

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, November 7, 2022**

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

Members Present: Chris Behn, Megan Moffroid, Peter Monte (Chair), Chris Noone, Jeff Schoellkopf.
Staff Present: Ruth Robbins (ZA), MRVTV, Carol Chamberlin (Recording Secretary)
Others Present: Aurora Abad, George Abad, Titus Abad, Darcy Acker, Glenn Acker, Dana Adams, Carla Bell, Devon Bayley, Gene Bifano, Tyler Bryant, Kristin Brynga, Chris Butsch, Monica Cahilly, Rebecca Campbell, Eric Carlson, Rose Chaffee-Cohen, Miya Cline, Wrenn Compere, Jim Crafts, Pam Crafts, Patricia Cuenin, David DeFreest, Jonathan Draudt, Matt Dry, Erin Elwell, Ethan Elwell, Kelley Elwell, Shane Elwell, Chris Fish, Martha Gold, Randy Graves, Jeannie Guardino, Melanie Hall, Halsey, Wade Hastings, Lisa Johnson, JK VT, Sarah Kersock, Dick King, Shannon Konricka, Jenniflower Laker, Stephanie LaRock, Emily Leighty, Levi Leighty, Lisa Loomis, Hugh McGowan, Evonne Meranus, Jordan Meranus, Taylor Mikell, Dave Millard, Tom Murdough, Dylan Nichols, Erica Nichols, Suzie Pennington, Kit Perreault, Andrea Petrasch, Jake Petrasch, John Pitrowiski, Betsy Pitt, Jenn Pitt, Lisa Readie, Robert Readie, Douglas Ricketts, Bill Robinson, Charlotte Robinson, George Robinson, Joe Robinson, Rebecca Robinson, Virginia Roth, Amantha Rouleau, Jared Rouleau, Ron Ryan, B Sabin, Sarah, Jonathan Seitz, Gary Smith, Giles Smith, Harold Stevens, Totally NotJamo, Unknown, Harry Wagner, Stacey Weston, Kyla Westover, Avilda Whittle, Howard Whittle

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

Application #2022-15-CU submitted by Evonne and Jordan Meranus, is requesting Conditional Use approval for a designated building envelope and the creation of a single family residence in the Forest Reserve District. The property is located at 362 Hillside Road consisting of 124+/- acres and identified as parcel id # 028004-8 on the Warren grand list.

Mr. Monte had visited the site recently, before the full flagging was in place. Mr. Behn, Mr. Noone, Ms. Robbins, and Ms. Meranus participated in a site visit on November 7; they were able to observe the proposed envelope and other features that were flagged. Mr. Behn noted that there had been some conversation regarding potential relocation of the dwelling in order to further minimize visibility.

Ms. Meranus and her designers, Tom Murdough and Eric Carlson of Murdough Design, provided an overview of the proposed house siting, explaining that the proposed location is 120' below the top of the hill and would use the ledge as an anchor. The views from the proposed site would face west, with an attempt to preserve trees on the eastern slope facing Blueberry Lake. The house elevation is proposed to be below the tree line on this side. Mr. Behn voiced concerns that had been expressed at the site visit, noting that the proposed site, while not at the apex of the property, is still directly on the spine of the ridge. He noted that to better minimize visual impact to the north and east, the site pointed out at the visit would be more suitable; this location is just to the west of the proposed site. Mr. Behn explained that there is a high standard for design in the Forest Reserve District, and that past experience indicates that any potential for minimizing visibility should be considered.

Mr. Meranus inquired whether a balloon flight at the proposed site, in order to demonstrate the visibility or lack thereof from the Lake, would be suitable.

Mr. Schoellkopf expressed reservations regarding approving a building envelope without knowing where associated clearing will take place, such as for power lines, septic lines, etc. Ms. Meranus indicated that

the utility line will follow the drive and that the septic line from the house to the infrastructure has been flagged. Mr. Schoellkopf requested that all related clearing be indicated on an updated site plan.

In response to questions, Ms. Meranus and Mr. Murdough explained that the house will have a dark exterior; that a solar installation is planned for the roof, which is planned to only have a slight pitch; and that the final height is not yet known, but that the current plan is to be 15'-20' maximum on the east, with a potentially slightly taller walkout section on the northeast corner.

It was agreed that a balloon flight would provide a better indication of the house's visibility from the Lake than an architectural rendering, and that this should be scheduled.

The DRB also required that utility corridors and septic be flagged and indicated on the site plan; that all proposed clearing limits be marked on the ground and indicated on the site plan; and that a slope analysis be included on the site plan. Mr. Monte also pointed out that site clearings must be noted on the written plans as distances from a permanent monument as well as flagged on site.

