

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, August 29, 2022**

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

Members Present: Chris Behn, Peter Monte, Chris Noone, Jeff Schoellkopf.
Others Present: Ruth Robbins (ZA), Evan Fitzgerald, David Frothingham, Timothy Johnson, Gunnar McCain, Heather Platt, Steve Platt, Allison Rogers, David Sellers, Ellen Strauss, Carol Chamberlin (Recording Secretary), Steve and Bobbie Platt, Stacey Weston, Fabio Schulthess, Nathan Bedford, Luman and Jennie Wadhams, Josh Vogel, Cindy Carr, Liz Raddock, David Frothingham, Dave Sellers, Lucy O'Brian and Ellen Strauss.

The meeting was called to order at 7:01 pm.

Application #2022-10-CU-VR submitted by Isaac & Brehon Garcia-Dale plus Anthony & Michelle Pisacano (landowners), are requesting Conditional Use approval for access and a building envelope for the development of a SFR on a merged lot that will impact steep slopes. A section of the building site is on slopes of 25%. The property, consisting of two lots, #62 & #63, are located on Upper Village Road, parcel ID #'s 210044-000 and 210045-000 in the Sugarbush Village Residential District. Continued from August 1, 2022.

Mr. McCain provided an outline of the plan which had been submitted denoting clearing areas on this parcel, with the areas to be cleared for construction noted as well as the limits on other portions of the lot; no clear cuts greater than 0.2 acres in size are planned. He also indicated that the Low Risk Handbook has been referenced in the updated application materials.

Mr. McCain also described the planned operational stormwater infrastructure, and noted that the property will be connected to the Sugarbush wastewater system; power will run in the same trench as the septic connection, along the road.

MOTION by Mr. Monte to find that the requirements of Section 3.4 B 2 are satisfied because the site disturbance on steep slopes is necessary in order to facilitate development on slopes less than 25%, and the soil erosion and sediment control plans submitted are adequate. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf to find that merging these two lots into one will result in less destruction of steep and very steep slope than would occur otherwise, and that no access to the more level area exists that does not cross sections of very steep slopes. **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to confirm that Section 3.4 D is satisfied by the materials submitted. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Conditional Use Review commenced.

MOTION by Mr. Schoellkopf to find that the standards outlined in Section 5.3 A 1-5 are satisfied by the materials presented. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

No Board members indicated a need to address further Conditional Use Standards.

Consideration of the variance request began.

MOTION by Mr. Schoellkopf to find that the conditions of Section 9.6 A 1-5 have all been met by the proposed development. **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to approve Application 2022-10-CU-VR, subject to the customary conditions as well as those imposed during the hearing. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Application #2022-13-CU submitted by Alta Assets, LLC [Johnson] is requesting Conditional Use approval for development of a 3-bedroom SFR with detached garage and associated infrastructure that encroaches into the Meadowland Overlay District. The property is Lot 20 on Applewood Road, parcel ID # 009007-4.1 in the Rural Residential District. Continued from August 1, 2022.

Ms. Robbins provided a recap of the August 1 segment of this hearing. Mr. Johnson corrected his statement from that hearing, indicating that all the property beyond the 50-foot wetland buffer is in the Meadowland Overlay, not the entire parcel. Mr. Monte reported that Shannon Morrison, State Wetland Ecologist had been to the site and has determined that the wetland on the property should be classified as a Class II wetland, thus requiring a buffer.

Mr. Fitzgerald provided some background information on the process of determining what class of wetland is on the parcel, noting that the hydrological connection to a larger wetland in the vicinity provides a basis for the wetland in question to be considered Class II. There was some discussion regarding a high point in the center of the wetland area, which Ms. Morrison has suggested should be included in the wetland delineation.

MOTION by Mr. Monte to find that the wetland depicted on the materials presented, generally located in the northeast corner of the property, is a Class II wetland and thus requires a 50-foot buffer according to State Wetland Rules; and that this is the only wooded area (not part of the Meadowland Overlay) on the entire parcel. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

A site visit had taken place at the property, attended by Mr. Schoellkopf, Ms. Robbins, Mr. Behn, and Mr. Platt. Other Board members visited the site independently. All were able to observe the location of the proposed buffer, which had been staked out. There was some disagreement from those in attendance regarding the area depicted on the materials provided and that understood to be outlined by Ms. Morrison.

Mr. Behn explained to those present that the Board could not prohibit development on the parcel, but could work to determine the most appropriate location within the Meadowland Overlay for a house site.

Mr. Monte indicated that the house site proposed by Mr. Johnson was inconsistent with the Meadowland considerations outlined in the Land Use Regulations, and that a site just outside the wetland buffer would be more in line with the Regulations. Mr. Schoellkopf and Mr. Behn indicated that shifting the proposed site to the north, just outside an existing tree line, might be the least intrusive location for a dwelling, and indicated for Mr. Johnson and those in attendance where on the property this was. Mr. Johnson expressed that he believed this was too far north.

Mr. Platt read a statement he had submitted to the Board, summarizing the points made regarding the need to locate the house site on the least intrusive area of the Overlay.

Mr. Josh Vogel also spoke regarding the Meadowland requirements, and provided materials depicting several locations to place a house that would conform to setbacks and be less visible to the closest neighbors. This information was accepted as Exhibit A-82922.

