

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
APRIL 4, 2001**

- MEMBERS PRESENT:** Eric Brattstrom, David Markolf, Peter Monte, Chair; Lenord Robinson, Virginia Roth.
- OTHERS PRESENT:** Ralph Cameron, Dan Dukeshire, Sherman Allen representatives; Jim Edgcomb, applicant; Mary Moffroid, Annie Wattles, Phantom Theater representatives; Ron Majorell, Jessalyn Della Vecchio, Donald Ritchie, James Salvatore, Brian Prager, Cathleen Miller, Dot Hines, Beth Schoellkopf, Carl Bates, Alexis Leacock, Heidi Darr, Patrisha Hays, Peter Hays, Michael Levengood, Neal Harrington, Kristen & Robert Stillwell, Burgi von Trapp, Betsy LaFlame, Art Bennett, Mark Bennett, Richard Denby, Edgcomb neighbors & abutters; Margo Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
  - 2) Public Hearing: Sherman Allen – Site Plan & Sign Review
  - 3) Public Hearing: Jim Edgcomb – Cottage Industry (house) & Adaptive Reuse (barn) – Conditional Use Review
  - 4) Other Business:
    - a) signing of minutes

---

**I. CALL TO ORDER**

Mr. Monte called the meeting to order at 7:35 p.m.

**II. PUBLIC HEARING: Sherman V. Allen – Site Plan Review & Sign Variance**

Sherman V. Allen, d/b/a Mac's Valley Market, seeks approval for interior and exterior renovations, and a variance for an additional sign. The project is located on 2 +/- acres on the west side of Rt. 100 in the Rural Residential District. The project requires review under Article V. §(4) – *Site Plan Approval*, and Article IV. §(3)(C) – *Variance* in accordance with Article VI. §(4) – *Sign Requirements* of the Warren Zoning Bylaws.

Ralph Cameron and Dan Dukeshire came before the board on behalf of the applicant.

**STAFF REPORT**

Mr. Monte read the public notice, which ran in the March 15, 2001 issue of the Valley Reporter.

Mr. Monte explained that two separate application have been submitted. One for interior and exterior renovations requiring Site Plan Review, and the second for an additional sign requiring Variance Review. The Board will formally review criteria separately, but testimony for both applications will be taken concurrently.

A site visit was conducted at 7:00 p.m. prior to this hearing. Ralph Cameron, Dan Dukeshire, David Markolf, Lenord Robinson, Peter Monte, Virginia Roth and Margo Wade attended. At the

visit the group toured the site and discussed existing exterior lighting, the proposed new entrance location, traffic flow on site, moving the diesel pump to the south edge of the pavement, and the proposed new exterior façade.

Existing signage includes:

- one double sided internally lighted freestanding sign with 'Citgo' logo and fuel prices (at north entrance)
- one unlighted 'Mac's' sign on east side of building
- three internally lighted 'Citgo' emblems on roof of gas canopy
- one unlighted double sided 'Citgo' signs on or above each gas pump (two total)
- one unlighted 'Country Store' sign on north side of building
- one unlighted 'Bottle Redemption' sign on north side of building

Existing lighting included:

- internally lighted canopy, also with overhead fixtures above pumps
- internally lighted freestanding sign at north entrance
- two posts with flood lights directed at diesel pump at south side of pavement
- one security light on utility pole at south side of pavement
- two street type lights at location of old camping area (west end of property)
- one street type light on center of east side of building
- two flood lights on east side of building – one at each corner (north and south)
- one covered light above ice cream window
- one flood type fixture at southwest loading area (no bulb)
- one covered light above redemption window
- two flood type lights on north side at northeast corner

#### APPLICANT COMMENTS

Mr. Cameron and Mr. Dukeshire described the application, which includes changing the exterior of the building to make it more fitting with the surroundings and less like a converted garage. Only the south and east side are being changed. The new design includes a tower type structure above the relocated entry. The relocated entry and shifting the parking to the south side of the lot will make the site safer and less congested at the pumps. A sidewalk is proposed for the south side of the building, which will comply with ADA specifications. Depending upon the final grade at the south side some sort of delineation will be made between the parking spaces and sidewalk. The ice cream window will be removed.

