

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, August 15, 2022**

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

Members Present: Megan Moffroid, Chris Noone, Jeff Schoellkopf (Chair), Don Swain.
Others Present: Ruth Robbins (ZA), Barbara Bonan, Joe Bonan, Richard Frost, Lynn Hayes, Sarah Kersock, Richard Levitan, Bruce Lofgren, Gunnar McCain, Heather McLaughlin, Kyle McLaughlin, Jordan Meranus, Evonne Meranus, Caroline Plamondon, John Pitrowiski, Harry Wagner, Carol Chamberlin (Recording Secretary)

The meeting was called to order at 7:05 pm.

Application #2022-09-CU submitted by Evonne and Jordon Meranus, is requesting approval for the development of a driveway on Steep Slopes and a designated Building Envelope for a future SFR in the Forest Reserve District. The property is located at the end of Hillside Road, 123.4 +/- acres, parcel ID# 028004-800, in both the Forest Reserve District & Rural Residential Districts. This hearing is continued from 8/1/2022.

Mr. Schoellkopf noted that the application for approval of a building envelope was withdrawn as of the last hearing.

Mr. Schoellkopf confirmed that no new application materials, other than the landscape plan for along the driveway, had been submitted following the August 1 hearing.

Mr. Wagner and Ms. Kersock explained the landscaping planned for along the proposed driveway where it will parallel the Blueberry Lake trails. They propose planting a series of native hardwood and softwood trees as well as native woodland shrubs and groundcover along the cleared edge, with a boulder retaining wall along one portion of the drive. The design was created for both visibility purposes and soil retention on the slope along the drive.

Mr. Schoellkopf reviewed the motions passed on August 1 regarding this application, and indicated that the Board members have had an opportunity to review the stormwater application materials that had been submitted prior to that date. Mr. Pitrowiski explained that a double wall is being proposed in areas where more soil retention is needed, as the intent is to keep the retaining walls no higher than four feet. He also noted that there are five culverts designed to drain into retention infrastructure, and indicated that review during the State's permitting process may indicate the need for some minor changes to the proposed plans.

Mr. Lofgren reiterated some of the questions he had posed in a letter to the Board, requesting a limit to the size of the building envelope allowed and that other potential sites within the Rural Residential rather than the Forest Reserve portion of the lot be considered. It was explained that some limited tree clearing will be taking place, after which a house site and design will be proposed, at which point the size of the building envelope will be determined. It was also confirmed that the applicants understand the potential risk of constructing the proposed driveway and subsequently being denied a building envelope at the terminus of that drive.

MOTION by Mr. Schoellkopf to accept the stormwater plan that was submitted prior to the August 1 hearing date as being compliant with Warren's Land Use Regulations. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Ms. Plamondon asked for some clarification regarding the driveway and nearby trails, and explained that a neighborhood association is being created to address road maintenance, inviting Mr. and Mrs. Meranus to join and ensure that road impacts from their construction are addressed. Ms. Bonan also had some questions

pertaining to the driveway, and it was explained that all Warren and State regulations will need to be complied with. Further explanation indicated that this will likely require a moderate risk permit from the state, and demarcation of the tree clearing limits for the driveway construction will need to be in place. It was pointed out that the drawings submitted have some clearing and deposit area marked on neighboring property, and Mr. Pitrowiski explained that the lines may be somewhat inaccurate (because based on tax maps), but that all work will take place on the Meranus property.

MOTION by Mr. Schoellkopf to condition approval of this application on all final plans and related work taking place on property owned by Mr. and Mrs. Meranus. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf to approve the driveway construction applied for in Application 2022-09-CU, subject to the conditions agreed upon during the hearing and the usual permit conditions. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

Application #2022-12-CU submitted by Anne Hyde, is requesting Conditional Use approval for a building envelope within which to build a 2-bedroom single family dwelling that will impact steep slopes greater than 15% but less than 25%. The house has been reduced in size to minimize unnecessary land disturbance on the steep slopes. The property is located at 1268 Fuller Hill Road in the Rural Residential District and is parcel ID # 023002-300. Though there are Meadowlands on this parcel, the requested building envelope does not encroach on them. This project is also part of a Boundary Line Adjustment that was reviewed and approved by the Administrative Officer. The final plat Mylar is pending.

