriet **King**, Application **#2019-04-CU**, who are requesting to rebuild their home which was destroyed by fire and may end up encroaching on the Meadowland Overlay District. The property is located at 448 Cider Hill Road, parcel id # 012001-200. 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. [Article 2 Sec. 2.2 (C) Interpretation of Zoning District Boundaries; Table 2.13 Meadowland Overlay District (MO) and Article 5 Development Review Sec. 5.3 Conditional Use Review Standards].

Michael and Margaret Clement, Application #2019-03-CU

Mr. Monte called the hearing to order at 7:05 p.m.

Mr. Smyth presented a schematic of the property to indicate the location of the proposed drive on a steep slope to a 20' x20' garage within the side yard setbacks. All parking is currently on the road and access to the house is by stairway. The current pullout leaves cars extended out into Upper Village Drive. Surveyor and Applicant drawings are reviewed, not an engineer's rendition of the property. A retaining wall would be required to fill and retain the driveway and act as a buffer. An existing swale was also identified and an open flow near the proposed retaining wall. The applicant would like to grade the area against the retaining wall and add a culvert to minimize the size requirements and appearance of the retaining wall.

Mr. Monte inquired if the applicant had permission to drain onto Upper Village Road. Mr. Smyth identified the pre-existing, un-maintained swale and culvert. The applicant's suggestion is to rip rap to current flow area, not changing the water flow.

Mr. Monte asked for information that was not presented on the plan-1) new construction on area with gradient of less than 25%, no contours or gradients, 2) an erosion control and sedimentation plan. The applicant first wanted to have a surveyor assess the property boundaries and confirm the proper setbacks on the property, then they would follow up with the erosion control plan and gradients.

Mr. Monte clarified that this information is needed prior to review under the regulations of the ordinance. A discussion was had about the proposed slope of the drive, fill and location of the proposed drive and retaining wall. Applicant suggests that these changes will improve the grading, lessen the pitches and runoff. Mr. Monte requested detail on the wall and what Sugarbush's input may be. It appears that the engineering and structural integrity are critical to supporting the slope and the longevity of that support as they will be altering a protected conservation area. Design and detail from a structural engineer will be needed.

Mr. Schoellkopf asked about setbacks and curb cuts. The survey shows straight line lot with a 40' setback from the road. The Ordinance requires in the Sugarbush Village Residential District a 25' setback. Mr. Schoellkopf asked for a clarification before moving forward. The Board will need the edge of the right of way as per the definition in the Ordinance.

Discussion about travel way and width of the road plus the benefit of getting cars out of the throughway. Mr. Wilson states that he is in support of project and the current parking is a hazard. In his opinion, this proposal is a solution to what is grossly inadequate parking.

The applicant indicates that the purpose of this presentation is to ensure the viability of the proposed project prior to enlisting engineers and incurring expenses. Ms. Robbins started a list of items for the Applicant to address which includes contours/gradients now vs. post-project, erosion control plan, storm water management improvements and a request to provide the DRB with a setback memo from Sugarbush regarding the integrity and design of the retaining wall and its position relative to the right of way.

Mr. Monte noted that wall of the garage may encroach within 50' setback. Mr. Schoellkopf clarified that the measurement is from drip line not wall of garage. Finally, Mr. Monte claimed that the DRB can waive setbacks up to 15% as an option. The edge of the road is a good starting point to define. Mr. Monte suggested consulting an engineer to address the wall and culvert designs, present to DRB and confirm with Sugarbush.

Mr. Schoellkopf referred to the Gen. Regulations, Art. 3 Sect 3.1 (C) Driveways: finished grade limitations. The Applicant may have to consider modifying what is there by widening the road with a retaining wall. Overall discussion indicates that the Applicant's initial approach to the proposed project is good and that further information from the surveyor and engineers will provide the detail needed to properly review the application under the regulations.

