

**Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday, December 5, 2022**

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*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: Stacey Weston, Allison Rogers, Jennifer Allen, Josh Vogel, Tim Johnson, Nathan Bedford, Amy Hunter, Bobbie Platt, Heather Platt, Steve Platt, Kirsten Siebert, Lyman Wadhams, Jennie Wadhams, Todd Hill, David Frothingham

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

**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.

This hearing was continued from October 17, 2022.

Ms. Moffroid recused herself from this hearing, as her firm has been retained for landscaping at the site.

Mr. Monte outlined the items to be covered. The distinction between the terms 'building envelope' and 'building footprint' was clarified.

Mr. Johnson indicated that he would like to request that a second bay be added to the garage.

Ms. Siebert presented the proposed landscape plan, noting the species of trees to be planted in each location and describing the intent as providing a softening and blending effect. She explained that deciduous plantings are most appropriate in a meadowland situation, and that even in winter the tree structure will break up the view. She noted that the plan calls for 2.2"-3" diameter hardwoods and evergreens that are 96" in height, which are ideal sizes for establishing the plantings.

Board members noted that the plans submitted do not satisfy the condition agreed upon previously that hardwood plantings be 4" in diameter. Ms. Siebert explained that the smaller trees are more likely to establish well, that 4" trees are difficult to obtain, and that the faster growth rate of the smaller trees means that plantings of either size will become the same size tree in just a few years. Board members also pointed out that conifers were to be included at the northeast corner of the building; Ms. Siebert explained that she planned for those in the northwest corner instead, as there is an existing small grove of trees on the northeast side.

Mr. Bedford and Ms. Hunter requested that additional conifers be placed between their houses and the new residence; Ms. Siebert explained that her goal is to create a more natural feeling through a mix of tree types, and that a preponderance of conifers would not attain that goal.

It was pointed out that the building envelope previously approved is not what is depicted on the most recent iteration of the plans presented at this meeting. Mr. Monte provided Board members with an opportunity to present a motion to adjust the allowed building envelope, but no such motion was forthcoming. Mr. Monte indicated that Mr. Johnson will need to provide a plan with the correct building envelope shown.

Mr. Monte pointed out that the landscape plan not conforming with conditions agreed upon at earlier meeting must be remedied. Mr. Johnson offered to amend the plan provided by adding two balsam first, one in line with Mr. Bedford's house and one in line with Ms. Hunter's.

**MOTION** by Mr. Monte to accept the applicant's offer to amend the submitted landscaping plan by adding two balsams equivalent in size to the other coniferous trees on the plan, one on the south side of the dwelling and one easterly of the garage, as drawn on the site plan at the hearing. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to require that a final landscaping plan, as amended, be submitted; also that a site plan depicting the final building envelopes as approved, as well as the final footprints of the proposed structures, be submitted in order for the Board to ensure the accuracy of both plans. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Mr. Monte, noting that a letter had been received by the Board from neighbors of this property indicating their intention to appeal the wetland determination provided by the State and asking if the Town would participate in that appeal, explained that the Board does not have the expertise to make such determinations, and has received corroboration from three wetland biologists regarding the boundaries of wetland on the property. There was no motion offered to reconsider the wetland delineation.

(Mr. Behn joined the meeting at this point.)

There was some discussion surrounding the potential combining of the garage and dwelling into one structure, with input from neighbors requesting that the garage not be a separate structure and Mr. Johnson pointing out reasons the separation might help provide screening of the dwelling from the neighbors. No motion was made to reconsider the decision to allow for two separate structures for the garage and dwelling.

The matter of increasing the size of the garage was raised, and there was some discussion regarding various aspects of the garage construction and location. The currently approved size of the garage is 16' x 22'; and the new proposed size 20' x 24' in order to provide a second bay. Mr. Monte expressed that there would be multiple factors to consider, but was open to considering a motion to increase the size allowed. Mr. Johnson withdrew his request for the larger garage size.

Conditional Use review had been partially completed on October 17, 2022; the final Conditional Use standard was reviewed at this meeting.

**MOTION** by Mr. Monte to find that with the submitted landscape plans, and additions to that plan incorporated at this hearing, Section 5.3 B 6 is satisfied. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to approve Application 2022-13-CU subject to usual conditions, subject to filing by Mr. Johnson and approval by the DRB of a final plan depicting the approved building envelope as well as all structures and plantings as approved, and subject to conditions agreed upon during the hearing process. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

**Application #2022-12-SD/#2022-15-CU** submitted by Jennifer & Sam Allen as co-executors of the Betty Ann Dzelzitis Estate, are requesting a three-lot Subdivision and a Conditional Use approval for development on Steep Slopes for property at 677 Main Street consisting of 38.5 acres which extends up to Fuller Hill Road and has an existing house and barn on Main Street. The property is parcel id # 004005-000 on the Warren grand list and is in the Warren Village Historic Residential District.

The is Preliminary/Final Review following a Sketch Plan Review held on October 17, 2022.

Mr. Behn recused himself from this hearing in order to participate as an outside interested party.

