

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, November 21, 2022**

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

Members Present: Chris Behn, Bob Kaufman, Megan Moffroid, Peter Monte (Chair), Chris Noone.
Staff Present: Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary)
Others Present: Steve Brownlee, Harley Freedman, David Frothingham, Brian Lee, Robert Leeson, Peter MacLaren, Morgan Mohrman, MRVTV, Kim Olds, David Pabich, Robert Perry, Foster Post, Rob Schonder (Sugarbush Resort), Ranjit Singh, Madelyn Weinstein, Mark Weinstein, Unknown, 781-----26, Margo Wade (Sugarbush Resort), Lisa Welch, David Welch

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

Application #2022-13-SD/CU submitted by Peter C. Alfano III for Sketch Plan Review for a 2-lot Subdivision at 1984 West Hill Road, 115+/- acres, parcel ID# 016004-9 in the Warren grand list and located in the Rural Residential District. The parcel is proposed to be divided into two parcels, with Lot 1 being 110.4 +/- acres and Lot 2 5.2 +/- acres. The Conditional Use approval is being requested for development on steep slopes. The applicant has previously obtained a Conditional Use approval to build on Lot 1.

Mr. Behn indicated that he had been involved in the sale of the property to the applicants, but that he had no continuing interest in the parcel. Nobody felt that he needed to recuse himself from the hearing.

Mr. Frothingham provide an overview of the plans to subdivide a 5-acre parcel located near the front of the lot. He indicated that the new driveway would lead off from the current driveway/curb cut, and that the portion of the proposed lot not in the building envelope is largely undevelopable due to wetland impediments. The proposed building envelope has been delineated using property and wetland setback requirements. He noted that the upper portion of the acreage to be retained in the original lot (110 acres) is in the Forest Reserve District; there are no plans for future development in the upper portion, but that there is possibly one more potential lot on the lower portion of the property.

Ms. Robbins reported that she and Tom McHugh had participated in a site visit, where she noted some small areas of slope slightly over a 15% grade.

Mr. Frothingham noted that an erosion control plan has been submitted with the application materials, that all wetland permits have been issued for Lot 1, and that development on the proposed lot will not create any wetland impacts.

Mr. Monte explained the purpose of Sketch Plan Review as providing advice to applicants prior to subdivision hearings. Board members did not note any concerns to be addressed before the subdivision hearing is held; Ms. Robbins has this scheduled for December 5.

MOTION by Mr. Monte to continue the hearing for Application 2022-13-SD/CU until December 5, 2022 at 7 pm. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

Application #2022-17-CU submitted by Ranjit [Buddy] Singh requests a Conditional Use approval for a Setback Waiver due to the result of a survey boundary line correction. The property is

located on Grand Hollow Road, approx. 1.05 acres and parcel ID # 005000-803 on the Warren grand list.

Mr. Singh explained how a survey completed at this property has resulted in the inability to locate a dwelling where originally planned while remaining in compliance with setback requirements. Field verification of property lines resulted in a 10-foot difference in the location of a side boundary on the property. Due to septic system constraints, the dwelling may not be moved to a complaint location, and he has applied for a setback waiver to be granted. Mr. Singh noted that the new proposed location would still provide 60 feet of wooded property between his house and the dwelling on the adjoining property. He is proposing to construct a 28' x 36' dwelling and a 28' x 24' garage.

MOTION by Mr. Monte to grant the requested reduction to the easterly side setback, establishing the setback at 17.5 feet, which is a 30% reduction to the required distance; this is in order to create a reasonable space for development of the property given the limitations created by water and wastewater infrastructure as well as the delayed nature of determining the actual property line.

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

MOTION by Mr. Monte to approve Application #2022-17-CU subject to the usual conditions. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Application #2022-18-CU submitted by Sugarbush Resort Golf Club for a Conditional Use approval for additional uses to the Golf Course from November to April when the ground is frozen and snow covered. The activities to be offered will include Nordic skiing, fat biking, snowshoeing, snow sledding and dog sled tours. The property is located at 1091 Golf Course Road, parcel ID # 053001-200 on the Warren grand list and is in the Rural Residential District.

Ms. Wade presented information regarding the proposed uses at the Golf Course. She provided an updated map of the trails to be groomed, explaining that there are no longer plans to have any trails cross West Hill Road or the Weinstein driveway as originally proposed, due to safety considerations for the dog sled teams. No construction or earth disturbance is proposed, and activities will only be offered when the trails are frozen and snow-covered.

Regarding the dog sled tours, Ms. Wade explained that for the upcoming winter, there will only be one sled out at a time, although that may increase to two in the future. The proposed schedule for this activity is for two trips a day until mid-January, when the daylight increases to allow for three trips a day, for the days Friday – Monday. She noted that a tour takes about 45 minutes, with time beforehand to meet the dogs and get ready to head out. The number of dogs per sled is up to ten, which will be the maximum number of dogs on site for the current season; in subsequent years the plan is to have two teams, or up to twenty dogs, on site.

