

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, November 15, 2021**

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

Members Present: Devin Klein-Corrigan (online), Bob Kaufman, Megan Moffroid, Peter Monte (Chair), Jeff Schoellkopf

Others Present: Ruth Robbins (ZA), Bob Baron, Nancy Baron, Robin Bleier (Conservation Commission), Susan Hemmeter, Gunner McCain, Chris Noone, Peter Spring, John Whitcomb, and Carol Chamberlin (Recording Secretary).

The meeting was called to order at 7:04 pm.

Application #2021-16-CU submitted by Robert & Nancy Baron requests approval to build a single family dwelling with associated infrastructure. To do so would require disturbance to steep slopes between 15% and 25% and some very steep slopes of 25% + outside of the proposed building envelope. The property is located on Anne Burns Road Lots 19 & 20, parcel ID# 023002-603 consisting of 6.4 +/- acres in the Rural Residential District.

Board members had participated in a site visit earlier in the day, where the line of the proposed driveway and house site were flagged.

Ms. Hemmeter, a neighbor, expressed concerns regarding the property's wetland not being denoted on related Agency of Natural Resource mapping. She and Mr. Bleier also questioned what effect any erosion caused by the driveway might have on the wetland. Mr. McCain explained that his firm has confirmed the wetland boundary through the work of two biologists and that none of the site work will impact either the wetland or the associated buffer area; no permit is required from the State. The wetland buffer will be marked to ensure that no tree cutting or other site work takes place within that zone. Ms. Hemmeter provided no documentation of an alternate wetland boundary, although she noted that she has communicated with various officials and professionals regarding this matter.

MOTION by Mr. Monte to continue the hearing until November 29 at 7:00 pm in order to allow evidence to be submitted that supports a different wetland delineation. **FAILED** for lack of a second.

Ms. Hemmeter acknowledged that she had no specific evidence that the wetland boundary differs from what is depicted in the application materials.

The driveway location was discussed. Mr. McCain explained that approaching from the south side of the lot is problematic due to the switchback design that would be necessary to cover the vertical distance between the road and the house site. Moving the drive slightly north of what has been proposed is feasible, but would essentially be trading an increase in disturbed area for the benefits of a slightly reduced slope. Mr. McCain outlined driveway drainage, indicating that there will be a culvert at the bottom of the drive and a ditch on the uphill side. These two features will server to direct stormwater to a vegetated buffer strip for filtering before release into the wetland buffer. Detailed erosion control and driveway ditching drawings were not included in the application materials.

MOTION by Mr. Monte to impose a condition for approval which requires that the applicant file a graphic depiction and description of the easterly ditch above the proposed roadway as well as the culvert/splash pad that will drain that ditch. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

MOTION by Ms. Klein-Corrigan to require the use of secondary silt fencing during construction of the driveway. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that the erosion control and sediment reduction plans as presented are adequate for general minimization of erosion risk. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that development of slopes greater than 25% is necessary to facilitate development on this property. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

It was noted that the requirements outlined in Section 3.4(D)5-8 have not yet been detailed on the plan. Mr. McCain indicated that there will be no storage of topsoil during construction.

MOTION by Mr. Monte to condition approval upon adherence to the requirement of Sections 3.4(D)5-8 of the Land Use and Development Regulations. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

It was determined that the development has been sited to minimize impacts on areas of steep and very steep slope.

MOTION by Mr. Monte to find that Sections 3.4(D)1-4 of the Land Use and Development Regulations have been satisfied by the information presented in the application. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

Vegetation removal was reviewed. While there will be no cutting in the wetland buffer, no plan for tree cutting was included in the application material. Mr. McCain explained that the house site will be cleared, and some other clearing will take place to open up a view. Board members noted that Section 3.2(D)2 prohibits cutting of vegetation on steep slopes except as necessary.

MOTION by Mr. Monte to impose a condition that, except as necessary for development of the driveway, no tree cutting or removal of vegetation will take place in areas of 25% slope or greater, and stumps will not be removed from any trees which must be cut on such slopes due to disease, death, or the creation of dangerous conditions. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Ms. Klein-Corrigan to find that Sections 3.4(D)3, 4, and 9-11 of the Land Use and Development Regulations have been satisfied by the plans presented in the application. **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf to find that the general standards of Sections 5.3(A)1-5 of the Land Use and Development Regulations are satisfied by the information provided in the application. **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

Board members concurred that no specific Conditional Use Standards were pertinent to this application.

MOTION by Mr. Monte to approve application 2021-16-CU subject to the conditions agreed upon at the hearing and all other customary conditions. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

Application #2021-07-SD-AM submitted by Michael & Melinda Rottas requests to amend a previously approved building envelope due to the reclassification of previously identified wetlands. The property is located on Ridge View Road Lot 3, parcel ID# 023002-603 consisting of 4.43 +/- acres in the Rural Residential District and Meadowland Overlay District. The requested expansion of the building envelope does not intrude into the Meadowland Overlay District.

Mr. McCain outlined the features of the property and related history of wetlands jurisdiction, rules and regulations. The wetland on the property has typical wetland vegetation, but the soils are not classified as wetland soils, which makes the wetland a Class III, protected at the Town level. The original 2005 subdivision was approved prior to State Wetland Rule changes, and the building envelope was established with wetland considerations that are no longer necessary at the State level. Mr. McCain provided correspondence from Shannon Morrison, Wetland Biologist with Vermont DEC, confirming this information.

This application is to request that the building envelope be extended toward the portion of the property that was previously considered to be wetland, where the slope is slightly more level than what is currently approved. The proposed envelope will not intrude on the Meadowland Overlay portion of the property. A new septic system location has been included in the updated plan. Mr. McCain confirmed that no covenants or permit conditions would be affected by these changes.

MOTION by Mr. Monte to find that the relevant Standard affected by this application is the definition of a building envelope as outlined in Section 7.2E of the Warren Land Use and Development Regulations, and that this proposal satisfies the requirements included in that Section, and does not violate any relevant Subdivision Standard. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

Mr. McCain will provide Ms. Robbins with appropriate drawings for filing with the related Subdivision records.

Other Business:

Membership on the Board was reviewed. Ruth reported that Charlotte Robinson had officially resigned her position. Megan Moffroid was appointed by the Selectboard to one of the open positions, and Ms. Klein-Corrigan will serve as a full member rather than as an alternate. Mr. Behn, Mr. Kaufman, and Mr. Swain will continue to serve as alternates.

Board members met with Chris Noone, who is also interested in serving on the Board.

The meeting adjourned at 8:53 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte Date

Robert Kaufman Date

Devin Klein-Corrigan Date

Megan Moffroid Date

Jeff Schoellkopf Date