

**Town of Warren
Development Review Board
Minutes of Meeting
Monday January 6, 2020**

Members Present: Peter Monte, Devin Corrigan and Chris Behn

Others Present: Emily Leighty, Levi Leighty, Ruth Robbins and Amy Scharges

Agenda: Call the meeting to order, 7:00pm

1. 12/16/19. 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. Informal "Sketch Plan" on a proposed residential PUD for the old Bass Tavern, 527 Sugarbush Access Rd, [recently occupied as Avalanche Restaurant and prior to that Terra Rosa.] This is a
3. Review/signing of minutes and decisions.
4. New and other business

Mr. Monte called the meeting to order at 7:04 p.m.

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 classifies this as a major subdivision because of the length of the roadway. Punchlist of criteria was prepared to address and 11x17 maps for review. What does fire dept have to say? Are you in accordance with them? Don opened the entire front, changed wording on the map, improved access to best meet the B71 standards but a portion was not met. The curb and turning radius is difficult to meet coming from below up into the driveway, turning down the access road

Ms. Robbins-off a small percentage with the turn radius.

Mr. Leighty-tried retaining wall to widen corner to get over 30' turning radius but it changed the slope, making it steeper. This was the best compromise, showing 40' requirement from the Fire Department.

Mr. Monte inquired on the paving requirements of the drive. Mr. Leighty confirmed that the plan does specify the first 25' to be paved, which is standard. Mr. Monte-water swale improvement in the pavement was added in by the Leigh's as an improvement they will be incorporating.

Mr. Behn discussed the swale to prevent water run off onto the road and iterated that the applicants ensure the swale is on the map. Ms. Robbins followed by adding that storm water mitigation is important work for the town and taken seriously.

Mr. Monte MOVES to impose condition that the entrance from the Sugarbush Access Rd. onto the subdivision Access Rd., the swales and ditching and stone lining shall be as required by the Town roadcut permit. Mr. Behn SECONDS, all in favor, motion PASSES.

General discussion was had regarding the maps and Mr. Monte requested that the applicants file subdivision Mylar addition.

Mr. Behn asked what if any discussions transpired regarding Maggie Smith. Mrs. Leighty claimed there were no further discussions.

Ms. Robbins noted that the fire department did give one more suggestion to share with Ms. Smith, which was to allowing at a minimum emergency access from Fortna Road. This offer can possibly help this case, but the applicant's actually want access to two upper lots at all times. Also, in development of road in sections, they go beyond the drive to the first lot and create a hammerhead to accommodate a turnaround. Mr. Leighty assumed this would be an imposed condition and Don Marsh did not put this on the map. Mr. Monte clarified that this criteria was already addressed in the last meeting.

Mr. Monte asked about potential no cutting area. Mr. Leighty added buffer for zero cut unless dead or diseased per dept forestry practices. Sediment fences, made building envelope larger, did away with adjusted lot zone lines in lot 3. Ms. Corrigan-something about cutting of trees over 6" on the slopes of 25% or more. Mr. Leighty assumed this would also be a condition of the permit in accordance with town Article 3.4B. Mr. Monte noted this had not been voted on.

Ms. Corrigan MOVES to impose a condition that the applicants adhere to Sect 3.4B (2) with respect to tree cutting on steep slopes of 25% or more. On any slope of 25% or greater, the applicants must adhere to the accepted management practices for forestry established by the state at the time of cutting. Mr. Behn SECONDS, all in Favor, motion PASSES.

Ms. Robbins asked the board if they wanted to view the two final erosion control plan renderings from Don Marsh. Mr. Monte thinks one showing lot layout, roadways, bldg. env, no cut zones, is not so cluttered to have. Upon review Mr. Monte suggested if you show all steep slopes it would be too cluttered to read the map and it would be best to use the two mylars the way they are presented.

Mr. Monte did confirm vote on tree cutting of less than 6" was made in the last meeting.

Mr. Monte presented the review of Article 7 for approval.

Mr. Monte MOVES that we find the application is consistent with Art 7.2, Gen. Stds. Mr. Behn SECONDS, all in favor, motion PASSED.

Mr. Behn MOVES to find that we have discussed and addressed Sect. 7.3 with conditions, therefore it is satisfied. Monte SECONDS, all in favor, motion PASSES.

Mr. Monte MOVES to find that the application satisfies Sect 7.4 (open space and common land) is satisfied. Ms. Corrigan SECONDS, all in favor, motion PASSES.

Mr. BEHN MOVES that Sect 7.5 is satisfied with the condition that the swale is added to the erosion control version of the Mylar. Mr. Monte SECONDS, all in favor, motion PASSES.

Mr. Monte MOVES to find Sect. 7.6, Community Services and Facilities 7.7 Road and Pedestrian Access, 7.8 Water Supply 7.9 Utilities, 7.10 Signs are all satisfied with conditions previously voted on. Mr. Behn clarifies utility power access, Mr. Leighty refers to access from below ground to the pole suggested by GMP. Mr. Behn SECONDS, all in favor, motion PASSES.

Mr. Monte MOVES to approve the application subject to the conditions imposed over the course of the hearings. Ms. Corrigan SECONDS, all in favor, motion PASSES.

1. Informal "Sketch Plan" on a proposed residential 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.

Ms. Robbins provided information to the board regarding the 2.5-acre parcel with 3 structures. 2 out of 3 existed prior to zoning, they are considered pre-existing, non- conforming structures. The current building used as a restaurant is in a rural residential district which is not allowed. Ms. Robbins described the struggle of commercial buildings below the hub of mountain activity and the need for public housing.

