

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, July 18, 2022**

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

Members Present: Megan Moffroid, Peter Monte (Chair), Chris Noone, Virginia Roth, Jeff Schoellkopf.
Others Present: Ruth Robbins (ZA), Elizabeth Cook, Brian Kitchens, Gunnar McCain, Bradley Opsahl, David Sellers, Ellen Strauss, Carol Chamberlin (Recording Secretary)

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

Application #2022-11-SD submitted by David Sellers is requesting a BRIEF Sketch Plan Review for a 7-lot subdivision

Mr. Sellers explained his concept for developing a lot on Prickly Mountain; his intent is to develop 7 lots, with common land and a common incubation space. He received feedback from Board members, advising him that a PUD might be more suitable for his plans and that the cottage industry regulations might be the most applicable for the proposed common space.

Application #2022-09-SD submitted by Susan Alberino, is requesting a 2-lot subdivision unless it is determined and confirmed by the DRB that the 5.2 acre lot is a pre-existing subdivided lot. The property is located at 50 Albert's Way, parcel ID# 038003-5 in the Town of Warren grand list, and is in the Rural Residential District.

Ms. Cook outlined the history of the ownership and subdivision applications/permits related to this parcel. A title insurance company is requesting that the 5.2 acre lot be confirmed as separate from the adjacent parcel owned by Ms. Alberino. The mortgage lender has approved a partial release so that the 5.2 acres may be conveyed separately, although the most recent property transfer to Ms. Alberino indicated that only one lot, totaling the full acreage involved, was transferred. Mr. Kitchens explained that the 26-acre parcel and house had been on the market previously, not including the 5.2 acres in question.

Mr. Monte indicated that Ms. Alberino's intent regarding the property is important in determining whether there continue to be two lots or if the lots have been merged. Mr. Schoellkopf pointed out that the setbacks depicted on the application materials might be non-conforming, and thus may indicate a prior intent to merge the lots. It was clarified that the house on the lot was constructed prior to the subdivision approval. Mr. Monte explained that written confirmation from Ms. Alberino expressing her intent to consistently retain the properties as separate would potentially confirm the continued existence of two separate lots. Ms. Moffroid noted that she is familiar with the site, and that it contains no development-preventing features such as wetlands, steep slopes, etc.

MOTION by Mr. Monte to find that the possibility of a merger rises solely from the deed dated December 30, 2013 from Susan Alberino LLC to Susan Alberino in which the parcel is described as 'being a certain parcel of land containing 31 acres more or less and located at 50 Albert's Way in Warren VT....' In previous property transfers, each lot had been described as a separate parcel. **SECOND** by Ms. Roth.
VOTE: All in favor, the motion carries.

MOTION by Mr. Monte to find that the various owners from time to time have treated these properties as separate when submitting wastewater and other permit applications, and when marketing the

properties; the Warren listers also have them noted as two separate parcels. **SECOND** by Ms. Roth.
VOTE: All in favor, the motion carries.

MOTION by Mr. Schoellkopf to find that associated deed language indicates that ‘also conveyed are two rights-of-way,’ which is another indicator of the continued intent to consider these to be two individual parcels. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

Mr. Monte explained that a written statement from the applicant to the DRB, indicating her continued intent to retain these as two individual lots, will lead to a rejection of the application as unnecessary.

MOTION by Mr. Monte to continue the hearing for Application 2022-09-SD until August 1, 2022 at 7 pm.
SECOND by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Application #2022-07-SD-CU submitted by Bradley & Blake Opsahl are requesting a revised building envelope, and a review of steep slopes and the standards of the Forest Reserve District. The property is located on Cider Hill Road, Lot #3. 7.0 +/- acres, parcel id# 012003-003 in the Forest Reserve District.

Site features such as the curb cut, driveway location, septic site, previously permitted envelope, and proposed building envelope had been staked out for a site visit held prior to the hearing. Mr. Monte, Mr. Schoellkopf, Ms. Moffroid, Ms. Strauss, and Mr. McCain were all present at the site visit; Ms. Roth confirmed that she is familiar with the parcel and its layout.

Mr. McCain explained that the approved envelope contains some very steep slopes, and likely would not be approved for a house site under the current regulations. He indicated that the proposed envelope is much smaller than the original, and contains no very steep slopes. He also noted that erosion and sediment control plans are included in the application materials, and pointed out that a stormwater retention pond is part of the plan. Some selective clearing for seasonal views is requested.

In response to a question regarding the suitability of placing the house where the septic site is proposed, Mr. McCain explained that the more level area is required for wastewater system design, and that prior Act 250 review mandates a 75-foot stream buffer which also precludes building in that location.

