

**Town of Warren
Development Review Board
Minutes of Meeting
Monday December 2, 2019**

Members Present: Peter Monte, Devin Corrigan, Bob Kaufmann and Jeff Schoellkopf.

Others Present: Ruth Robbins, Amy Scharges, Don March, Emily Leighty, Levi Leighty, and Rick Patterson

Agenda: Meeting Called to order at 7:00 p.m.

1. Application #**2019-05-SD** by applicants Levi & Emily **Leighty** and Landowners Norm & Ginger **Etkind**, are requesting *Final Plan Review* for a 3-lot subdivision of a 12.1 acre lot located 1186 Sugarbush Access Road in the Rural Residential District. The parcel, grand list # 005004-901 is proposed to be divided as follows: lot #1: 3.2A, lot #2: 5.2A, and lot #3: 3.7A. 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 7, Subdivision Standards, Article 3, Sec. 3.4 Erosion Control & Development on Steep Slopes, and Article 5 Development Review Sec. 5.3 Conditional Use Review Standards].
2. Application #**2019-06-SD/PUD** by applicant Elizabeth **Palan**, Trustee, Herbert J. **Williams**, III Trust, is requesting the re-approval of a subdivision/PUD due to the defect in the signing of the Mylar. The subdivision/PRD approval #2005-01-PRD was signed May 25, 2005 however the Mylar was not signed until February 8, 2006. The applicant's property is Lot #4 in the **Chisel Tooth subdivision** on Cider Mountain Rd, parcel id # 012003. 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 7, Subdivision Standards,].
3. Application #**2019-07-SD** by applicant Steven T. **Clark**, is requesting the re-approval of a subdivision due to the defect in the signing of the Mylar. The subdivision approval #2006-03-SD was signed June 21, 2006 however the Mylar was not signed until January 18, 2007. The property is on **Norwegian Lane known as Lot 50** and parcel id # 053002-101. 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 7, Subdivision Standards,].
4. Informal "Sketch Plan" on a proposed PUD for the old Bass Tavern, 527 Sugarbush Access Rd, [recently occupied as Avalanche Restaurant and prior to that Terra Rosa.] This is a "how can it be done" conversation with the property owner.
5. Review/signing of minutes and decisions.
6. New and other business

The meeting was called to order at 6:59 pm.

1. Application #**2019-05-SD** by applicants Levi & Emily **Leighty** and Landowners Norm & Ginger **Etkind**, are requesting *Final Plan Review* for a 3-lot subdivision of a 12.1 acre lot located 1186 Sugarbush Access Road in the Rural Residential District. The parcel, grand list # 005004-901 is proposed to be divided as follows: lot #1: 3.2A, lot #2: 5.2A, and lot #3: 3.7A.

Mr. Monte opens the hearing with a review of the plan and intentions of the Applicants. Land access inhibits their options for driveway and access to proposed lots, therefore there is a large driveway in the application that will access multiple lots to be developed in phases.

A question remained from the prior meeting about the easement or access already crosses an existing house lot at the bottom of the hill. A supplemental was provided verifying a 50' easement adequate for ditching for the road. Mr. Monte asked if this was recorded in the Deed, however Ms. Leighty stated it was not final and the applicants suggested to have it notarized upon completion of the permit.

Mr. Monte **MOVED** to impose condition if the application is approved to require that the deed include the easement across the Geiger property and that it must be on record before construction begins. Mr. Schoellkopf **SECONDS, ALL IN FAVOR, motion PASSES.**

Mr. Schoellkopf pointed out the warranty deed in package include verbiage on shared usage and clear-cutting clause for 3 lots. Mr. Leighty identified the updated references in the warranty deed.

Mr. Monte asked how one defines the difference between clear vs. selective cutting, and where is it applicable to this proposed project?

General discussion on 40' change in road to accommodate turns and proximity to property lines. Mr. March offered that the fire department would be meeting to approve turn locations and potential modifications to the curb cut. Mr. March requested upon approval of the DRB impose a condition that the Applicants comply with the recommendations and requirements of the Fire Department as outlined. Mr. Monte ask what the requirements of the fire department will be, Mr. March replied that he assumes curb cut, grade adjustments and turn radius. Mr. March suggested constructing a common road 40' past each driveway as a hammerhead.

