

Agenda
Warren Selectboard
Tuesday, April 6, 2021
Special Meeting
VIA Zoom
6:00 PM

5:00 PM – Site Visit – Marino Forestry Curb Cut Access Review – Airport Road

6:00 PM – Public Comment

6:05 PM –Marino Forestry Curb Cut Access – Continued Discussion

***Agenda Subject to Change**

Weekly: <https://us04web.zoom.us/meeting/uZErf-6sqz8o-oB1DfOMkLTV6yElzCsiag/ics?icsToken=98tyKu2tqDMtHtGRslztd7QvW9r-b-G5jTxBiPJ5mjDICAxnVFXvE-5YEaF1Ed-B>

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Minutes of April 6, 2021

Special Meeting

Warren Selectboard

5:00 PM

Site Visit/Zoom at 6:00 PM

Members present: Andrew Cunningham, Chair, Luke Youmell, Vice Chair, Bob Ackland, Camilla Behn.

Others Present: Ruth Robbins, Hadley (Valley Reporter), TV 44/45, Mike Marino, Maura Connelly, John Egan, Kinny Perot, Richard Czaplinksi, Randy Graves, Andrew Bombard (only at site visit)

5:00 PM – Site Visit – Marino Forestry Cub Access Review – A site visit was done at 5:00PM reviewing site lines, access and answering any questions. At a previous meeting, the Selectboard had approved a road access permit for logging access only. After that decision requests for more discussion on Mr. Marino's intentions was asked of the Selectboard to clarify things with the public.

6:00 PM – Marino Forestry Curb Cut Access – Continued Comment – Concerns were raised by Ms. Maura Connelly and Mr. John Egan regarding the logging access. They are abutting landowners of the Marino property. They wanted the decision to state that the access was only for logging access and that it would not be grandfathered down the road as a legal road access if the property was to be developed. Ms. Robbins commented that the Selectboard only has jurisdiction over the access off the town road as it enters on a town road and they do not have jurisdiction on the road to the landing. They were also concerned about the egress and access and felt that the up-hill site line was pretty dangerous for on coming vehicles when a logging truck and trailer are swinging onto Airport to get out. Mr. Egan cited the Land Use Regulations Section 3 (1C) town development regulations and thought they should apply. Ms. Robbins commented that the AMP's (Accepted Management Practices issue by the State Parks & Recreation) for logging are specifically different from the Land Use Regulations. The access and road were designed by a licensed engineer (Bannon Engineering) with the B71 standards for driveways and for the erosion concerns on steep slopes to the landing. Mr. Ciplinsky expressed concerned about downstream erosion as the road was being built on steep slopes. Mr. Ackland asked Mr. Czaplinksi who is required to enforce adherence to the plan? Mr. Czaplinksi commented that if the road is not done to the minimum standards and they received a complaint, Parks and Recreation would have jurisdiction if there was erosion affecting water quality in the Mad River. Ms. Behn asked if the permit goes with the property or the applicant? Ms. Robbins commented that it goes with the property if sold or developed. Mr. Czaplinksi commented that the Friends of the Mad River and Ridge to River were concerned about large down pours of the area and asked would the area be stable and if not, how would Mr. Marino take care of that. Mr. Cunningham commented that he assumed that the open areas would have a silt fence and mulch to prevent an erosion of the area. Mr. Marino commented that he has to follow understands what is expected of him and that he must adhere to the Accepted Management Practices of the State for logging. Mr. Cunningham commented that he felt that Mr. Marino knows what is expected of him. Mr. Marnio commented that he as a logger has to follow those Accepted Management Practices. Ms. Perot commented what is the loggers plan on and how is he going to close out the site? Does the logger plan on closing the site out yearly? Mr. Marino commented when he finishes the logging in the area, he will vegetate all disturbed areas, seed and mulch area and add water bars. It was not determined if this would be done yearly or if he plans on a keeping the access open for periodic logging. Ms. Perot commented if the property is in current use from her experiences it has to have a State Forestry look at the property, who then develops a 5-year plan for the property.

The Marino property is not in current use and he only has to follow the guidelines of the Accepted Management Practices.

Ms. Perot commented that the logger can clear cut up to 40 acres and wanted to state that to the board and to the public. Ms. Robbins asked Mr. Marino if he plans on leaving the stumps or removing them as the stumps help to hold the soils within the root system. Mr. Marino commented that he plans on leaving the stumps. Mr. Ackland asked Mr. Czaplinsky what happens if there is a water quality violation? Mr. Ciplinsky commented that if Mr. Marino does not follow the Accepted Management Practices they can be fined by the state for not following the logging Accepted Management Practices. Ms. Robbins commented that she had conversation with Mr. Marino that if the use changes, he must notify the Zoning Administrator as it would be subject to the Warren Zoning Land Use Regulations.