Mr. Hill reviewed the additional information provided on the proposed development plans, as requested at the October 17, 2022 meeting. He indicated that steep slopes have been demarcated on Lot 2 and Lot 3, that building envelopes are included on the plan, and that limits of clearing have also been outlined. He explained that the only development planned for slopes of 25% or greater is a section of the underground power line installation, which will necessitate clearing approximately a 10' wide swath. He pointed out that there are some small areas within the building envelopes that are over 15% slope, as well as the septic disposal area for Lot 3. Mr. Hill explained that in general, the house sites are on a shelf, causing little impact to the 15% slope areas. It was confirmed that an erosion and sedimentation control plan was included in the application materials.

**MOTION** by Mr. Monte to find that the submitted plan satisfies the requirements of Section 3.4 D that steep slope disturbance is adequately managed, as the primary development is confined to less steep areas and an adequate sediment and erosion control plan is included in the application materials.

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

Mr. Hill had included a demarcation of tree clearing limits on the updated site plan, positioning them 150' outside the building envelope; none of the clearing will take place on very steep slopes of 25% slope or greater. There was some discussion regarding leaving stumps in place and limiting tree cutting to viewshed creation; Mr. Behn pointed out that this property is not in the Forest Reserve District, and that clearing will not create visual impacts from other properties.

**MOTION** by Mr. Monte to condition approval of the application on requiring that any tree removal on areas with a 25% slope or greater, with a stump diameter greater than 12 inches, have the stumps left in place. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

The Subdivision Standards of Article 7 were reviewed. The applicants indicated that there is no current intention to further subdivide the property.

**MOTION** by Mr. Kaufman to find that the Standards in Section 7.2 have been satisfied by the information contained in the application materials. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the only conservation areas on the site are steep slopes and that the application plans adequately address those by excluding development on very steep slopes except as necessary to install an underground power line, avoiding where possible development on steep slopes, and providing adequate sedimentation and erosion control plans where applicable. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the Standards in Sections 7.4 through 7.10 have been satisfied by the information contained in the application materials. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to include a condition on approval that all improvements on each lot are subject to Conditional Use Review if those improvements will disturb an area of greater than 1000 square feet on a slope of greater than 15%, or other very steep slope parameters that are applicable at the time of development. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to approve Application #2022-12-SD subject to the usual conditions and those agreed upon during the hearing. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

**Application #2022-13-SD/CU** submitted by Peter C. Alfano III 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.

The is Preliminary/Final Review following a Sketch Plan Review held on November 21, 2022.

David Frothingham reviewed the proposed subdivision plans, noting that the site's wetland buffer has been depicted, as well as the proposed building envelope. He indicated that there are no slopes 25% or greater that will be disturbed, and that the site contains minimal areas which are slightly above a 15% slope. On these minimally steep slopes, there is proposed to be approximately 2500 square feet of disturbance. Mr. Frothingham also noted that the existing approved curb cut and driveway will provide access, with additional driveway length coming off the currently existing drive. There is potential on the property to create an additional upper lot, which will require lengthening of the existing driveway; there are no current plans in place to proceed with development of a third lot. Finally, Mr. Frothingham pointed out that proposed tree clearing limits have been labelled in the area between the buffer edge and the building envelope.

The applicant was reminded by the Board that, due to the steep slopes within the building envelope, Conditional Use Review will be required for any proposed development on the lot, in accordance with Section 3.4 of the Land Use Regulations.

It was confirmed that an erosion control plan with details including the roadway and building envelope was included in the application materials.

Conditional Use Standards as they relate to the subdivision were reviewed.

**MOTION** by Mr. Monte to approve the submitted sediment and erosion control plans and find that they are adequate to deal with the steep slopes that may be intruded upon and that those intrusions in the proposed plans are kept to a minimum; this provides for Conditional Use approval of the subdivision itself, with the understanding that final development plans for a dwelling and associated structures will require further Conditional Use approval. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the application materials submitted satisfy the General Standards of Section 5.3 A 1-5. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to deem this a minor subdivision. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

The Subdivision Standards of Article 7 were reviewed.

**MOTION** by Mr. Monte to find that the Standards in Section 7.2 have been satisfied by the information contained in the application materials. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the Standards in Section 7.3 have been satisfied by the information contained in the application materials, and that Conditional Use approval for construction will be required in the event that this approval has expired. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the standards outlined in Sections 7.4, 7.5, 7.6, 7.7, 7.8, and 7.10 are either satisfied by the application materials or not applicable. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to require that lines for utility services be installed underground. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Kaufman to approve Application #2022-13-SD/CU subject to the usual conditions and those specified at the hearing. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

**Other Business:**

Minutes and other documents were signed.

The upcoming schedule was reviewed.

Mr. Kaufman provided information related to airports and the proposed Verizon cell tower in Warren.

The meeting adjourned at 9:43 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

**Development Review Board**

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Peter Monte, Chair      Date

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Robert Kaufman      Date

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Chris Behn      Date

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Megan Moffroid      Date

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Chris Noone      Date