He also provided a drawing of what he described as the least intrusive location, on the edge of the Overlay closest to the woods. This was accepted as Exhibit B-82922.

Mr. Johnson's depiction of the wetlands outline was accepted as Exhibit C-82922.

The house site described by Mr. Schoellkopf and Mr. Behn was depicted on a drawing of the property, this was accepted as Exhibit E-82922.

Mr. Bedford, the neighbor closest to the proposed development, spoke of the tree line near the Exhibit E site being very thin, and expressed difficulty in visualizing how a house in that location would not be directly in his line of sight.

Board members explained that they cannot consider the house's proximity to the Ole's cross-country ski trail that runs through the property, as trails are by permission of the landowner.

Mr. Monte pointed out that Exhibit B has the house sited within the wetland buffer, and so is not a valid option.

A building site was depicted on Exhibit C, abutting the wetland buffer.

There was some discussion regarding whether Exhibit C or Exhibit E presented the least visually intrusive option.

Allison Rogers spoke of Warren's unique meadowland protections, and indicated that the visual impacts created by development on this property will be experienced not only by neighbors, but also by other residents using the area for exercise/recreation and tourists visiting the area. She also pointed out that the State has not posted a notice of Wetlands Determination yet, which would provide a public notice and comment period regarding the wetland in question.

The possibility was raised of the neighbors hiring a wetland ecologist to provide another review of the wetland characteristics and outline. Mr. Johnson was not willing to allow such an individual access to the property. Mr. Monte explained that the Board has the authority to require that a professional opinion regarding the wetland be provided by an individual of the Board's choosing, and Mr. Johnson opted for a second wetland study to be undertaken this way rather than by the neighbors' retaining a professional.

MOTION by Mr. Monte to continue the hearing for Application 2022-13-CU until September 19, 2022 at 7 pm. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Application #2022-14-CU submitted by Sadie Dog Properties, LLC, is requesting Conditional Use approval for a change of use at the residential property at 43 Flat Iron Rd from an existing 3

bedroom home to two guest suites for the Pitcher Inn. The main house will be a 3-bedroom suite and the upstairs of the existing garage is proposed to be a 1-bedroom suite. The home is owned by the applicant who also owns the Pitcher Inn. Currently the home has been used for staff housing. The property is parcel id # 004002-200 on the Warren grand list and is in the Warren Village Commercial District

Mr. Frothingham provided an overview of the renovation plans, explaining that there will be no change to the building's footprint created by the change in use from residential to lodging. The upper level of the garage will become a one-bedroom suite and the main part of the house a three-bedroom suite. The area between the two units, currently a covered walkway, is proposed to become an enclosed porch. The garage will continue to provide two parking spaces, and there are two parking spaces on the graveled area along the building. There is currently a five-bedroom wastewater allocation associated with the house, and there is an existing well on the property.

It was noted that the owners have purchased another building for use by staff members, as the subject building is currently being used to house employees.

Ms. Strauss described the changes which are planned for the outward appearance of the building, which include the creation of the covered porch mentioned earlier in the hearing, the addition of dormers above the garage, and some egress windows to be installed on advice of the Fire Department. She noted that this work will all be completed within the same footprint and that no change to the building height is proposed. She and Mr. Frothingham also outlined that there will be no change to the width of the drive, there are no plans to remove any street trees, no signage is proposed, and no lighting changes in terms of either configuration or brightness are proposed (all lights are currently downcast).

It was confirmed that there is adequate employee parking for the inn elsewhere, and this lot is not required for that purpose.

Mr. Sellers requested that it be clear that the right-of-way that provides access to his property for emergency and service vehicles remain open at all times. Ms. Robbins indicated that he should contact her if there is ever a problem regarding this access.

There was discussion among the Board members regarding the Land Use Regulations referring to 'lodging units' and 'rooms' with neither term fully defined, particularly as they relate to the number of bedrooms. It was requested that Ms. Robbins refer this language to the Planning Commission for their review.

MOTION by Mr. Schoellkopf to find that, based on the testimony provided, the Pitcher Inn is not dependent on the subject property for any of its currently permitted functioning. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that the Flat Iron Road parcel is a separate property and should be considered based upon its own merits and boundaries. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

The proposal for a change in use was considered.

MOTION by Mr. Monte to find that this application is seeking permission to operate an inn on the subject site, which is to be reviewed as a Conditional Use. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

It was explained to those in attendance that the plans presented must be followed by the applicants, and any proposed changes would need to be reviewed by the Board.

MOTION by Mr. Schoellkopf to find that the existing nonconformity regarding stream setback distances will not be exacerbated by this development. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Board members reviewed the Conditional Use standards.

MOTION by Mr. Schoellkopf to find that the standards of Section 5.3 A 1-5 have been satisfied by the materials presented. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

None of the Board members indicated a need to address the standards of Section 5.3 B.

MOTION by Mr. Monte to approve Application 2022-14-CU, subject to the customary conditions. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Other Business:

Ms. Robbins will discuss the need to clarify regulations/definitions for lodging units and bedrooms with the Planning Commission.

The minutes of August 15, 2022 were signed, prepared Notices of Decision were signed, and the upcoming schedule was reviewed.

The meeting adjourned at 9:20 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Jeff Schoellkopf Date

Chris Behn Date

Chris Noone Date