

**Town of Warren
Development Review Board
Minutes of Meeting
Monday January 18, 2021**

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

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

Others Present: Ruth Robbins (ZA), Chris Austin, David Frothingham, Sarah Lindenfeld, Bryan Lowe, George McCain, Sue Anne Stager, Henry Turner, Sarah Turner, and Carol Chamberlin (Recording Secretary).

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

#2021-01-SD SKETCH Plan Review - Rubinstein seeking a 2-lot subdivision at 761 Cider Hill Road, parcel id 012003-3. Landowner is looking to subdivide his 21 +/- acre parcel that is almost totally in the Meadowland Overlay District. There is an existing home on the property as well as some agricultural development.

Mr. Austin, representing the applicant, explained that Mr. Rubenstein was considering selling the parcel's existing house along with 5 acres and retaining the remaining 16 acres as a future house site for himself. Except for one small corner on the western downhill side, the entire parcel is in the Meadowland Overlay. Rough sketches of the area to potentially be sold with the house were provided by Mr. Austin, showing where the proposed subdivision lines would be if the DRB allowed the parcel to be divided. He noted that the ideal house site would be just off Cider Hill Road for least impact to the meadow, trees, and current agricultural operation; but also indicated that any site the DRB felt suitable could be used as the new house site.

Board members briefly reviewed Section 2.13(E)(1)(b) of the Regulations, and indicated that unless the original lot was created before 1984 it is likely that the Regulations preclude further subdivision. Mr. Austin noted that there was a 1-acre lot that was incorporated into this parcel, and was encouraged to review the land record information to determine if the previous lot configuration might provide a route to allowing for the subdivision of this lot, providing for the construction of a second primary dwelling.

#2021-01-CU submitted by Sarah & Henry Turner requesting a Conditional Use approval due to development over steep slopes to build a 4-bdrm SFR on a 1.10 acre lot located on East Warren Road and owned by the Dorothy W. Crowley Living Trust. This property is in the Rural Residential District and parcel ID# 002003.

Board members had visited the site, either with Mr. Frothingham or on their own. Mr. Frothingham reviewed the configuration of the site, explaining that there are two lots involved, with the house site at the most level location at the rear of one lot. An existing culvert will be used for the curb cut, and the drive will go straight into the lot from the East Warren Road. Wetlands on the north end and Folsom Brook crossing the northwest corner create setback conditions that dictate where the driveway and house can be located. The septic will be directly below and the well directly above the house.

A map indicating where steep and very steep slopes exist on the site was included in the application materials. The curb cut crosses a very steep (above 25%) section and the driveway crosses a couple of steep (15% - 25%) locations. The grading for the septic and house site also extends from the level areas into steep areas just over 15% slope.

The driveway is approximately 200 feet long, and is level at the bottom near the road; the rest of the grade ranges from 12% to 18% slope, with an average of 15%.

Mr. Frothingham explained that septic considerations and steep areas preclude placing the house closer to the road.

Mr. Monte requested that a revised plan be submitted which indicates the house location relative to a permanent marker, so that a Certificate of Occupancy may be properly issued when construction is complete.

Erosion prevention and sediment control plans were included in the application materials. Mr. Frothingham explained that there will not be water collecting along the drive, and therefore no swale or related checkdams are included in the plans. He confirmed that the sheet flow allowed for in this plan complies with the best practices for erosion control outlined in the State's Handbook for Erosion Prevention and Sediment Control.

Mr. Frothingham noted that some tree clearing will be needed along the powerline easement, and that some cutting would likely take place for creating a view. He indicated that the existing trees are white pines, and that replacement with shrubs and grass would provide the same or better soil erosion prevention. None of the areas which would be thinned are over 25% slope; other cutting is precluded by the stream and wetland buffer areas.

MOTION by Mr. Monte to impose a condition requiring that an addition plan be filed prior to construction; the plan shall locate the southerly corner of the structure by a measured distance to the southerly corner of the lot. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Ms. Roth to find that the general Conditional Use Standards of Sections 5.3(A)(1-5) of the LUDRs have been satisfied. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

It was determined that no other specific Conditional Use Standards needed to be addressed.