Mr. Monte explained that the DRB must be satisfied that construction in the newly proposed envelope creates less impact on the property’s natural resource area. It was agreed that the proposal is an improvement over the original site and likely the least intrusive possible.

Board members present noted that they observed a stream bed/drainage swale on the property that displays signs of erosion, but that there was no water running through this bed during the site visit, at which time it was raining.

MOTION by Mr. Monte to find that the intermittent stream that runs north-south through the southerly corner of the parcel shows no indication that it needs to be considered for buffering. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf to find that the proposed building envelope meets the dimensional standards of the Forest Reserve District. **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

It was agreed that the supplemental standards of Section 2.1 E did not appear to be applicable.

The standards of Section 2.1 F were considered.

It was discussed that the clearing around the house site is depicted on the plans presented, and is mostly within the building envelope. Approximately one-half acre of clearing will occur outside the envelope; the area to be cleared is limited by a stream buffer. Clearing for solar installation will take place uphill on the southern side of the house site. It was agreed that this clearing will not create visibility from other locations off site.

MOTION by Mr. Monte to find that the limits on cutting which are depicted on the plans presented are sufficient to satisfy the requirements outlined in Table 2.1 of Section 2.1 F1. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that the plans included in the application materials satisfy the standards of Section 2.1 F 2-5. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

The exterior colors of the house and roof have been specified in the application materials; it was agreed that any glare from the windows will not be visible from other locations.

MOTION by Mr. Monte to find that the lack of visibility of the proposed structures from off-site warrants not imposing the usual Forest Reserve District conditions on screening/non-reflective glass for windows. **SECOND** by Ms. Roth. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that the proposed revision to the building envelope size and location will result in a lesser intrusion on very steep slopes than the original plan, that the crossing of primary conservation area steep slopes is necessary to build on an available location on the property and that the erosion and sediment control plans submitted in the application materials are adequate to address this construction; therefore approval is conditional upon the plans as presented being followed. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Conditional Use review commenced.

MOTION by Ms. Roth to find that the general standards of Section 5.3 A have been satisfied through the application materials provided or are not applicable. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

No DRB members present felt a need to address specific Conditional Use standards.

MOTION by Mr. Monte to approve Application 2022-07-SD-CU under the usual conditions as well as those adopted at the hearing. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

The applicants were reminded that this approval is for local permitting only, and any applicable state permits must also be obtained prior to development.

Application #2022-07-SD-CU submitted by the Jeff & Beth Schoellkopf Life Estates is requesting a 2-lot subdivision with some impact on Steep Slopes. The 9.8 acre +/- lot is proposed to be divided into Lot 1 of 7.8 +/- acres and Lot 2 of 2.0 +/- acres. The property, located at 1196 Lincoln Gap Road, parcel id# 003002-9, is in the Rural Residential District.

Mr. Schoellkopf participated in the sketch plan review as an applicant rather than as a DRB member.

Mr. Schoellkopf outlined the plans for the proposed subdivision. A site visit had been held earlier, attended by Mr. Monte, Ms. Moffroid, Ms. Robbins, and Mr. McCain. Mr. McCain reported that there is suitable soil for wastewater installation, including a replacement field, on the two acres proposed to be separated. The building envelope would likely be about a half-acre in size, and a portion of the driveway will be shared between the two parcels.

It was also indicated that the stream on the eastern side of the property creates a natural area; the intention is to keep that portion as is. There is also a seasonal drainage in the middle of the property; there is no intention to move or adjust this, but to keep any development activity at least 20-30 feet away from this feature. Mr. McCain has a slope analysis available, and he noted that there are two flatter areas where small dwellings will fit.

Mr. Schoellkopf explained that modification of the steep turn on the current drive will be part of the development work; there was further discussion of potential driveway development to access the building site, as well as other potential swale development.

The hearing for this subdivision has been warned for August 15, 2022.

Other Business:

The minutes of June 20, 2022 were revised and signed.

Ms. Robbins noted that the Sharry decision had been adjusted and would need signatures.

Flagging the Meranus property was discussed; this will be done as soon as possible so that Board members may visit the site as their schedules allow.

There was some discussion of the need to determine a uniform protocol for reviewing applications regarding sites where the proposed development is at a higher elevation, when a suitable building site exists at a lower or easier to access portion of the property.

Mr. Schoellkopf offered to draft a letter in support of the Planning Commission's proposed Land Use Regulation update; once a final draft has been reviewed by DRB members, it will be shared with both the PC and the Selectboard.

The meeting adjourned at 9:26 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Peter Schoellkopf Date

Megan Moffroid Date

Chris Noone Date

Virginia Roth Date