Exterior lighting will include recessed can fixtures along soffit on south wall and tower. The pole light can be removed.

Interior renovations include relocating deli and cash register area; upgrading and relocating restrooms inside; relocating seating area for deli (deli seating remains at 12); retail floor space remains approximately the same size; and eliminate the redemption center.

Signage will be used to direct patrons to new parking area. Approximately 22 parking spaces are required for the deli and retail uses.

A new sign is requested for south side of tower. All existing signage will be removed. The canopy signage design will change and a new design for the freestanding sign is possible.

The group discussed general traffic flow on the site, the location of the new entrance, and number of required parking spaces.

A revised site plan will be submitted for the next meeting including:

- required number of parking spaces (total square footage calculation requirement)
- lighting plan showing all exterior lighting with specifications
- curb stops for south sidewalk
- traffic directing signage and traffic flow pattern
- exterior color samples
- check on status of curb cuts
- new location for diesel pump

Specific information about the new and redesigned signage will be submitted at the next meeting including styles, drawings, and dimensions.

#### PUBLIC INPUT

There was no public input.

#### DELIBERATION/DECISION

**MOTION by Mr. Markolf, seconded by Mr. Monte to continue the Mac's Conditional Use Review hearing to April 11, 2001 at 7:30 p.m. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Monte to continue the Mac's Sign Variance Review hearing to April 11, 2001 at 7:30 p.m. VOTE: unanimous; motion carried.**

### **III. PUBLIC HEARING: Edgcomb – Cottage Industry & Adaptive Reuse Conditional Use Review**

Jim Edgcomb seeks approval for Adaptive Reuse and Cottage Industry use designations for an architectural office in his residence and a summer theater in his barn. The project is located on 7.3 +/- acres at the corner of Airport Road and Dump Road in the Rural Residential District. The project requires review under Article 5 – *Development Review* in accordance with Article 4. §4.2 – *Adaptive Reuse* and §4.8 – *Home Based Businesses* of the Warren Land Use and Development Regulations.

Jim Edgcomb, Mary Moffroid and Annie Wattles came before the board.

**STAFF REPORT**

Mr. Monte read the public notice, which ran in the March 15, 2001 issue of the Valley Reporter.

Mr. Monte stated that a site visit was conducted in the spring of 2000 in conjunction with the Cultural Facility application, and that all Board members are familiar with the property. The site plan has not significantly changed from the previous application. A formal site visit for the current application is not necessary, but members may conduct individual site visits if they wish.

Letters submitted pertaining to this application by the following people include: Catherine Dillon, Kristen von Summer, Rural Resource Commission, Bob Messner, Corinne Kremer & Alvin Roth, Weslie & Charles Porter, Anthony & Andrea Della Vecchio, VT Division of Historic Preservation, and Nancy Wilson.

**APPLICANT COMMENTS**

Mr. Edgcomb explained the application and site plan. He is seeking approval for a cottage industry use designation for his architectural office located in the residence and an adaptive reuse designation for the barn and summer theater. The site plan is essentially the same as last year's submission, with the exception of the changed orientation of the parking lot. The parking area has been moved behind the barn.

Ms. Wattles described the Phantom Theater use of the barn. The theater season runs from June through September with 12 two-day events, resulting in approximately 24 events with no more than three performances in any given week. These events will include daytime and evening functions. Daytime events include children's functions and workshops. Evening events include theatrical performances, dances, and acoustic (non-amplified) musical performances. Other events held at the barn include: a fundraiser dance; puppet show; dance performance; hosting local musicians; and a public auction. The rehearsals are usually during the day. An event is defined as a gathering of 25 or more people. Phantom will not have nor host more than 30 events.

Ms. Moffroid summarized the conditions as submitted on Draft DRB Review dated 5/17/00 and the East Warren Theater Space Executive Board 3/9/01 letter.

Mr. Edgcomb stated that Labor and Industry had come and inspected the barn the first year it was used for the theater. At that time, they found the egress acceptable and required that all new electrical wiring be placed in conduit. He plans to begin the Labor and Industry permitting process once the Town permit is in place. Labor and Industries first concern is with preservation of life and second preservation of building. He feels confident that Labor and Industry requirements can be satisfied.

