

**Town of Warren
Development Review Board
Minutes of Meeting
Monday January 29, 2018**

Members Present: Jeff Schoellkopf, Chris Behn and Virginia Roth.

Others Present: Mark Bannon, Perry Bigelow, Whitney Phillips and Ruth Robbins.

Agenda: Call meeting to order, 7:00 pm.

1. Application **2018-01-SD-AM**; Amendment to an Approved Plat. Applicant **Lisa Bigelow Kelly** requests a change in the location of the previously approved building envelope [2015-55-SD]. The property is located at 1471 Lincoln Gap Road in the Rural Residential District [RR] as well as the Meadowland Overlay District [MO], Lot 2, 60 +/- acres, parcel id # 003003-701. This application will be reviewed under the Warren Land Use and Development Regulations as adopted by the Warren Select Board on March 25, 2008 and last amended November 11 2012. [Article 7 Subdivision Standards].
2. Application **2018-01-CU**; Renewal of an expired Condition Use permit. Applicant **New Milford Management Corp.** requests the renewal of Conditional Use approval 2014-20-CU which allowed a change in the commercial use of the property. The property is located at 247 Main Street in the Warren Village Commercial District [WVC], .25 acres, and parcel id # 001000-200. This application will be reviewed under the Warren Land Use and Development Regulations as adopted by the Warren Select Board on March 25, 2008 and last amended November 11 2012. [Table 2.10 WVC and Article 5, Sec 5.3 Conditional Use Review Standards].
3. Deliberative Session (as necessary)
4. New/other business

Mr. Schoellkopf called the meeting to order at 7:01 pm.

- 1) Application **2018-01-SD-AM**; Amendment to an Approved Plat. Applicant **Lisa Bigelow Kelly** requests a change in the location of the previously approved building envelope [2015-55-SD]. The property is located at 1471 Lincoln Gap Road in the Rural Residential District [RR] as well as the Meadowland Overlay District [MO], Lot 2, 60 +/- acres, parcel id # 003003-701.

The hearing began with a brief conversation about why the originally approved building envelope had been allowed to expire. Mr. Bigelow, representing his sister, told the Board that it was not intentional that his sister was mulling over the process and the result as she was not sure it was what she wanted. He continued to state that his sister had had a conversation with Miron who said he'd take care of the extension of the approval. Mr. Bannon then recapped the previous permit details and what they wanted to do now. He pointed out that part of what was decided before was a swap of land to be withheld from development for allowing the original building envelope to be placed at the edge of the Meadowland on the parcel. When Ms. Kelly reviewed the resulting site plan she had concerns about the length of the driveway, its cost to construct, how it bisected the lot and involved cutting across her brother's parcel. Mr. Bannon then showed the Board members that he found an area which is not in the Meadowland closer to the road that meets all setback requirements. Since Ms. Kelly will no longer be utilizing part of her brother's driveway, a new road cut was shown on the revised site plan. The Board

reminded the applicant that any permit they issued would be conditioned on obtaining a Road Access permit from the Select Board. They next took a look at the slopes as there is an area near the proposed building envelope that borders on some steep (15% or greater) slopes. The Board considered that the amount right on the BE [building envelope] border was so small that it was not of a concern. They reviewed the building envelope for conformance with setback requirements and found them to be compliant.

MOTION by Mr. Behn that this is deemed a Minor Subdivision. SECONDED by Mr. Schoellkopf. VOTE: all in favor the motion passed.

MOTION by Mr. Behn that Sec. 7.2 items (A) through (D) are found to be satisfied by the application. SECOND by Mrs. Roth. VOTE: all in favor, the motion passed.

MOTION by Mr. Behn that Sec. 7.2 (E) meets the standards for the establishment of building envelopes with complying with the setbacks from boundary lines and the 100 feet buffer from the edge of the pond. SECOND by Mrs. Roth. VOTE: all in favor, the motion passed.

MOTION by Mr. Schoellkopf that any approval will have a condition that requires the applicant to obtain an approved Road Access permit from the Town of Warren and meet the standards of Sec. 3.1 (C) for the construction of a driveway. SECOND by Mr. Behn. VOTE: all in favor, the motion passed.

MOTION by Mr. Schoellkopf that the Board finds Sec 7.2 (F), (G) and (H) to be either satisfied or not applicable. SECOND by Mr. Behn. VOTE: all in favor, the motion passed.

