

**Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday November 16, 2020**

---

*NOTE: This meeting was conducted electronically via Google – Meet.*

Members Present: Chris Behn, Peter Monte (Chair), Virginia Roth, and Jeff Schoellkopf.

Others Present: Ruth Robbins (ZA), David Frothingham, Caldwell Clark, Laura Jackson, Alexis Leacock (KPAS), and Carol Chamberlin (Recording Secretary).

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

Preliminary/Final Plan review for Application #2020-03-SD-CU submitted by Caldwell Clark & Laura Jackson requesting approval for a 3-lot Subdivision with Conditional Use approval due to some minimal development over steep slopes. The approximately 95-acre parcel is proposing the following: Lot 2, 4.4-acres; Lot 3, 4.28-acres and Lot 4 will be the remaining 87+/- acres. Lot 1 was previously subdivided in 2016. There is no intention of any further subdivision. The property is located at 1094 VT Route 100 in the Warren Rural Residential District and is PID # 100002-2 in the Warren Grand list.

Mr. Monte opened the hearing for this Application.

Ms. Robbins noted that the road servicing these lots is greater than 800 feet in length, and so the application must be reviewed as a major subdivision.

Mr. Monte provided a summary of the site visit held on November 10; present at the visit were Mr. Monte, Mr. Schoellkopf, Mr. Behn, Ms. Robbins, Mr. Frothingham (engineer for applicants), Mr. Clark (applicant), and Ms. Jackson (applicant). They walked the length of the proposed access road and observed the wetlands and building envelopes, all of which had been flagged prior to the visit. The road had been roughed in, and the participants viewed where the road terminus would be moved to the west to eliminate the portion where it currently crossed the wetland area. It was evident that the building envelopes will not encroach on the wetland, nor will they encompass any area that has a slope of greater than 15%.

At the visit, it was observed that the existing driveway to the house on Lot 1 is not in conformance with what was approved in the original subdivision application for this parcel, but that the current location of the driveway is an acceptable configuration for the site conditions.

Mr. Frothingham outlined the application, noting that the plan is to divide the 95 acres into 3 lots; two of these will be 4+- acres in size, and the third will be approximately 83 acres. Each lot will be served by onsite septic and well. The new lots will be serviced by a new road of approximately 1000 feet in length, at which point the two driveways for the farther lots break off from the road. Three pull-offs are included in the design for passing and emergency vehicle access; two parking spaces and ample turn-around space is included at each house site.

Mr. Frothingham further explained that the building envelopes have been defined by either road or property-line setbacks, and that a 50-foot wetland buffer, plus some extra footage for grading allowances, has been incorporated into the envelope locations. There are also some setbacks from steep slope areas, and while some of the envelopes contain areas between 15% and 25% slope, nothing where buildings are planned is above 25%.

He noted that Lot 1 was approved in a previous subdivision in 2016, but that as part of this application the approval is sought for a ROW revision to allow for approval of that lot's as-built location of the driveway. Mr. Frothingham explained that the original driveway location infringed on what was later determined to be a wetland buffer, and the new location avoids the buffer area. Board members agreed that the owner(s) of Lot 1 should become participants in the application, as that would be the most straightforward way to approach the nonconformance of the current driveway location. The alternative discussed was the issuance of a violation and initiation of enforcement action; this is not the preferred solution.

**MOTION** by Mr. Monte to find that the wetlands on the property are Class II Wetlands, which are secondary conservation areas. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that none of the building envelopes impinge on wetland buffers, but that the envelopes do include areas of slope between 15% and 25%, which are secondary conservation areas. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

These areas are noted in yellow on the map which is part of the application package.

**MOTION** by Mr. Monte to find that the proposed roadway wetlands crossing of 30 feet follows a pre-existing field road, and that the improvements being sought have a negligible adverse effect on the wetlands. **SECOND** by Mr. Behn.

**MOTION** by Mr. Schoellkopf to amend the motion to note that upon review no alternative route was determined to be practical as other configurations all would have a much greater wetland impact. **SECOND** by Mr. Behn.

**VOTE:** All in favor, the amended motion carries.

**MOTION** by Mr. Monte to find that the applicant has satisfied the requirements of Article 7, Section 7.3 of the Land Use and Development Regulations regarding the protection of conservation areas. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Behn to classify the Subdivision as a Major Subdivision due to the length of the roadway. **SECOND** by Mr. Monte.

There was discussion to clarify that the access is considered a roadway for approximately 1000 feet, to where it splits into two driveways for the two farthest parcels.

**VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Schoellkopf to find that the general standards of Article 7, Sections 7.2(A) –7.2 (D) have been satisfied. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

It was confirmed that at this point no further subdivision is planned, and Mr. Frothingham explained that the remainder of the parcel is quite steep and contains multiple ledge outcroppings, and that septic considerations also would make creation of further lots difficult.

**MOTION** by Mr. Monte to find that the general standards of Article 7, Sections 7.2(E) – 7.2(H) have been satisfied. **SECOND** by Mr. Behn.