MOTION by Mr. Monte to approve Application #2020-13-CU to be built in accordance with the plan submitted, subject to the condition approved during the hearing as well as all standard conditions. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Application #2021-03-CU submitted by Ralph & Sarah Lindenfeld seeks Conditional Use review for earth disturbance to "steep slopes" between 15%-25%, a 30% setback waiver, and a building envelope within 100' of a stream. The existing lot, denoted as Lot 4/5 of 2.2± acres, is located at 118 Orchard Road, PID # 480706-100 and proposed to be improved with a single-family residence. There is an existing camp on the site that will remain as a seasonal accessory structure to the proposed residence. The building envelope has been located to avoid slopes 25% or greater and meets the required minimum 50' stream buffer setback per section 3.13 of the Zoning Regulations.

Board members had visited the site, either with Mr. McCain or on their own. Mr. McCain reviewed that the drive for the site would be a mellow access from Journey's End and that the erosion prevention and sediment control plans are included in the application materials. There is currently no access from Orchard Road, and no such access is planned. He noted the placement of a diversion swale, the use of silt fence, and other erosion control measures. He explained that slope considerations indicate the need for the driveway to be within 20-25 feet of the stream running through the property; the LUDRs were consulted and it was noted that Section 3.13 indicates that the stream setbacks provide an exception for driveways.

Mr. McCain showed that avoiding development on the steeper portion of the lot was also the reason for the front property line setback waiver being requested. The building envelope as depicted on the plans incorporates a 28-foot setback, which is the 30% reduction allowed for in Section 3.6(C)(1) of the LUDRs. This will allow for the house to be constructed on the site's plateau and reduce steep slope impacts of both the building and the driveway. The measurements and ROW interactions for this modified setback were clarified.

There is no intention to provide septic access or water supply to the existing seasonal structure. Mr. McCain noted that he will change the description on the plan to 'seasonal access structure' and remove the word 'dwelling' for that structure.

MOTION by Mr. Monte to grant the requested relief from the front line setback given that this will allow the house and driveway to be constructed with less impact to steep slopes and will not adversely affect the character of the neighborhood. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Mr. McCain explained that the proposed building envelope is within the 100-foot stream buffer, but that the lot configuration, including only 100 feet between the two side setback requirements with the stream running through the middle, indicates a need to be within this buffer. He noted that the drawings presented allow for a minimum 50-foot buffer for the building envelope, and indicated that the house itself will likely be approximately 90 feet from the stream. The rest of the envelope is requested for possible future construction of a garage or other outbuilding. Neither Mr. McCain nor Ms. Lindenfeld felt there would be a need to have the driveway any closer to the stream than depicted on the drawings presented.

MOTION by Mr. Monte to condition approval on the driveway being located no closer to the stream than is depicted on the submitted plans. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that the submitted plans provide adequate control of erosion and sedimentation and that the intrusion on steep slopes required for development of the lot has been minimized and should be approved. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

There was a discussion of potential tree cutting that may be necessary to develop the site as proposed. Mr. McCain indicated that mulching and seeding will be implemented for protection where any clearing is needed. Ms. Lindenfeld agreed that there will be no cutting within 50 feet of the stream except as needed for driveway and septic work, and explained that there was no interest in clearing the site.

MOTION by Mr. Schoellkopf that, in addition to the protection otherwise granted in Section 3.13(A) of the Land Use Regulations, no tree cutting in the 50-foot stream buffer shall be allowed except for as necessary for driveway and septic work or in the case of a diseased or dying tree that is threatening damage to a structure. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

Board members then addressed Conditional Use standards.

MOTION by Mr. Schoellkopf to find that, given the conditions and findings already approved, the general Conditional Use Standards of Sections 5.3(A)(1-5) of the LUDRs have been satisfied. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

It was determined that no other specific Conditional Use Standards needed to be addressed.

MOTION by Mr. Monte to approve Application #2021-03-CU to be built in accordance with the plan submitted, subject to the condition approved during the hearing as well as all standard conditions. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

Other Business:

Upcoming meeting dates were discussed. It was determined that no hearings should be scheduled for official Vermont State Holidays, which include Presidents Day.

Potential strategies for DRB evaluation of sensitive wildlife habitat areas were discussed. Ms. Robbins explained the potential mapping proposed by the Conservation Commission for consideration by the Planning Commission for integration into the proposed LUDR revisions. There was agreement among the DRB members that another solution to consider is for the Conservation Commission to provide wildlife habitat and corridor information when appropriate for specific applications. Ms. Klein-Corrigan will invite Jito Coleman, with whom she has had a related conversation, to an upcoming meeting for further discussion of this topic.

The meeting adjourned at 9:22 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte Date

Devin Klein Corrigan Date

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Virginia Roth

Date

Jeff Schoellkopf

Date