Mr. Schoellkopf, Ms. Moffroid, Mr. Noone, Ms. Robbins, Mr. McCain, Mr. and Mrs. Hyde and other members of the Hyde family all participated in a site visit prior to the hearing, where they observed the building envelope marked out and the areas of steep (between 15% and 25%) slopes that would be impacted by the proposed plans. It was noted that there might be limits placed on the amount of clearing to take place downslope from the house site, and that the site is generally forested and will therefore be screened from view.

Mr. Levitan, a neighboring landowner, spoke in favor of the proposed development.

Mr. McCain outlined the proposed development, noting that clearing approximately 25-30 feet below the house site is being requested to facilitate construction. He also indicated that the barn shown on the drawings presented is not part of the application.

MOTION by Ms. Moffroid to affirm that the barn depicted on application materials is not part of this application and that any future proposal to construct a barn will need to be appropriately permitted. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

A depiction of the slopes on the site was available, and Mr. McCain pointed out that the proposal is to build up against a steeper area, but to not cut into it at all. There is one small intrusion into the Meadowlands portion of the site needed for driveway construction. It is not anticipated that State stormwater permitting will be necessary, as there will be less than one-half acre of new impervious surface created; Mr. McCain indicated that silt fencing will be used as necessary, and Low Risk Handbook guidelines will be followed.

MOTION by Mr. Schoellkopf to require that a final amended plan be submitted which refers to compliance with guidance outlined in the State's Low Risk Handbook for Stormwater. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Board members reviewed the requirements outlined in Section 3.4 of the Land Use Regulations, related to steep slope impacts. They noted that no part of the site affected contains very steep slopes, and that none of the 1000+ square feet impacted is within the area necessary for driveway construction. It was acknowledged that a grading plan and erosion and sediment control plan were included in the application materials.

MOTION by Ms. Moffroid to limit tree cutting on very steep slopes to an area within 30 feet of the building envelope, with all stumps to be left in place. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Ms. Moffroid to find that the requirements of Section 3.4 B are satisfied by the material presented and the tree cutting limits imposed, or are not applicable. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Conditional Use review commenced, and the Board members reviewed the related general standards.

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

No Board members saw a need to address the specific standards outlined in Section 5.3 B.

MOTION by Mr. Schoellkopf to approve Application 2022-12-CU, subject to the conditions agreed upon during the hearing and the usual permit conditions. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Application #2022-11-CU submitted by Eddie Merma is requesting Conditional Use approval for a revised building envelope as the current one does not meet current wetland buffer requirements. Additionally, the proposed development will need review for encroachment on steep slopes greater than 15%, for a side setback waiver of 30% and some minor intrusion into the Meadowland Overlay District by the driveway. The applicant is planning to build a 3-bedroom SFR and associated infrastructure. The property is Lot 3 at 2061 Brook Road, parcel ID # 001004-403 in the Rural Residential District.

A site visit was held prior to the hearing, attended by Mr. Schoellkopf, Mr. Noone, Ms. Moffroid, Mr. McCain, and Mr. Merma. Mr. Swain noted that he is familiar with the site.

Mr. McCain provided an overview of the application, explaining that the originally permitted house site was no longer viable due to an intervening change in wetlands rules, which now require a 50-foot buffer between the property's wetland and the house site. It was confirmed that State Wetlands Program staff had verified and delineated the wetland area. Mr. McCain indicated that the currently proposed envelope is smaller than the original, closer to Brook Road, and there is a preference to move it closer to the northern property line. He also pointed out that a portion of the parcel is in the Meadowland Overlay, and that the proposed envelope and driveway are in part located in that Overlay; he explained that the other flat area that is not Meadowland is needed for installation of the septic system due to the soils configuration on the parcel, and that the proposed site is the only buildable area that is not fully in the Meadowland. He noted that the curb cut is already in place,

and that there is a small (less than 1000 square feet) area of impacts to steep slopes. It was further clarified that the request for a 7-foot waiver regarding property line setbacks was being requested in order to provide some flexibility when planning the house and any accessory structures.