Mr. Mote **MOVES** to impose a condition if we approve that find that if the interior roadway is constructed in phases, that each temp turn of the right of way will include hammerhead extending roadway 40' beyond last driveway served with turning radius as part of a hammerhead turnaround. Robert presented the potential need for plow access and snow removal. An **AMENDMENT** to the motion was included to require year around maintenance of the turnaround and the 40' extension. Ms. Corrigan **SECONDS, ALL IN FAVOR, motion PASSES.**

Mr. Schoellkopf sees underground power as the option instead of pole to pole. Mr. Leighty had discussion with GMP about slope, area for pole use and power pole usage in conjunction with underground service. Underground service avoids needs for easement, but cut off banks is a construction consideration. Mr. Monte asked if erosion control covers all excavation. Mr. Monte may want to change a condition that will allow them to relocate the easement for the first 40'. Mr. Schoellkopf questioned on neighbor's easement, doesn't specify for other lots, if any other place power comes in on others property will it be covered. Mr. Monte suggested that the Applicant may want to add an easement for the utility lines to the deed

Mr. Monte **MOVES** that if approved, an imposed condition allows the applicants to relocate first 150' from the access road to relocate it to another spot on the road and this change must be shown on the Mylar when recorded. Mr. Schoellkopf made an **ADDITION** to the motion that alternatively the Applicant may

bring power in from Fortna road rather than access-must be shown on Mylar when recorded or permission will expire. Robert **SECONDS, ALL IN FAVOR**, motion **PASSES**.

Mr. Monte-tree clearing is the neighbors concern but it is no concern relative to the Ordinance. Ms. Robbins suggests a potential buffer zone in one area clarify clear cut requirements such as tree diameter that could be enforceable. Mr. Monte discussed Lot 1 footprint as a guide for the additional lots. Mr. Schoellkopf claimed the building envelope seems tight. Mr. Monte stated that the dimension of building envelope to be deforested is to be addressed, currently, Mr. Monte is content with what is shown relative to the boundary lines on the building envelopes.

Ms. Corrigan even though steep slopes DRB said it was approved to build. Mr. Schoellkopf addressed lot 3 steep slope issue with regard to cutting into the slope. Mr. March clarified that the erosion control plan work on steep slopes applies to entire subdivision. Ms. Robbins referred to steep slopes in the Ordinance. Mr. Monte added that the road is either necessary or optional. Ms. Robbins clarified that the 1K square feet reference does not apply to steep slopes. Mr. Monte verified that the Applicant cannot cut into 25% slope, the Applicant will need to change proposed contour lines prior to final meeting. Discussion ensued on contours and where retaining walls could be placed and extension of the building envelope.

Mr. Monte requested that on the final plan, the Applicant show no cut zone nothing less than 6" chest height unless diseased or dying (reference Article 5 in the Ordinance). Concerns were addressed as to how to deal with general clear cutting and enforcement of cutting. Mr. Monte was not inclined to impose limits due to difficulty in tree removal from this site. Mr. Monte stated that the Applicants can propose some others as no cut zones possible layout a few areas and allow cutting for view or yard.

Mr. Schoellkopf inquired if Devon's concern was for less cutting on steeper slopes and how this affects the view. Mr. Monte asked the Applicant to indicate on the map all potential boundaries and they are not allowed site disturbance on steep slopes. Mr. Schoellkopf referred to potential exemptions in the Ordinance such as Forestry management practices back country ski trails. Mr. Monte suggests forestry management is having a logger come in.

Mr. Monte **MOVES** to find that in addition to the no cut zone, prohibit cutting of trees over 6" in diameter on slopes in grades in excess of 25%. The cutting of trees is prohibited unless a) they are smaller than 6" in diameter or chest height b) unless diseased or dying or c) if cutting done in accordance with Forestry Operations that incorporate accepted management practices established by the State. Mr. Schoellkopf **SECONDS, ALL IN FAVOR**, motion **PASSES**.

Mr. Monte made it clear to have the minutes reflect that Board has pointed out to the Applicant the prohibition against cutting against steep slopes except for exceptions shown in sect. 3.4B (2),(3).

The Board can vote no on this portion and the minutes reflect the warning not violate, or yes to have it the permit for future owners of the property. Therefore, the description of Section 3.4B (2), (3) is included in the above motion for future reference and to have it apply to the permit.

Mr. Leighty asked if this goes in the deed or permit, Mr. Monte confirmed this goes in the permit.

Mr. Monte offered homework for the applicant is the utility decision (have 180 days for final Mylar) and neighbor screening. Mr. Schoellkopf not opposed to more stretch on building envelopes. Ms. Robbins asked

about the 15% slopes within building envelopes and relative erosion control plan. Mr. Schoellkopf suggested it is best to have erosion control plan easy to see.