Mr. Monte discussed Sect. 3.4 (B) 2 which states the area of the garage has to have a 15% gradient or less. Discussion was had regarding the regulations on slopes on the property, development on the slopes and access on and around the slopes. Given the variety of approaches available for this project, it is important to have the consultation from an engineer for specific measurements in order to make decisions relative to the Ordinance.

Ms. Robbins proposed a May 20th meeting. Mr. Schoellkopf reviewed setback details in the regulations with the Applicant to help identify what regulations they need to consider as they move forward with this project.

Mr. Monte **MOVES** to continue the hearing to May 20th. Mrs. Roth **SECONDS, ALL IN FAVOR**, motion **PASSED**.

Richard and Harriet King, Application #2019-04-CU

Mr. Monte called the hearing to order at 7:47 p.m.

Mr. King presented the lot proposal and indicated he was a selectman when they passed the meadowland zoning up to his porch. The new site is 60' south of old house location. The Kings were required to bury the foundation and cannot rebuild on that site. Water, power and a driveway remain which makes the proposed house site ideal. Mr. King presents two alternatives to the board. The board may move the meadowland boundary 100' south in exchange for King's placing a covenant on property south of the driveway to include meadowland. This would not be a concession in terms of maintenance but a concession in terms of restriction. Alternatively, they could address Conditional Use in the Ordinance where the Board has the authority to permit building within the meadowland.

Mr. Monte clarified that the DRB cannot change the boundary, therefore the alternative of reviewing the application can be reviewed via findings. When reviewing the Meadowland Overlay Table 2.13, it appears that this will illustrate the least encroachment for this proposal. There are a variety of limitations if water and power were to be moved from the current location on the property to serve another house site. Therefore, the proposed site appears to be the most feasible.

Mr. Schoellkopf discussed the meadowland regulations information. Mr. Monte claimed the Board could simply imposed restrictions on a specific area perhaps for agricultural use. Further discussion was had specifying the layout, property lines and ownership of the Applicant's 50-acre property with steep ravines that are protected areas, including the headwaters of Folsom Brook.

Mr. Monte **MOTIONS** that in order to preserve most of this area available for agricultural purpose if the Board does allow the encroachment into the meadowland, that the non-meadowland south and west of the existing access road, this area shall not be developed except with prior permission from the DRB, which will review and decide the request under the same standards as would apply if this area were in the meadowland overlay district.

Mr. King shared that there are currently two sheds on the property which the Applicant can keep, change or make additions to for agricultural use.

Mr. Monte added that no non-agricultural development in area. Mr. Schoellkopf **SECONDS, ALL IN FAVOR**, motion **PASSED**.

Mr. Monte **MOVES** to make the following specific findings that:

- 1) The current house site is no longer developable due to foundation being ruined in a fire,
- 2) It is desirable to maintain existing infrastructure for sewer, water as not to create disruption of meadowland area,

3) Only non-meadowland areas available are wet and would require access drive that would encroach the meadowland and stream setback.

Mr. Schoellkopf added:

4) That the existing tree line adequate for screening.

Mr. Monte added:

5) That the backdrop of forest behind the house make it non-intrusive. Mrs. Roth **SECONDS, ALL IN FAVOR**, motion **PASSED**.

Mr. Monte **MOVES** that they find that the requirements outlined in the Meadowland Overlay 2.13 E, 1(A) are all satisfied. Ms. Corrigan **SECONDS, ALL IN FAVOR**, motion **PASSED**.

Mr. Schoellkopf **MOVES** that Sect 5.3, Gen. Stds. 1-5 are not applicable or not offensive in this application Mrs. Roth **SECONDS, ALL IN FAVOR**, motion **PASSED**.

Mr. Monte **MOVES** to approve the application subject to the conditions imposed during this meeting and subject to the usual conditions. Ms. Corrigan **SECONDS, ALL IN FAVOR**, motion **PASSED**.

Meeting adjourned at 8:16 p.m.

Additional decisions were signed and future meeting details were discussed.

Respectfully submitted,

Amy Scharges
Recording Secretary
Development Review Board

Peter Monte date

Jeff Schoellkopf date

Devin Klein date

Virginia Roth date