Ms. Wade indicated that plans are to use the clubhouse building for bathroom use only this year, but to potentially open it up as a warming space and rental shop in future years. She outlined the existing parking at the site, noting that the spaces available are likely more than what will be necessary.

Several neighbors had been in contact with Ms. Wade, expressing concerns regarding the noise of barking from the sled dogs. Other neighbors present at the hearing raised questions or concerns related

to littering on the trails, potential use of alcohol at the site, safety issues related to interactions between bikers or dogs and other users, areas too steep for biking, light pollution, noise impacts of trail grooming, impacts on users of the Catamount Trail, potential interactions with people and dogs who are walking on Triview Drive, and whether the site will continue to be available for use by the public.

Ms. Wade expressed that there will be no charge for use of the site by individuals, and that it will remain open for public use for walking, skiing, sledding, etc.

Ms. Wade explained that tour operators will be cleaning up after the dogs on both the trails and at the staging area, and that the fat biking and skiing areas will be monitored for litter. Mr. Schonder noted that the 11th hole is not part of the designated fat bike trail due to its steepness. He also explained that, while the golf course in its entirety is permitted under a liquor license, people are not allowed to bring their own alcoholic beverages on site.

Mr. Brownlee indicated that the dogs are fairly quiet while on the trail, and that most barking occurs when they are harnessing up and preparing to head out with the sleds. He also noted that when resting in the kennel/truck, the dogs are usually quiet. He explained that while out on the trails, the dogs are all harnessed and never running loose, although running into other dogs which are running loose can slow down the sled while ensuring there are no dangerous interactions with the unrestrained dogs.

Ms. Wade reported that Sugarbush had received a letter of support from the Catamount Trail organization, and that the dog sled trail is for the most part separate from the Catamount Trail. She also noted that appropriate signage will be installed, and that this aspect will be monitored this winter so that any conflicts can be addressed.

Potential lighting impacts were discussed. Mr. Schonder and Ms. Wade explained that most of the activities outlined in the application are confined to daylight hours, but that the application does request a limited number of evening hours during weekend and holiday periods. Ms. Wade indicated that there may be guided evening skiing or snowshoe tours during which headlamps would be in use, but that it is not foreseen that any night lighting of the trails or sledding area will be required. Some parking lot lighting may be required for these events, however, with Ms. Wade indicating that 9 pm would be latest lighting would be needed.

Grooming requirements were also discussed. Mr. Brownlee indicated that approximately one-half hour of grooming would be needed on the dog sled trails in both the morning and evening, with a start time of 9 am and end time of 5 pm being acceptable. Ms. Wade explained that approximately an hour of grooming once a week, and potentially after snowfalls, would be required for the Nordic ski loop.

There was some discussion of trail location changes that some neighbors preferred in order to avoid residences and particularly along Triview Drive, which is often active with people on foot and their dogs. Ms. Wade explained that there are residences throughout the area and it would be difficult to locate the trails away from all houses, but it was acknowledged that the trail where it runs close to Triview Drive might be moved if it was found to be necessary to avoid unwanted interactions with residents' dogs.

MOTION by Mr. Monte to include in any approval the condition that all grooming operations be limited to the hours of 9 am to 5 pm. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to include in any approval the condition that outdoor lighting (with the exception of headlamps) be prohibited except for at the club house and the parking lot, and that outdoor lighting be limited to the hours of one hour before and one hour after operational hours. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to include in any approval the condition that a maximum of 20 dogs be allowed on site at any time, and that no dogs are present on the premises between the hours of 5 pm and 9 am. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to include in any approval the condition that dog sled tours be operated Friday through Monday, with four Thursdays scheduled each year, to be designated year-to-year by the applicant. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to include in any approval the condition that up to eight special evening activities may be held during the season, for which clubhouse and parking lot lighting is allowed until 9 pm. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Kaufman to include in any approval the provision that the trail running east of Triview Drive along the 5th, 6th, and 7th holes may be relocated up to 50 yards in an easterly direction without further review. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

The Board reviewed Conditional Use standards as they relate to the proposed activities.

MOTION by Mr. Monte to find that the Conditional Use Standards of Section 5.3A 1,3, 4, and 5 are satisfied by the application materials and conditions agreed upon at the hearing. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to find that the Conditional Use Standard of Section 5.3A 2, related to protection of the character of the neighborhood, are satisfied by aforementioned conditions agreed upon at the hearing. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

No Board members felt that any of the Specific Standards related to Conditional Use needed to be addressed.

MOTION by Mr. Monte to approve Application #2022-18-CU subject to the usual conditions and those specified at the hearing. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

Mr. Monte confirmed that any changes to the activities as outlined in the application and approved would need to be brought to the Board for further review.

Other Business:

The upcoming schedule was reviewed.

The meeting adjourned at 8:46 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Robert Kaufman Date

Chris Behn Date

Megan Moffroid Date

Chris Noone Date