

**Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday December 7, 2020**

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

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

Others Present: Ruth Robbins (ZA), David Frothingham, Caldwell Clark, Laura Jackson, Amanda Locker, John Locker, Kevin Losty, Joseph Lucchese, Patricia Lynch, Don Marsh, Don Swain, Matthew Troyansky, and Carol Chamberlin (Recording Secretary).

Mr. Monte called the meeting to order at 7:02 p.m.

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.

Mr. Monte noted that, except for the new location of the driveway to the adjoining property, all aspects of this application had been approved at the previous hearing. He asked the Lockers if they intended to become parties to the application. They responded that they had reviewed the revisions which depict the current driveway site and, noting that this configuration works better for all the parties, Mr. Locker indicated that he and Ms. Locker would be parties to the application, and had signed the letter indicating their agreement with the plan.

**MOTION** by Mr. Monte to consider the application amended by the addition of John and Amanda Locker as Co-applicants. **SECOND** by Ms. Roth. Mr. Schoellkopf noted that Mr. Locker has also included a provision in the letter submitted which allows Mr. Clark and Ms. Jackson to act on his behalf. **VOTE:** All in favor, the motion carries.

The minutes of November 16 were reviewed to confirm that a motion had passed which considered the requirements of Article 7, Section 7.7 to be satisfied if the Lockers became parties to the application.

Mr. Frothingham confirmed that the final mylar will depict the final driveway location as approved and constructed.

**MOTION** by Ms. Klein Corrigan to approve Application #2020-03-SD-CU subject to the usual conditions and those voted on during the hearings. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Application #2020-13-CU submitted by Matthew Troyansky requesting approval to build a primary single-family dwelling and an Accessory Dwelling [Guest House] on a 3.25-acre parcel containing steep slopes. The property is at 20 Morningstar Drive and owned by Marilyn & Mark Weinstein and located in the Rural Residential District, parcel id # 005004-503. Mr. Monte opened the hearing for this application.

There was a brief discussion between Mr. Troyansky and neighbor Mr. Losty regarding neighborhood building covenants in effect on the parcel; Mr. Monte noted that the DRB does not have the ability to

enforce covenants, but that neighbors may point out restrictions that might have an indirect bearing on DRB review.

Mr. Troyansky explained the reasons behind the request to move the primary dwelling to a different location than the one proposed in the subdivision approval; he is not able to cut the trees adjacent to the current building site, and would like to move the planned three-bedroom house to a steeper location on the lot to provide for passive solar potential. The proposed accessory building would be located on the more level portion of the lot, and would house a studio/office and potentially a future one-bedroom apartment. Ms. Robbins pointed out that the subdivision plans did not include specific building envelopes, but rather proposed building sites based upon setback requirements.

The matter of two curb cuts being depicted in the plans presented was discussed. Mr. Marsh explained that only one will be included in the final plans, the current proposal being to use the existing common drive for about 40-50 feet and then cut over to the building site. Mr. Lucchese expressed concerns regarding the use of the common drive, explaining that extensive work and maintenance has been necessary and that additional use of the steep portion of the drive may create safety concerns.

The need for a site visit was agreed upon by member of the Board, to better understand the impact on steep slopes of both the building site and the proposed access. It was also agreed that corrected drawings should be updated to provide a better understanding of what is proposed.

**MOTION** by Mr. Monte to continue the hearing until January 4, 2021. **SECOND** by Ms. Klein Corrigan.

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

Discussion ensued regarding the Board's need to confirm that alternative building sites are not viable in order to approve the location of a dwelling in an area with very steep (over 25%) slopes. Board members asked that something more realistic be designed and that building locations and driveway access be staked out prior to the visit, and that more clear slope depictions as well as road profiles be included in the next set of materials made available.

Applicant Sellers: Re-affirmation/re-approval of previously approved application #2019-03-SD-BLA, a boundary line adjustment affecting 3 lots; whereas it was recently discovered that the Mylar was not filed and recorded by the required date. The property is located on Buzzell Road, Lots A, B and C [aka lots 11, 12 & 13] in the Rural Residential District.

Ms. Robbins outlined that this subdivision was approved about a year ago, with the condition that the lot boundaries must be confirmed, and any potential changes to make the lots more conforming should be incorporated. The lot line adjustments are now complete, including the addition of some property that makes the lots conforming. The deadline for filing the mylar was missed, but the final is now prepared with the lot changes included.

Ms. Klein Corrigan confirmed that the mylar dated December 16, 2019 is the one to be reaffirmed and recorded. It was also confirmed that there had been no changes made other than the boundary line adjustments, and that no intervening changes to the Land Use and Development Regulations would affect the previous decision.

**MOTION** by Mr. Monte to find that there has been no change in the sections of the Land Use and Development Regulations that govern the existing decision, and that no new relevant facts warrant a need to reexamine the findings and conclusion previously used to issue the decision. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

**MOTION** by Ms. Roth to grant the extension of time for filing the final mylar be granted. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Applicant Sardi: Re-affirmation/re-approval of previously approved application #2013-01-SD/AM which requested a change in the location of the building envelope for Lot 1 as well as some language regarding current use and designated tree thinning. It was discovered that a mylar was never submitted showing the change in the building envelope. The property is located at 2255 West Hill Road, parcel id #016004-600.

Ms. Robbins and Mr. Swain outlined that the amended language for this application was approved on February 27, 2013 and that no other changes are being requested. The building envelope for Lot 1 was moved to an area of less than 15% slope after Lot 2 was purchased by the owner of Lot 1. Because the mylar was not submitted by the deadline, a reaffirmation is necessary; Ms. Robbins will confirm that the final mylar contains all the corrected information before being signed by Board members.

**MOTION** by Mr. Monte to find that there has been no change in the sections of the Land Use and Development Regulations that govern the existing decision, and that no new relevant facts warrant a need to reexamine the findings and conclusion previously used to issue the decision. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Other Business:

Ms. Robbins reminded Board members that the Planning Commission is seeking feedback on proposed changes to the Land Use and Development Regulations, and asked that any comments be sent to her within the next two weeks. She will forward associated map updates and the current draft to those who need these. Mr. Monte suggested that general comments be outlined, followed by anything related to specific Sections of the Regulations.

The meeting adjourned at 8:30 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

**Development Review Board**

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Peter Monte                      Date

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Chris Behn                      Date

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Devin Klein Corrigan      Date

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Virginia Roth                      Date

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Jeff Schoellkopf              Date