Motion by Mr. Youmell to approve the amended Road Curb Cut Access with the following conditions: Access to be built to B-71 residential specifications as designed by Bannon Engineering dated 1/5/2021. This access is approved for the purpose of logging activities only. Should the use of the access change from logging that the Town Zoning Administrator must be contacted. Second by Mr. Ackland. All in Favor: VOTE: 4-0.

6:45 PM – Motion by Mr. Youmell to adjourn, second by Mr. Ackland. All in Favor: VOTE: 4-0.

Minutes Respectfully Submitted by,
Cindi Jones Warren Town Administrator

The Warren Selectboard

Andrew Cunningham, Chair

Luke Youmell, Vice Chair

Camilla Behn

Bob Ackland

Signature: andrew cunningham
andrew.cunningham (Apr 14, 2021 11:44 EDT)

Email: propertymanagement@gmavt.net

Signature: Luke Youmell
Luke Youmell (Apr 14, 2021 17:59 EDT)

Email: luke@birddogvt.com

Signature: Robert M Ackland
Robert M Ackland (Apr 14, 2021 12:45 EDT)

Email: ackland@gmavt.com

Signature: Camilla W Behn
Camilla W Behn (Apr 15, 2021 11:57 EDT)

Email: ccbhn@gmavt.com












Minutes of April 6, 2021


Final Audit Report

2021-04-15


Created:	2021-04-14
By:	Cindi Jones (cjones@warrenvt.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbYTXCz1jP1P7JFjkeyogkH4wd-eWgueN

"Minutes of April 6, 2021" History

-  Document created by Cindi Jones (cjones@warrenvt.org)
2021-04-14 - 11:08:23 AM GMT- IP address: 69.54.29.15
-  Document emailed to andrew cunningham (propertymanagement@gmavt.net) for signature
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-  Document emailed to Luke Youmell (luke@birddogvt.com) for signature
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Signature Date: 2021-04-14 - 9:59:42 PM GMT - Time Source: server- IP address: 68.142.54.215
-  Document emailed to Camilla W Behn (ccbehn@gmavt.com) for signature
2021-04-14 - 9:59:44 PM GMT

 Email viewed by Camilla W Behn (ccbehn@gmavt.com)

2021-04-15 - 3:57:02 PM GMT- IP address: 68.142.57.198

 Document e-signed by Camilla W Behn (ccbehn@gmavt.com)

Signature Date: 2021-04-15 - 3:57:38 PM GMT - Time Source: server- IP address: 68.142.57.198

 Agreement completed.

2021-04-15 - 3:57:38 PM GMT

Agenda

Cindi Jones

From: Andrew Cunningham <propertymanagement@madriver.com> on behalf of Andrew Cunningham
Sent: Monday, March 29, 2021 7:19 PM
To: Cindi Jones; Bob Ackland; lpyoumell@gmail.com Youmell; Camilla Behn
Subject: Fwd: Forestry at Cold Springs Farm

FYI. Maura Connolly and John Egan are owners of Cold Spring Farm and Mad River Distillers and abut the Marino property.

Begin forwarded message:

From: MAURA CONNOLLY <maura_connolly@comcast.net>
Subject: Forestry at Cold Springs Farm
Date: March 29, 2021 at 5:59:57 PM GMT-4
To: "propertymanagement@madriver.com" <propertymanagement@madriver.com>
Cc: John Egan Esq <jegan@goodwinlaw.com>, Maura Connolly <maura_connolly@comcast.net>

Andy,

Thank you for returning my call about the Mike Marino and the town process on his requested curb cut on Airport Road. As we discussed, we were very troubled to hear that Mr. Marino represented that he was engaged to log our property which abuts his. To be clear, we have not engaged Mr. Marino to log our property nor have we ever even talked to him. Moreover, given what we have heard over the years about Mr. Marino's logging practices, we would have no interest in engaging him to work on our property.

We have the same concerns about Mr. Marino engaging in extensive logging operations on his abutting property. The land is steeply graded and has a lot of ledge. In fact, the access road from Airport Road onto his property is so steep that it cannily be accessed traveling toward Route 100. We are concerned about the run off and drainage issues that will likely result from his operations. We are also concerned that the proposed curb cut and access road will create a safety issue as Airport Road is quite steep and windy around the proposed curb cut and trucks will have difficulty maneuvering that turn.