MOTION by Mr. Schoellkopf that Sec. 7.3 is found to be satisfied as the conservation areas (Meadowland, Wetlands and Steep Slopes) have all been clearly identified and protected and there is only one small amount of steep slopes (17 +/- %) at the corner of the building envelope which was considered to be of little concern due to its size. SECOND by Mr. Behn. VOTE: all in favor, the motion passed.

MOTION by Mr. Schoellkopf that Sec. 7.4 is found to be not applicable to this application. SECOND by Mr. Behn. VOTE: all in favor, the motion passed.

MOTION by Mr. Behn that Sec. 7.5 is found to be satisfied with the understanding that the development will follow the State ANR Yellow Book guidelines for erosion control on anything over 10%. SECOND Mrs. Roth. VOTE: all in favor, the motion passed.

MOTION by Mr. Schoellkopf that Sec. 7.5 and 7.6 are found to be either satisfied or not applicable. SECOND by Mrs. Roth. VOTE: all in favor, the motion passed.

MOTION by Mr. Behn that Sec. 7.8 is satisfied with the understanding that a State Wastewater permit will be obtained by the applicant for a four bedroom single family dwelling. SECOND by Mr. Schoellkopf. VOTE: all in favor, the motion passed.

MOTION by Mr. Behn that Sec. 7.9 is satisfied as the utilities will be placed underground as per the ordinance. SECOND by Mrs. Roth. VOTE: all in favor, the motion passed.

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MOTION by Mrs. Roth that Sec. 7.10 is not applicable to this application. SECOND by Mr. Behn. VOTE: all in favor, the motion passed.

MOTION by Mr. Behn that the Board approves the relocated building envelope as presented subject to the findings and conditions voted on including, but not limited to, the submission of a new Mylar showing the revised building envelope. SECOND by Mrs. Roth. VOTE: all in favor, the motion passed.

- 2) Application **2018-01-CU**; Renewal of an expired Condition Use permit. Applicant **New Milford Management Corp.** requests the renewal of Conditional Use approval 2014-20-CU which allowed a change in the commercial use of the property. The property is located at 247 Main Street in the Warren Village Commercial District [WVC], .25 acres, and parcel id # 001000-200.

Mr. Phillips was before the Board to renew a Conditional Use permit for a change in use for the property at 247 Main Street. Though the intended use has not changed, construction has not proceeded as quickly as expected and the permit has expired. What is at issue here is that the addition of a large masonry chimney has eliminated one of the original parking spots. Mr. Phillips confirmed that nothing new was being asked for with this renewal and that the uses continue to be that of a coffee shop and residential space.

The Board reviewed the previous permit which outlined the calculation of parking spaces. Mr. Phillips also confirmed that there were still three space in front and that the number of spaces (4) which allows for 16 seats in the coffee shop is still what is being asked to be permitted. Discussion ensued that considered whether or not an employee could be directed to the Millstone park and ride as a possible solution. Whether our regulations would allow us to meet the standards by utilizing a public lot was not known but considered doubtful. It was also asked if the owner had any other property that might be used as a place to locate an additional parking space. The owner does own a residence across the street but turning the driveway into a "parking lot" might not be well received by the neighbors. Mr. Schoellkopf suggested that maybe "stacked" parking might work behind the building for employee(s) as a car would be there most of the day and would be ok being blocked in for the duration. (The Warren Post Office was used as an example as was the underground parking up at Sugarbush).

The DRB noted that they couldn't tell the applicant what to do but that they could make suggestions. He needed to come back with a plan that meets the ordinance for the Board to review and either approve or not. With that being said they discussed continuing the hearing to a future date.

MOTION by Mr. Behn that the hearing be continued until 7:00 pm on Monday February 5, 2018.
SECOND by Mr. Schoellkopf. VOTE: all in favor, the motion passed.

With other business brought before the Board, the meeting was adjourned at 8:32 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

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Chris Behn 02-05-2018
Chris Behn date

Virginia Roth 2/5/18
Virginia Roth date

Jeff Schoellkopf 2/5/18
Jeff Schoellkopf date

TOWN OF WARREN, VT

Received for Record 216 2018
at 3 o'clock P M and Received in
Vol. 250 Page 78-81

Robert Ross
TOWN CLERK

VT Property Transfer Tax Return # —