

**Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday, August 30, 2021**

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*NOTE: This meeting was conducted both in-person and electronically via Google Meet.*

Members Present: Peter Monte (Chair), Virginia Roth, Don Swain.

Others Present: Ruth Robbins (ZA), Sue Carter, Alice Cheney, David Keith, Leslie Mahoney, Paul Mahoney, Lisa Miserendino, Ellen Strauss, Adam Zawistowski, and Carol Chamberlin (Recording Secretary).

The meeting was called to order at 7:01 pm.

**Application #2021-14-CU submitted by Paul & Leslie Mahoney request approval to build a build an addition and deck on a pre-existing structure that does not meet current setbacks. The property is located at 440 Main Street, parcel ID #004003-800 and located in the Warren Village Historic Residential District [WVR].**

Mr. Mahoney presented his plans for the proposed construction, indicating that the new structures will not extend beyond the current house/garage lines. The plans also indicate that the new deck area will extend further into the stream setback area, reducing that setback from 10 feet to 5 feet.

Mr. Monte explained that Warren's Land Use Regulations use only footprints, and not volume, when calculating an increase to a degree of nonconformance.

Mr. Keith had provided the DRB with written concerns regarding the height of the building addition interfering with the natural light reaching his adjacent property; he indicated that Mr. Mahoney has reduced that height from the original plans and that his concerns would be satisfied with the currently proposed height. Mr. Keith reiterated a request that no windows be located on the northern wall of the addition.

Ms. Cheney voiced concerns about the proximity of the decks to the river and the potential for related erosion.

Mr. Mahoney explained that there is an existing concrete wall which is intended for use as deck support, and that he would be placing two concrete piers as additional support. It is likely these piers will be pinned to underlying ledge. There was some discussion regarding alternate options for attaining the same amount of deck space without any increase to the stream buffer encroachment. Mr. Mahoney proposed locating the support piers within the current 10-foot encroachment limit and having the deck extend beyond the piers.

It was decided to approach the proposed plans as two projects: the building addition and the deck project.

**MOTION** by Mr. Monte to find that the proposed building addition does not increase the degree of nonconformance regarding the side setback for the property, as the footprint brings the structure no closer to the side boundary than the existing structure. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the proposed building addition has no effect on the standards to be considered under Section 5.3 A (1), (3), (4), or (5) of the Land Use Regulations. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the proposed building addition has no effect on the character of the neighborhood as outlined in Section 5.3 A (2) of the Land Use Regulations. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that, to satisfy standards of Section 5.3(B) of the Land Use Regulations, approval of the building addition be conditioned upon the prohibition of the installation of windows on the north facing wall of the encroaching structure. This condition will not include the proposed skylights included in the plans. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Swain to condition construction of the proposed decks on the following: a) the deck shall not be larger than the size depicted on the application plan, but may be smaller, b) no more than two piers may be installed to support the deck; neither may be closer to the top of bank of the river than the existing southwest corners of the existing shed structure, c) excavation for the piers may only be completed with the use of hand-held tools, and d) the area under the deck must be covered with a non-eroding pervious material. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the standards of Section 5.3 A (1)-(5) of the Land Use Regulations are satisfied by the plans presented for the deck project. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to approve both portions of the project outlined in the application, with the conditions approved at the hearing and all the usual conditions applying to the approval. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

**Continuation of hearing for Application #2021-04-SD-AM submitted by Bradley & Blake Opsahl requests approval for a revised Building Envelope due to the current envelope does not meet stream setbacks. Should the revision be approved they are also re-submitting Application #2021-12-CU requesting a Conditional Use approval for the building of a 3-bdrm. single-story single-family residence with garage + ADU in the Forest Reserve District (FR), located on Cider Mtn. Road, Lot #3, parcel ID # 012003-003, consisting of 7.15 +/- acres.**

Ms. Strauss presented some maps and information regarding the house and driveway, but due to the inaccuracy of the underlying contour map in her materials, it was decided to continue the hearing until more accurate drawings are available.

**MOTION** by Mr. Monte to continue this hearing until the DRB meeting of October 4 at 7:00 pm. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

**Continuation of hearing for Application #2021-13-CU submitted by Adam Zawistowski requests approval to build a Single-Family residence that will have some impact on steep slopes. The property located on Loop Road, is 2.5 acres, parcel ID #038002-301 and located in the Rural Residential District.**

Mr. Zawistowski provided revised plans for the Board to review, depicting a new driveway configuration. The new location will allow for a 2-4% average finished grade to the house site, and eliminates almost all the impact to slopes of 25% or greater.

**MOTION** by Mr. Monte to find that the configuration of this parcel necessitates cross some section of very steep slope to access a more level area for a house site. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the application has, on the revised plans presented, minimized the impact to steep and very steep slopes. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the erosion control plans included in the application materials are adequate to address erosion and sedimentation during and after construction. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the general Conditional Use standards of Section 5.3A of the Land Use Regulations are satisfied by the application. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

There were no proposals for further conditions based upon the more specific Conditional Use standards.

**MOTION** by Mr. Monte to approve Application #2021-13-CU as amended, subject to the usual conditions. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

**Other Business:**

Ms. Robbins reported that there will be a new person beginning next month in the assistant position.

Upcoming schedule considerations were discussed.

The meeting adjourned at 9:13 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

**Development Review Board**

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Peter Monte                      Date

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Virginia Roth                      Date

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Don Swain                      Date