

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, April 4, 2022**

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

Members Present: Devin Klein Corrigan, Bob Kaufman, Megan Moffroid, Peter Monte (Chair), Chris Noone

Others Present: Ruth Robbins (ZA), Jacqueline Coates, Laurent Fromigue, Lexi Leacock, Larry Levine, George McCain, Michael Trahan, and Carol Chamberlin (Recording Secretary, online)

The meeting was called to order at 7:00 pm.

Application #2022-05-CU submitted by Alexandra Morse & Larry Levine, is requesting Conditional Use approval to construct an Accessory Dwelling and driveway shared with the existing SFR that will have impact on 15% or greater “steep slopes”. The project is located at 200 Dump Road, parcel ID 022000-700, 4.4 acres +/-, located in the Rural Residential District.

Jacqueline Coates requested designation as an interested party to this hearing, as her water supply is on the same side of the road and downhill from the proposed development. George McCain explained that the distance between Ms. Coates’ spring and the proposed leach field is well beyond the 500 feet required by regulations.

A site visit was held earlier in the day, attended by Ms. Robbins and Board members present at the hearing (Ms. Klein Corrigan visited the site separately). It was observed that that the area affected by the proposed development includes slopes between 15% and 25%, but not areas over 25% slope, with the exception of the site needed for septic access and installation, which includes slopes over 25%.

Mr. McCain confirmed what was observed on site, and noted that while the site has some steep slopes, the building envelope for the proposed accessory dwelling is entirely on areas with less than 15% slopes. He indicated that erosion control measures are included in the plans, and that the Low Risk Handbook standards will be followed.

A question had arisen at the site visit regarding the relocation of the septic system in order to avoid placement on very steep slopes (> 25%). Mr. McCain reported that he had looked at this possibility, and that it would avoid some disturbance of very steep slopes, but would significantly increase the need for disturbing the steep slope (15%-25%) area.

MOTION by Mr. Monte to find that the development proposed in very steep areas, including the leach field and water and sewer lines, is necessary to facilitate development at the site; and that relocating the leach field to the southwest would increase the amount of steep slope area that would be disturbed by the proposed development. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

When asked, Mr. McCain explained that the accessory dwelling is proposed in the planned location rather than on the flatter area near the main house due to the importance of providing privacy and the relative ease of access at the proposed location.

MOTION by Mr. Kaufman to find that erosion control and protective measures for work on steep slopes are properly laid out in the application materials. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Board members did not see a need to propose conditions based upon Section 4.1, Accessory Dwelling Provisions, and proceeded with Conditional Use Review.

MOTION by Mr. Kaufman to find that the General Standards of Section 5.3(A) are each satisfied by the application presented. **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

Erosion control had been addressed, and no Board members felt it necessary to address the Specific Conditional Use Standards.

MOTION by Mr. Monte to approve Application 2022-05-CU, subject to the usual conditions. **SECOND** by Ms. Klein-Corrigan. **VOTE:** All in favor, the motion carries.

Application #2022-02-SD submitted by 3209 German Flats LLC & Drumleys Condominium Association, request a boundary Line adjustment to move land that the Drumleys community water system sits on via an easement to be part of the Drumleys property in exchange for an equal amount of land from their property. The amount of land to be exchanged to accommodate this change is 2,540 SF. The properties are located at 3209 German Flats Road & Drumleys North Road.

This hearing was continued from March 21, 2022.

Ruth explained that she was not successful in attempting to locate any permit information for the pump house; she believes this is due to its being constructed in 1974, prior to zoning regulations being in place.

Board members explained that, while they understood the desire to keep ownership more straightforward and avoid the need for an easement, approving the boundary line adjustment as proposed would create a nonconformity. The degree of nonconformity that would be created may only be allowed through approving a variance.

Section 9.6 of the Land Use Regulations, which outlines the findings that are necessary to approve a variance, was reviewed. It was explained that satisfaction of the second parameter was not possible, as the infrastructure was already in place. Mr. Monte explained that this section of the Regulations is based upon statutory language and that the standard is set as impossibility, not inconvenience.

MOTION by Mr. Monte to find that it was not possible to issue a variance which would allow the encroachment into the property line setback that would result from approval of the proposed Boundary Line Adjustment because the property is not impossible to use in its present ownership configuration. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that the proposed Boundary Line Adjustment would conflict with Section 7.2 (D) of the Land Use Regulation Subdivision Standards, which requires that all lots conform to Zoning District Standards including setbacks. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Mr. Monte mentioned exploring solutions that might provided through applying for a PUD for the properties, cautioning that there may be resulting legal entanglements less preferable than the status quo.

MOTION by Mr. Monte to deny approval for 2022-02-SD/BLA. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

Other Business:

Ms. Robbins suggested including a clause regarding attendance when the DRB procedures are reviewed and updated, which will take place after the current LUDR revisions are finalized, as there will be some related procedural changes to address at that point.

Ms. Robbins reviewed some upcoming applications.

The minutes of March 21, 2022 were approved.

The meeting adjourned at 8:16 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Devin Klein Corrigan Date

Robert Kaufman Date

Megan Moffroid Date

Chris Noone Date