

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, February 6, 2023**

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

Members Present: Devin Klein Corrigan, Megan Moffroid, Peter Monte (Chair), Jeff Schoellkopf, Don Swain.

Staff Present: Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary)

Others Present: Kevin Babic (Sugarbush), Mark Bannon, Camilla Behn, Bob Cummiskey, Susan Cummiskey, John Hammond (Sugarbush), Kurt Leithner, Lisa Loomis (Valley Reporter), George McCain, Roberta Principe, Peter Raymond, Steve Roy (WLA), Cameron Stone, Christopher Stone, Thomas Such, Margo Wade (Sugarbush), Jim Westhelle (Sugarbush)

The meeting was called to order at 7:02 pm.

Application #2023-03-CU submitted by Tower House LLC (C. Stone) requests a Conditional Use approval for the development of a single family home which will impact naturally occurring steep slopes involving some 25+% slopes and a building envelope with partial steep slopes of 15+%. The project is located at 2703 German Flats Road, parcel ID # 006004 consisting of 1.0+/- acres and located in the Residential District.

Mr. Monte, Ms. Moffroid, Mr. Swain, Ms. Klein Corrigan, and Ms. Robbins had all either attended a site visit or gone to the property on their own to observe the staked-out house site and septic area.

Mr. McCain and Mr. Cameron provided an overview of the proposed plans and answered related questions. Mr. McCain pointed out the areas of steep slopes that are 20% or greater, as disturbance of these areas requires Conditional Use Review. He explained that the house is planned to be tucked just inside the front setback and that the septic field has been narrowed in order to minimize the amount of slope disturbance. He also noted that the wetland buffer area on the property has been delineated on the site plans.

Mr. McCain further explained that, in order to comply with the stormwater requirements outlined in the Regulations, some tree preservation areas as well as some disconnection areas have been included in the proposed plans. The stormwater will be directed to these disconnection areas, which are designed to provide for infiltration. He indicated that he will update the plans provided to depict the wooded area that is being used for this purpose. He also explained in more detail the new requirements regarding stormwater runoff infrastructure, and the relations between infiltration areas and impervious surface runoff, including from both buildings and driveway areas. It was confirmed that the disconnect areas may contain plantings and structures with no foundations, but that the grade may not be altered and no channels created. Wetland buffers are also allowed to be included in the disconnect area.

Site distance to the south from the driveway location was measured at 220 feet. It was confirmed that a curb cut for this location has already been approved by the Selectboard.

MOTION by Mr. Monte to condition approval of this application upon a requirement that an updated plan be submitted before Administrative Officer approval of any work to be completed in the designated disconnection areas, and that the areas will remain in a natural state with the exception of removal of dead, diseased, or dying trees. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Mr. Schoellkopf made note of the critical wildlife crossing on the parcel, for which some protection is offered by these areas.

MOTION by Mr. Monte to find that the proposed building envelope and other improvements, driveway and septic system, have all been sited and designed to avoid and minimize impacts on steep slopes to the extent possible. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Mr. McCain reported that the plans include 16,000 square feet of total site disturbance, and that the project is designed to stay within the setback limitations through earthwork with no blasting anticipated.

MOTION by Mr. Schoellkopf to impose a condition limiting blasting to the house footprint when sited, and connections to associated infrastructure. Notification of any blasting determined to be necessary must be provided to the Zoning Administrator at least five days in advance of such work, and the work must be completed by an insured, licensed professional(s). **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to conditional approval upon the driveway construction conforming to Section 302 of the Land Use and Development Regulations. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that the application materials and testimony provided satisfies the General Standards of Section 3020D of the Land Use and Development Regulations. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to find that the proposed development satisfies all the Development Review Criteria of Figure 4-02, numbers 10 – 15 inclusive. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to approve the application as submitted, with the conditions agreed upon at the hearing as well as all the usual conditions, plus a condition that the application will be reviewed again should the updated Regulations used during the hearing not be adopted. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

Application #2023-01-CU submitted by Sugarbush Resort requesting a Conditional Use approval for the redevelopment of 3 pre-existing lots with [existing and former] residential buildings referred to as the “Sugar Cubes”. The property is located at 2197 Sugarbush Access Road, parcel ID 005008-400 on the Warren grand list and is in the Vacation Residential District. This hearing is continued from January 30, 2023.

Ms. Wade had provided an overview of three potential design options for this project, and noted that Option 3 is Sugarbush’s preferred design. This plan includes a four-bedroom house on Parcel One, in the existing footprint, and a merging of Parcels Three and Four with a duplex constructed on the merged parcel. Each unit of the duplex would have three bedrooms. A one-way drive with eight parking spaces is part of the plan, with a driveway width of twelve feet. The ten-foot setback at the well head would be maintained through this design. The lot coverage for this proposal is below the 50% allowed for both lots.

It was noted that this design allows for the new houses to be constructed farther from the neighboring property's house. There was some discussion of a potential PUD, but it was unclear if this can be done, as the two proposed final parcels are under different ownership.

Ms. Principe pointed out the proximity to the bedroom of her house of parking spaces for the proposed development, requesting that they be relocated. Several constraints were noted related to this; access from the Sugar Lodge property is not feasible, as that site cannot give up any parking spaces and a driveway between the two sites cannot be located in the Access Road ROW, a change in parking configuration would create the need to impact the well head area, and other considerations. Screening was discussed as an alternative solution; Ms. Wade noted that plantings between the road and the Principe house have been included in the plans presented.

Other materials in the application packet include floor plans and elevations, the requested grading plan, and a plan outlining protective measures for the Principe parcel during construction, including protection from stormwater runoff.

There was a discussion between Ms. Principe and Mr. Hammond regarding assurances of continued water supply and septic capacity; access to this infrastructure for all four existing parcels is currently outlined in deed language. Mr. Hammond expressed willingness to work with the Principes to develop an agreement regarding water and wastewater matters. It was also decided that there will be further discussion regarding fencing between the properties by the parties involved.

Regulation language related to nonconforming structures was reviewed, and it was determined that such structures may be changed through Conditional Use Review if no change in nonconformance is determined.

MOTION by Mr. Monte to find that the proposed building locations do not increase the degree of nonconformance because no structure is proposed to be closer to property lines than is currently the case. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

Conditional Use Review standards were reviewed.

MOTION by Ms. Klein Corrigan to find that the Conditional Use Standards outlined in Section 5.3 A, numbers 1 – 5 have been satisfied by the material submitted. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to continue the hearing for Application 2023-01-CU until March 6 at 7 pm in order to allow the parties an opportunity to discuss landscaping/screening between the properties and reach an agreement regarding the use of utilities going forward. **SECOND** by Ms. Klein Corrigan **VOTE:** All in favor, the motion carries.

Ms. Robbins noted that if the agreements reached can be provided to her by March 1, it is possible that a decision may be signed that evening.

Other Business:

Minutes were signed.

There was a discussion regarding some aspects of the new regulations, including enforcement concerns, the potential for increased development costs, and some specific standards. Specific items will be noted as they are encountered during Board reviews, and anything that should be addressed with be brought to the Planning Commission.

The meeting adjourned at 9:39 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Jeff Schoellkopf Date

Devin Klein Corrigan Date

Megan Moffroid Date

Don Swain Date