MOTION by Mr. Monte to continue the hearing for Application 2022-15-CU until December 19, 2022 at 7 pm. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Appeal of Violation #2022-10-VOL issued to Shane & Kelley Elwell for an unapproved use of the property and the large addition of fill on a steep slope at property that lies between Fern/Raspberry and Rabbit Roads consisting of approximately 1.79 +/- acres in the Alpine Village Residential District and identified as parcel id# 417184-000 in the Warren Grand List.

Mr. Monte explained what decisions may be made by the DRB, and what types of information might be pertinent. He provided some ground rules for participating in the hearing in order to be sure that all those who wished had an opportunity to be heard.

Ms. Elwell provided some background information regarding ownership and use of the property, on which there is a house with a basement garage and a separate garage which is used for their business. She outlined the permit history for the structures, indicating that Miron Malboeuf, the former Zoning Administrator, had not required that a home business permit be applied for. She explained that the Town had provided much of the fill that has been placed on the property, used in large part to lessen visibility of the work vehicles and wood cutting operation from the road and neighboring houses.

Ms. Elwell also noted that much of the machinery noise is due to the pro bono work that Mr. Elwell completes on the roads adjacent to and near the property, that an engineering report has been provided which indicates that all work on the roads and property has been completed with integrity, and that there has been no recent expansion of the business operations nor is there currently any intention to expand. In response to questions, she stated that the usable area has not been expanded since Mr. Malboeuf provided an oral approval for the business, and that no new types of operation have commenced.

There was some discussion among Board members regarding what portion of a property may be allowed for use in a home occupation and what other factors would be considered if a home occupation application was under review. The Elwells confirmed that there are no employees.

Several neighboring residents spoke, indicating that Mr. Elwell's business operations did not create any adverse impacts in the area.

Board members explained the language in the Land Use Regulations regarding continuation of a nonconforming use, including something that was allowed in error by the Administrative Officer. The possibility of receiving confirmation in some format from Mr. Malboeuf regarding his tacit approval of the Elwell business was discussed; it was decided to continue the hearing in order to provide an opportunity to explore this option.

MOTION by Mr. Monte to continue the hearing for Violation 2022-10-VOL until December 19, 2022 at 7 pm. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Appeal of Zoning Permit #2022-53-ZP issued to Jared Rouleau for the construction of a 22"x60" garage/workshop at 143 Buck Road consisting of approximately .65 +/- acres in the Alpine Village Residential District and identified as parcel id# 417043-000 in the Warren Grand List

Harold B. Stevens spoke for Mr. Abad, who filed the appeal, indicating that because there is no home occupation permitted at the Rouleau property, there should not be a garage workshop permitted on the site; Mr. Abad felt that even one garbage truck parked overnight would create an adverse impact on the neighborhood. Mr. Stevens also spoke of use of a nonconforming lot not being expanded, and noted a concern that fill may have been improperly placed on the property without a permit.

Mr. and Ms. Rouleau explained that all the trucks used in their business are housed off-site in Duxbury and that all the employees of the business work from the Duxbury location. They noted that the permit was issued with the condition that only one commercial vehicle be parked at the property at any time, and that the garage would at times be used for basic vehicle maintenance.

Mr. Monte indicated that it should be determined if the garage is an accessory structure to the dwelling or whether its use should be considered a home occupation.

Mr. Abad raised the issue of the garage setback distance; there was no evidence presented to indicate that the 15' setback is not being met by the garage location.

Mr. Schoellkopf noted that any lot legally in existence may have permits issued for customary uses such as accessory structures; the small lot size does not appear to create any non-conformance issues.

There was some discussion regarding the fill that was brought in to create a level area for the garage construction; it was clarified that the grade created is in some places greater than 15%, and acknowledged that some of the preexisting grade was likely 15% or greater; it cannot be determined with certainty what the square footage of any preexisting 15% or greater slope was before the site was filled in.

MOTION by Mr. Monte to find that an accessory structure to a residential structure is a permitted use in the Alpine Village Residential District. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to find that the proposed structure, despite its availability for commercial use, falls within the accessory structure use, given the condition imposed by the Zoning Administrator which allows for the housing of only one commercial vehicle at a time. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to find that the permit for the garage was properly issued, with the understanding that the use of fill was implied in its issuance; the use of fill was thus erroneously implicitly approved. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to grant the appeal, only to the extent of the fill being applied to steep slopes without a permit, and provided that Mr. Rouleau apply to the DRB for the filling of steep slopes and provide proper sediment and erosion control plans associated with the placement of that fill. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

It was noted that there is a provision in the Land Use Regulations allowing for the use of separate lots as contiguous in the Alpine Village Residential District.

Other Business:

The minutes of October 17, 2022 were signed, and the upcoming schedule was reviewed.

The meeting adjourned at 9:53 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Jeff Schoellkopf Date

Chris Behn Date

Chris Noone Date