MOTION by Ms. Moffroid to find that the proposed building envelope is located in the only developable area of the parcel, following the 2010 change in State Wetlands regulations and a determination of wetlands on the site.

SECOND by Mr. Noone. **VOTE:** All in favor, the motion carries.

MOTION by Ms. Moffroid to find that a seven-foot reduction of the property line setback requirements will not affect neighboring properties. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Ms. Moffroid to allow for a seven-foot reduction in the property line setback on the northern edge of the parcel, with the condition that a vegetated buffer be maintained along the boundary, with only dead, diseased, or dying trees that pose a hazard to structures allowed to be removed. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Conditional Use review commenced, and the Board members reviewed the related general standards.

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

No Board members saw a need to address the specific standards outlined in Section 5.3 B.

MOTION by Ms. Moffroid to find that the requirements of Section 7.2 E have been satisfied by the materials presented. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf to approve Application 2022-11-CU, subject to the conditions agreed upon during the hearing and the usual permit conditions. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Application #2022-08-SD-CU submitted by the Jeff & Beth Schoellkopf Life Estates is requesting Preliminary & Final Plan Review for 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. There is no development planned at this time.

Mr. Schoellkopf participated in this hearing as the applicant. Mr. Swain took over as Chair for the DRB.

Ms. Moffroid visited the site prior to the hearing, and Mr. Noone indicated that he is familiar with the property.

Mr. Schoellkopf provided an overview of the plans, explaining that he intends to leave sections of the parcel untouched, as they provide wildlife corridors. He indicated that a flat area with good soils had been located, which will support a three-bedroom wastewater system. The final dwelling configuration is uncertain, but an envelope has been depicted within which future development may be contained. A 25-foot buffer is planned along the seasonal drainage which runs through the parcel.

Mr. Frost expressed support for the subdivision and related plans. Mr. McLaughlin inquired about the setback required from Lincoln Gap Road, which is a scenic road. Mr. Schoellkopf confirmed that he will adjust any setbacks as necessary to meet that requirement, and that he was not opposed to a condition requiring that the eastern boundary and Lincoln Gap Road frontage remain forested.

The proposed building envelope and driveway contain some sections of very steep slopes; Mr. Schoellkopf indicated that no structure would be placed on these locations.

MOTION by Mr. Swain to determine that this application is for a minor subdivision. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Board members reviewed the standards for subdivisions outlined in the Land Use Regulations.

MOTION by Mr. Swain to find that the standards of Section 7.2 A – E are satisfied by the information presented in the application materials. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Swain to condition approval upon maintaining a forested buffer to the west and south of the building envelope, with no cutting permitted except for that necessary to prevent damage to a structure. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Swain to find that the standards of Section 7.2 G are satisfied by the information presented in the application materials. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Swain to find that the applicant currently has no other subdivision plans for this parcel. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Swain to find that the standards of Section 3.1 A-D are satisfied by the information presented in the application materials. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Swain to condition approval on the driveway construction and related erosion control not impacting any one area which is greater than 1000 square feet. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Conditional Use review commenced, and the Board members reviewed the related general standards.

MOTION by Ms. Moffroid to find that the general standards of Section 5.3 A 1-5 have been satisfied by the application materials presented, or are not applicable. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

No Board members saw a need to address the specific standards outlined in Section 5.3 B.

MOTION by Mr. Swain to require that an erosion/stormwater control plan be submitted along with any future permit application filed for this parcel. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Swain to approve Application 2022-18-SD-CU, subject to the conditions agreed upon during the hearing and the usual permit conditions. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Other Business:

Ms. Robbins reviewed the upcoming DRB schedule.

The meeting adjourned at 9:46 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Don Swain Date

Jeff Schoellkopf Date

Megan Moffroid Date

Chris Noone Date