We will write a letter to the select board, but in the meantime, we wanted to make sure you had the benefit of our input.

Thank you for taking the time to hear our point of view,

Maura Connolly & John Egan

Cindi Jones

From: Christopher Behn <chrisbehnvt@gmail.com> on behalf of Christopher Behn
Sent: Wednesday, March 31, 2021 8:02 AM
To: ackland@gmavt.net
Cc: Andrew Cunningham; Luke Youmell; Camilla Behn; Cindi Jones
Subject: Re: Marino curb cut

Hi Bob,

Thank you for the reply.

As you were the most forceful of the members on the board pushing to have this curb cut approved when there were dissenting members asking for further review and on site inspection I am curious your opinion as to the validity of this permit in light of the new information revealing that Mike Marino knowingly and blatantly misrepresented his scope of work. Why was it so important to push this through immediately when there were calls to simply further investigate and actually properly do the the job tasked to the select board. I find your actions at best questionable and at worst abuse of public trust. You and the members of the select board who approved this curb cut are doing our community and town a disservice by your reckless actions. It makes me question the process of many other "decisions" taken by the select board.

I spoke with Andy Cunningham on site immediately after the board approved this curb cut and he admitted once seeing the site that the board was hasty and at fault in approving the curb cut without at the very least doing a site visit.

Logging commenced yesterday with ground and road conditions clearly unsuitable for these actions.

To all members of the Warren Select Board: In light of all this aforementioned information I am calling for the complete and immediate revocation of the town issued curb cut permit to Mr. Marino until such time as a proper review can be performed for this curb cut.

Chris Behn

Sent from my mobile device, a machine that seems to enjoy twisting written words into gibberish. Please excuse any transgressions to this effect.

On Mar 30, 2021, at 20:44, ackland@gmavt.net wrote:

Chris,

There is a process for this, an appeal. You are fully within your rights to appeal the select board decision. This needs to be in writing and then make your case to the full board.

I won't do any one on ones, never have for anything the Selectboard handles.

Bob

Get [Outlook for iOS](#)

From: Christopher Behn <chrisbehnt@gmail.com>

Sent: Tuesday, March 30, 2021 8:16 PM

To: ackland@gmavt.net

Subject: Marino curb cut

Hi Bob,

I'd like to speak with you in person if possible and get your take on the Marino curb cut off of Airport Rd. You can reach me on my cell 802-498-8918.

Thank you,

Chris Behn

Sent from my mobile device, a machine that seems to enjoy twisting written words into gibberish. Please excuse any transgressions to this effect.

TOWN OF WARREN

ROAD ACCESS APPROVAL

Granted To: MARINO MICHAEL P & PAMELA K

Permit No.: 2021-01-RC

For the purpose of: LOGGING ACCESS, AIRPORT ROAD

Town Road Name: AIRPORT ROAD

Property Owner: MARINO MICHAEL P & PAMELA K
6695 MAIN ST
WAITSFIELD, VT 05673

Property Desc.: AIRPORT ROAD 34.75 ACRES:

Parcel ID : 009001-201

THIS PERMIT IS ISSUED IN ACCORDANCE WITH THE ZONING REGULATIONS OF THE TOWN OF WARREN. ALL WORK DONE MUST CONFORM TO THE INFORMATION AS PRESENTED IN YOUR APPLICATION DATED 2/13/2021. DEVIANCE FROM THE PERMIT AS ISSUED MAY RESULT IN FINE AND/OR OTHER REMEDIAL ACTIONS.

Notes:

THE FOLLOWING CONDITIONS ARE A PART OF THIS PERMIT:

ACCESS TO BE BUILT TO B-71 RESIDENTIAL SPECIFICATIONS AS DESIGNED BY BANNON ENGINEERING DATED 1/5/2021. THIS ACCESS IS APPROVED FOR THE PURPOSE OF LOGGING ACTIVITIES ONLY. SHOULD THE USE OF THE ACCESS CHANGE FROM LOGGING THE TOWN ZONING ADMINISTRATOR MUST BE CONTACTED.

Issue Date: 4/6/2021

Effective Date: _____

ANY INTERESTED PARTY MAY APPEAL THE ADMINISTRATIVE OFFICES DECISION WITHIN 15 DAYS OF THE SIGNING OF THIS DECISION. NO CONSTRUCTION SHALL TAKE PLACE UNTIL THE END OF THIS PERIOD.

COPY TO: APPLICANT
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