Mr. Kelley Other bldgs. And lots in the general area. Mike is considering

Mr. Monte shared that they do not give preliminary advice, they adhere to the rules. Other ideas that are available beyond the DRB and others can advise better than the DRB. Mr. Monte encouraged Mr. Kelley to get more reasonable approaches and not to feel constrained.

Mr. Kelley clarified that this process for him is exploratory. A restaurant is really only lucrative 4 months out of the year, he attempted leasing the property in 2013-2014 which was not a good choice. While walking through space with a builder a need for housing was discussed. The query is if it is feasible to use 4,300 sq. ft. as housing, dividing in half under density under PUD (3 of units) 3 structures, 7 units on 2.5 acres. Ms. Robbins asked what can be done do make this project feasible. General discussion was had with regard to potential configurations that would be allowed under the current regulations.

Mr. Monte furthered the discussion about density requirements and restrictions and changing the non-conforming status. Strategy to further subdivide portions to conform, but that makes the lots smaller. Mr. Kelley clearly stated that there is a demand for affordable housing and a restaurant is not feasible.

Ms. Robbins claimed that boarding house are allowed in the district with Conditional Use review. On a smaller footprint, maximum allowed is **31** or more boarders, this could be considered a boarding house which could be suitable for foreign workers.

Mr. Kelley considered a dormitory option. And is not opposed to considering dorm space option for Sugarbush. Ms. Corrigan suggested potential short- term rental options for 4 season use. Discussion continued regarding infrastructure, supply and demand of style of hospitality that will fit the needs of the Valley.

Mr. Behn suggested this could be considered a lodge or ski club under conditional use. Ms. Robbins clarified that "Inn" would cover the use based on the definitions in the regulations. The potential for a hostile was also addressed.

Mr. Monte referred to page 47, Non-Conforming Use. This property became non-confirming since regulations came into action. Relevant piece-non-conforming shall not be changed to another non-conforming without approval of the DRB, and only if the opinion of board is of the same restricted nature.

Mr. Monte potential basis to make this argument. Mr. Behn suggested petitioning the planning commission. There are potentially missed opportunities given the rural residential/density regulations.

Ms. Robbins exclaimed that the planning commission is in favor of restaurant use converting to residential because they want to keep commercial activity on the mountain. Mr. Monte did advise against spot-zoning, but how does this apply to density? Mr. Behn considered would it not fit to allow under Conditional Use 3-4 units in a density restricted area?

Ms. Robbins presented the definition of building or group of buildings on a single parcel with up to 15 bedrooms, rented out less than a 1-month average with dining facilities. For this particular parcel, boarding house may be the best option where subdivide and non-conformity does not apply. Mr. Monte addressed confirming and non-conforming uses relative to structures and lot size and how the rules apply.

Mr. Kelley discussed maximum usage as residential would be less access on the road than current use. Mr. Behn suggested that Mr. Kelley bring data that supports the traffic plan. Mr. Monte suggested someone should review subdivision standards that might be an obstacle and review prior to investing in subdivision costs. Ms. Corrigan asked why a subdivision is necessary. Ms. Robbins clarified that change in use increases density on one single parcel.

Mr. Kelley-discussed options-lease, rental, etc. Mr. Monte suggested Mr. Kelley apply to just change over and support with relative data without doing a subdivision at all. Mr. Kelley is looking for the most feasible, least expensive use of the property that operates under current regulations. Mr. Monte suggests that Mr. Keeley cannot get to 7 units w/o subdivision. Mr. Behn suggested 5 units on smaller subdivided lot does not work if it were to be subdivided.

Mr. Monte noted that there is no reference for increasing non-conformity in the regulations if the lot is subdivided. Since this true, why not apply with its current form under contiguous use. Ms. Robbins asked how to approve such a change of use. Mr. Behn claimed the applicant must prove that change in use is more or same amount of restriction as the current non-conforming use. Ms. Robbins suggested Mr. Kelley consider a simple change of use, not a PUD.

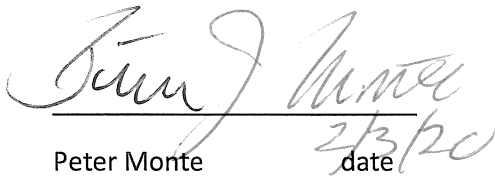
Mr. Monte asked Mr. Kelley to decide what he would like to do and to consider cost, plan B would be subdivision. Mr. Kelley indicated at this time he prefers ½ or full year rentals.

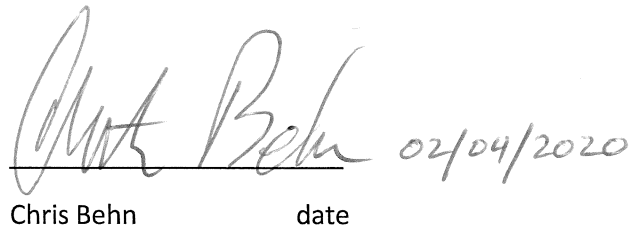
New and other business. Schedule discussion. Future meeting details were discussed.

Meeting adjourned at 8:31 p.m.

Respectfully submitted,

Amy Scharges
Recording Secretary
Development Review Board


Peter Monte 2/3/20
date


Chris Behn 02/04/2020
date

Devin Corrigan date

