

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, June 7, 2021**

NOTE: This meeting was conducted electronically via Google Meet.

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

Others Present: Ruth Robbins (ZA), Chad Koenig, Damon Reed, and Carol Chamberlin (Recording Secretary).

Mr. Monte called the meeting to order at 7:15 p.m.

Application #2021-10-CU submitted by Chad Koenig of CK Automotive requests a Conditional Use approval for the purpose of erecting a pole barn for the storage of mulch and sand on a preexisting/non-conforming property formerly known as Sugarbush Service Station, located at 899 VT Route 100 parcel ID # 016004-600, consisting of 2.8 acres, in the Rural Residential District.

Ms. Robbins explained that she filed this application on behalf of the applicant, because she issued a permit without bringing details that should possibly be reviewed under Conditional Use regulations to the attention of the DRB. Ms. Robbins recently permitted the building of a pole barn to be used as storage. She explained that this application also constitutes a change of use, as this is a property management company that will be using the site to store and maintain their equipment as well as store materials needed for the property management business. The structure and previous use were both non-compliant; however, Ms. Robbins explained that the current use is less impactful than the previous business. The proposed pole barn is conforming, and meets all property line and top of bank setbacks.

Mr. Monte asked if Mr. Koenig is adopting this as his application, although Ms. Robbins submitted the paperwork. Mr. Koenig confirmed that this may now be considered his application.

Mr. Monte proceeded to gather information needed to determine if the proposed use will be of the same or a more restrictive nature than the previous non-conforming use of the property as an auto-repair business. He also confirmed with Mr. Koenig that the vehicle repair activities at the location have been ongoing, and that no lull in operations would preclude further review of this application.

The previous repair business was open to the public, and operated from 8:00 am to 5:30 pm Monday through Friday. Mr. Koenig expressed a desire to open up to an hour earlier than this, and noted that during the winter when plowing is needed there would also be activity at the property outside of regular hours and on weekends. Board members noted that a recent approval of a similar endeavor included specific language regarding what types of activities are allowed outside of the approved hours of regular operations. There was some discussion regarding whether allowing for longer hours would constitute 'less restriction' or if the overall impact at the parcel would be a better measure. Mr. Koenig explained that he would not use backup alarms when loading at night or preparing for a winter storm, and noted that there are few residences nearby that would be impacted by early morning employee activity.

Mr. Reed reported that the Conservation Commission has been asked what types of materials are to be stored in the structures and on the property. Mr. Koenig stated that there would be sand, mulch, topsoil, and stone. Plant fertilizer will be stored in bags in the pole barn. He indicated that there would be no salt stored at the site.

MOTION by Ms. Klein-Corrigan condition approval on a requirement that all fertilizer on site be stored in a stable manner and such storage be confined to the inside of the new pole barn. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to allow for regular business hours of operation between 7:30 AM and 5:30 PM Monday through Friday with commercial onsite activities outside of regular business hours limited to responding to unanticipated emergencies only and avoided to the greatest extent possible. Amended by Mr. Behn to denote regular business hours allowing for personnel onsite from 7:00 AM to 6:00 PM Monday through Friday, with any activity requiring the use of loading equipment or other outdoor equipment that normally employs a backup alarm be limited to 8:00 AM to 5:00 PM Monday through Friday. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to condition approval on a requirement to disable backup alarms outside of the regular business hours of 8:00 AM to 5:00 PM Monday through Friday. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that, because of the preceding conditions approved, the proposed use will be of the same or more restrictive nature than the pre-existing, non-conforming use. **SECOND** by Mr. Behn.

Ms. Klein-Corrigan noted that the CU application did not include details of the pole barn construction, and asked for clarification. The motion on the floor was suspended.

Mr. Koenig explained that the pole barn will have walls on three sides, with the open side facing the river in order to have the building function as screening as well as storage. He noted that there will be drive-through access from the west (Route 100) side, but a sliding door will be in place so that the western, northern, and southern sides could all be enclosed.

MOTION by Ms. Klein-Corrigan to conditional approval on requiring that the pole barn will have enclosed sides on the western, northern, and southern sides of the building. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to amend the condition regarding storage of fertilizer to also include storage of salt. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

Mr. Monte's motion regarding the nature of use proposed by this application was put back on the floor. **MOTION** by Mr. Monte to find that, because of the preceding conditions approved, the proposed use will be of the same or more restrictive nature than the pre-existing, non-conforming use. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

The Board moved on to Conditional Use review.

MOTION by Mr. Behn to find that, with the conditions already approved, the requirements of Section 5.3 (A) 1-5 have been satisfied. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

Lighting at the property was reviewed. Mr. Koenig indicated that he would likely install motion lights which connect to cameras, and that security lighting would be on a timer. He also plans to install downcast lighting on the business sign.

MOTION by Mr. Behn to condition approval upon the restriction of exterior lighting to include only motion-sensitive, downcast, timed security lighting and downcast lighting for a business operational sign. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

It was agreed there were no other specific Conditional Use requirements to discuss.

MOTION by Mr. Behn to approve application #2021-10-CU subject to the conditions approved at this hearing and all other usual conditions. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

Other Business:

Ms. Robbins noted that there are two Forest Reserve applications on the agenda for June 21.

There was a discussion regarding when meetings would begin to be held in person again; Ms. Klein-Corrigan explained that the Selectboard will be discussing this issue and taking into consideration what Governor Scott allows moving forward. The preference of those present was to move to in-person meetings.

There was no other business before the Board.

The meeting adjourned at 8:43 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte Date

Peter Behn Date

Devin Klein Corrigan Date

Virginia Roth Date