Discussion ensued regarding road easement setbacks and road frontage requirements. The building envelope setback on this application are set to respect the road easements as property lines. It was agreed that the frontage requirements were written to avoid long skinny lots with multiple drives entering the road in a short distance, and this application satisfies the understood intent of a reasonable boundary length (400+ feet on side where drive enters the property) rather than a strict interpretation of road frontage.

**VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that there is not a need to create common land or open space requirements, and thus the standards of Article 7, Section 7.4 are irrelevant. **SECOND** by Mr. Behn.

**VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Behn to find that the standards of Article 7, Section 7.5 have been satisfied in the plans presented. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the standards of Article 7, Sections 7.6 related to community services and facilities have been satisfied by the road width and turnoffs depicted in the plans presented. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Behn to find that the standards of Article 7, Section 7.7 have been satisfied. **SECOND** by Mr. Schoellkopf.

There was some discussion regarding whether consideration of any access by the Powderhound property was necessary. Mr. Frothingham explained that the access they needed across to the property to their (currently not in use) well site was covered by deed language, and that no other access had been deeded or was required.

The issue of approval of the as built driveway location for Lot 1 needing to be resolved before the Section 7.7 standards would be met was discussed. Board members agreed that the Lot 1 owners would need to make a formal request for this change, preferably through becoming parties to the application.

**MOTION** by Mr. Monte to amend the current motion to state that if the owner(s) of Lot 1 become parties to the application to request as-built approval, the standards of Section 7.7 will be satisfied. **SECOND** by Mr. Schoellkopf.

**VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to impose a condition that before construction begins all State Wastewater and Potable Water Supply permits for Lots 2, 3 and 4 must be obtained; upon issuance of those permits, the requirements of Article 7, Section 7.8 will be satisfied. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the standards of Article 7, Section 7.9 have been satisfied, as the utilities are designated to be underground in the plans provided. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Schoellkopf to find that Article 7, Section 7.10 is not applicable to this application. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Board members explained to Mr. Clark and Ms. Johnson that it is their responsibility to contact the owner(s) of Lot 1 and have them sign on as parties to the application. It was also requested that the Lot 1 owner(s) provide a written statement that they accept the as-built driveway location and proposed change in the ROW that results from the change in location.

It was noted that the final mylar should depict the new location and ROW if approved.

Because of this outstanding issue, and due to the subdivision being considered a major subdivision requiring separate preliminary and final review, it was decided that the hearing should be continued before determining final approval of the subdivision.

**MOTION** by Mr. Monte to continue the hearing for Application #2020-03-SD-CU until the next DRB meeting on December 7, 2020. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Application #2020-10-CU submitted by Alexis Leacock on behalf of KPAS, Inc. for the Conditional Use approval of an additional use at the Warren United Church which resides on land owned by the Town of Warren for the purpose of operating child care services. The Church is located at 339 Main St. and is identified as PID # 004003-300.

Mr. Monte opened the hearing for this application.

Ms. Leacock provided an overview of the program and the permissions/licenses which had been obtained for its running. The program was established to help local families with school/child care logistics during the COVID restrictions which are in place. She explained that the program has been using the Church location since September 14, and all other necessary permissions are in place until the end of the current school year. She also noted that, while the application indicates attendance for up to 13 children, the reality is that there will likely always be 10 or less participants and currently the numbers are lower than 10. The number of days that the program is operating is dependent upon the school district's number of in-person days during each week; currently there is only one virtual day and therefore only one day that the program is running at the church.

Board members noted that day care is allowed as a Conditional Use in the Warren Village Historical Residential District. It was also discussed that this application is being reviewed for general approval for use of the church as a part-time day care facility, without needing to incorporate the number of days or number of attendees in their decision. The approval of days/number of students is in the realm of other permissions, from the Church and the Town, and licensure from the State. Those permissions will all need to be granted for continuing beyond the current school year if necessary.

**MOTION** by Mr. Behn to approve the application as submitted for 13 students plus 2 staff members, as all Conditional Use standards have been satisfied. **SECOND** by Mr. Schoellkopf.

**MOTION** by Mr. Behn to amend the motion that approval is for use only during the Warren Elementary School school year, and will be in place until the end of the 2021-2022 school year. **SECOND** by Mr. Schoellkopf.

**VOTE:** All in favor, amended Motion is carried.

It was noted that Ms. Leacock was advised that all other applicable permissions/licensures must be in place.

The hearing for Application #2020-10-CU was closed.

Ms. Robbins reported that Tom Boyle had submitted an official resignation, and that she will contact the person recommended by Ms. Klein-Corrigan as a potential new alternate DRB member.

Board members reviewed with Ms. Robbins the current protocols in place at the town offices that are addressing the current increase in COVID 19 cases.

With no other business before the Board, the meeting was adjourned at 8:40 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

**Development Review Board**

\_\_\_\_\_  
Peter Monte                      Date

\_\_\_\_\_  
Chris Behn                      Date

\_\_\_\_\_  
Virginia Roth                      Date

\_\_\_\_\_  
Jeff Schoellkopf                      Date