

**Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday, January 3, 2022**

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

Members Present: Chris Behn (Acting Chair), Devin Klein-Corrigan (online), Megan Moffroid  
Others Present: Ruth Robbins (ZA), Richard Czaplinski (Friends of the Mad River, online), John Hammond (Sugarbush), Eric Hanson (Sugarbush, online), Patrick Konvicha (Sugarbush), Shawn Patenaude (Sugarbush), Kinny Perot (Friends of the Mad River, online), Joel Rhodes (Sugarbush, online), David Slingluff (online), Duval Slingluff (online), Margo Wade (Sugarbush, online), and Carol Chamberlin (Recording Secretary, online).

The meeting was called to order at 7:03 pm.

**Application #2021-19-CU submitted by** Sugarbush Mountain Resort, Inc., is requesting a permit to upgrade and replace the snowmaking water withdrawal infrastructure on the Mad River which is adjacent to the Sugarbush snowmaking pond. This replacement project looks to remove or abandon the existing withdrawal infrastructure and install a new concrete foundation, new inflatable dam, new Parshall flume and one new intake structure and associated piping and buried utilities. The project, to be constructed in the Mad River, will be accessed from land owned by Sugarbush Mtn Resort at 446 VT Rte. 100, parcel id# 100000-401 and is in the Rural Residential District.

Margo Wade provided an explanation of the plans developed for replacement of the weir in the Mad River. She provided some history of the existing dam and use of the resulting pond, which created a system that become operational in 1998. She noted that there have been three failures of the dam in recent years, which have led to some structural damage. Repairs have taken place, but there has been undermining of the concrete, which is now sinking into the riverbed. Better systems now exist, and this replacement will be an upgrade to newer technology.

Changes outlined by Ms. Wade include a reduction of intake structures from two to one; a larger, improved flume for measuring required data; and an inflatable bladder to allow for free flow of the river during high flow events. She noted that there will be no change in withdrawal rates, pond capacity, or pumping capacity. River stone will be used for any fill that is required. Work will be completed during the months of May – October, with shifts in the proposed timeline possible if contractors are difficult to secure for this work.

Ms. Perot asked about tree planting efforts and effects on wetlands. Ms. Wade explained that previous tree planting has not been successful, but that revegetation is planned for along the riverbank, with an Agency of Natural Resources-approved riparian buffer management plan in place and an erosion control plan included in the application materials. She noted that there are no wetland impacts taking place during this project.

State and Federal permits which are required have all either been issued or applied for and currently in the review process.

Mr. Slingluff reminded the group that during the original weir construction an aquifer was breached; this is referenced in the original permit.

Ms. Klein-Corrigan suggested the use of a natural fiber product for use as erosion matting, in order to prevent disintegration of plastic matting which would wash into the river.

Board members reviewed Table 2.14 of the Land Use and Development Regulations (LUDR), related to the Flood Hazard Overlay District.

**MOTION** by Mr. Behn to find that Standards E1 and E2 have been discussed and are satisfied. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

**MOTION** by Ms. Klein-Corrigan to find that E3(a)-(d) are not applicable to this project. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Behn to find that E4 is not applicable to this project. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

Contents of LUDR Table 2.16, related to the Fluvial Erosion Hazard Overlay District, were reviewed next.

It was noted that the new dam footprint will be comparable to what currently exists, and that the inflatable bladder should serve to keep the river channel in a more natural condition as high flows will not be blocked. The only physical addition to the infrastructure will be an increased flume width, but this will allow for lower velocity of the water flow through the structure.

**MOTION** by Mr. Behn to find that this project meets the standards outlined in Table 2.16 A- K, as those standards are either satisfied or not applicable. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

Standards for Conditional Use were reviewed, as outlined in Section D for properties in the Flood Hazard Overlay District.

**MOTION** by Mr. Behn to find that, given that the project is for replacement of an existing structure with something similar in size yet has some protective features, Section 5.3(E)(1)(a) is satisfied. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

Included in the application materials are the results of an evaluation of river rise impacts resulting from the project as proposed; the base flood elevation will not increase over what is currently in place.

**MOTION** by Ms. Klein-Corrigan to find that Section 5.3(E)(1)(b) is satisfied, as evidenced by Exhibit 007 of the application materials. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Behn to find that Section 5.3(E)(1)(c) – (k) are not applicable to this proposal. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

It was explained that the inflatable bladder included in the new structure is designed to prevent the undermining of the concrete which has occurred in the past.

**MOTION** by Ms. Klein-Corrigan to find that Section 5.3(E)(1)(l) is satisfied by this proposal. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

**MOTION** by Ms. Moffroid to find that Section 5.3(E)(1)(m) – (o) are not applicable to this proposal. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

Ms. Wade noted that overall, the impervious surface at the dam site will be decreased as a result of this replacement.

**MOTION** by Mr. Behn to find that Section 5.3(E)(2)(a) and (b) have been discussed and are satisfied by the application. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Ms. Wade noted that there will be less than an acre of ground disturbance, so a State Stormwater Permit is not required, but that all associated best practices will be implemented.

**MOTION** by Mr. Behn to require the submission of an Erosion and Sediment Control Plan within thirty days of approval, and to require the use of eco-friendly material where possible in that plan, particularly any stabilization matting applied to the riverbank. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Behn to approve the application as submitted, with the aforementioned conditions to be applied. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

**Continuation of 12/20/2021 hearing for Application #2021-18-CU submitted by Charles & Lucy M. Brown request Conditional Use approval to add an Accessory Dwelling consisting of a 38' x 12' trailer that will be serviced by the existing wastewater and water system of the primary dwelling. The property is located at 2353 Plunkton Road in the Rural Residential District and listed as parcel ID # 028003-200 in the Warren Grand List.**

Ms. Robbins reported that a site had become available at VerdMont for the trailer, so Ms. Brown withdrew her application.

**Other Business:**

The upcoming schedule reviewed, and current and potential Board membership was discussed.

The meeting adjourned at 8:39 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

**Development Review Board**

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Chris Behn                      Date

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Devin Klein-Corrigan      Date

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Megan Moffroid              Date