Mr. Schoellkopf **MOVES** to find preliminary plan approval under conditions voted on during this meeting, final plan approval on the 16th Mr. Kaufmann **SECONDS, ALL IN FAVOR**, motion **PASSES**.

2. Application **#2019-06-SD/PUD** by applicant Elizabeth **Palan**, Trustee, Herbert J. **Williams**, III Trust, is requesting the re-approval of a subdivision/PUD due to the defect in the signing of the Mylar. The subdivision/PRD approval **#2005-01-PRD** was signed May 25, 2005 however the Mylar was not signed until February 8, 2006. The applicant's property is Lot #4 in the **Chisel Tooth subdivision** on Cider Mountain Rd, parcel id # 012003.

Ms. Robbins presented that attorneys noticed the mylars were signed after the maximum time allotted and there is no record of an extension given by the Zoning Administrator.

Mr. Monte **MOVES** to find that from the date of the initial approval of Chisel Tooth subdivision in 2006 there have been no changes in the Land Use regulations nor other relevant facts that would alter the findings and conclusions as originally reviewed, therefore the Board re-approves the final plat Mylar from this project. Mr. Schoellkopf **SECONDS, ALL IN FAVOR**, motion **PASSES**.

3. Application **#2019-07-SD** by applicant Steven T. **Clark**, is requesting the re-approval of a subdivision due to the defect in the signing of the Mylar. The subdivision approval **#2006-03-SD** was signed June 21, 2006 however the Mylar was not signed until January 18, 2007. The property is on **Norwegian Lane known as Lot 50** and parcel id # 053002-101.

Mr. Monte **MOVES** that since the approval of the **NORWEGIAN LANE** subdivision, **#2006-03-SD**, there have been no changes in the Land Use regulations nor other relevant facts that would alter the findings and conclusions as originally reviewed, therefore the Board re-approves the final plat Mylar from this project. Mr. Schoellkopf **SECONDS, ALL IN FAVOR**, motion **PASSES**.

4. Informal "Sketch Plan" on a proposed PUD for the old Bass Tavern, 527 Sugarbush Access Rd, [recently occupied as Avalanche Restaurant and prior to that Terra Rosa.] This is a "how can it be done" conversation with the property owner.

General discussion on the Bass Tavern location for next meeting regarding lot size and unit restrictions in a PUD. Mr. Schoellkopf noted there are already 5 units on one parcel and a restaurant. The lot is 2.5 acres in the Rural Residential District. The Applicant will be considering 2 additional units for a total of 7 units. Ms. Robbins stated that the year 1960 is on the Listers card for first building. Mr. Schoellkopf identified that the density is 1 unit per acre in this district and asked when the other 2 buildings were constructed. Non-conforming use changes may ultimately be up to the decision of the Board, given the proposed use and overall density. Mr. Monte asked to have the Applicant bring in dates of construction of original buildings, this request could be illegal and require the review of an attorney.

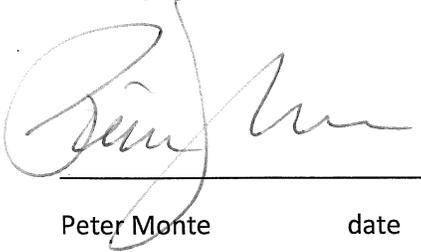
Meeting adjourned at 9:15 p.m.

Additional decisions were signed and future meeting details were discussed.

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Respectfully submitted,

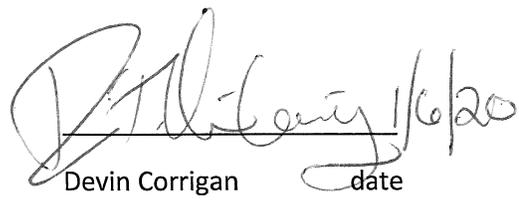
Amy Scharges
Recording Secretary
Development Review Board

 1/6/20

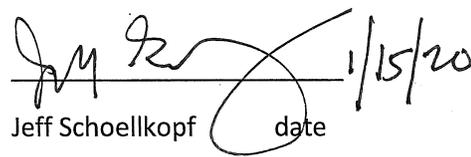
Peter Monte date

_____ date

Bob Kaufmann date

 1/6/20

Devin Corrigan date

 1/15/20

Jeff Schoellkopf date