The barn qualifies for listing with Historic Preservation, but is not listed with the VT Division of Historic Preservation at this time.

**PUBLIC INPUT**

Mr. Ritchie (representing his mother who owns property across the Dump Road from the applicant) – objects to the daily goings on; camping on the property; additional traffic created by the use(s); and feels that an officer would be needed to direct traffic away from the Dump Road and dirt portion of the Airport Road after performances.

Mrs. Della Vecchio (neighbor) – objects to the theater noise; additional traffic; vandalism; and feels there are safety issues. She objects to both the adaptive reuse and cottage industry use requests; does not define a home office as cottage industry; and does not want the neighborhood to become so commercial.

Ms. Della Vecchio (neighbor) – has noticed and objects to the increased noise level associated with the theater.

Mr. Bennett (Waitsfield resident) – supports the theater use and assumes that the neighbors would like to have the opportunity to have such a facility within walking distance.

Mr. Salvatore (neighbor) – supports the projects; acknowledges that a few mistakes were made in the beginning, but have since been corrected; has noticed no noticeable traffic impact from the theater; and suggests the Town permit the use, but that the use would not transfer with the property.

Mr. Denby (neighbor) – supports the project; enjoys walking to the cultural events; feels there are not enough cultural opportunities in the Valley; the office use is a benign impact; Phantom keeps the barn alive, repaired and physically there; and feels the airport and cross county skiing center have much higher impacts on the neighborhood.

Mr. Prager (neighbor) – supports the projects, but does not see the need to route the traffic onto the paved road. Patrons should be allowed to use whichever road they want to.

Mr. Harrington (Warren resident & theater organizer) – supports the project and is familiar with maybe two formal complaints lodged with the Town against the theater.

Ms. Hays (Warren resident) – supports both uses and feels more cultural opportunities are needed in the Valley.

Mr. Hays (Warren resident & theater organizer) – supports both uses; both have minimal if no impact; are hardly visible; the barn is culturally important and needs to be kept alive; the theater has had few problems in the past and has worked hard to correct any mistakes.

Ms. Stillwell (neighbor) – supports both uses; feels the office is good for the community; the barn/theater are exciting and she would like to get involved; feels the applicant can uphold the integrity of the responsibilities and make this work.

Mr. Stillwell (neighbor) – supports the application; feels it will help to increase the value of his own property; and allowing the theater barn and home office enables the preservation of the applicant's property.

Mr. Coleman (Warren resident) – supports the project; feels the project is positive for the community and that the group involved is trying to do the right thing for the Town and the Valley.

Mr. Schoellkopf (Warren resident) – supports both uses and feels it is an incredible opportunity the Town should not waste.

Mr. Bates (Warren resident & theater organizer) – supports the project; this is an opportunity to save the structure; it is an asset to the community; and is in an appropriate location.

Ms. Darr (neighbor) – supports both projects; has five children ages 6-13 who are excited to have the theater within walking distance; feels this is a great opportunity for her family; understands the traffic concerns, but thinks it is the neighbors who drive to fast.

Ms. Von Trapp (neighbor) – supports the projects and feels it is good for the community.

Ms. LaFlame (neighbor) – supports both uses; feels there is no impact from the home office, it is quiet; does have a concern regarding traffic, but feels the traffic problem is associated with other uses and not necessarily the theater.

Ms. Schoellkopf (Warren resident & theater organizer) – supports the project and referenced the Warren Town Plan, which explicitly supports the historic Edgcomb barn and Phantom Theater use.

Ms. Miller (abutter) – supports Phantom Theater, but does not support the permit because Mr. Edgcomb could kick out Phantom and have another group. Also concerned with the amount and brightness of outdoor lighting; noise; closeness of the parking area in relation to their property; enforcement will be a problem for the Town; things going on at the Edgcomb property that do not comply with zoning; there is illegal camping on an abutting Edgcomb parcel; generally feels the situation is a can of worms.

Ms. Hines (abutter) – supports the preservation of the barn and Phantom Theater, but does not feel the barn is an appropriate location for the theater; feels 30 performances is too many, and 8 would be more acceptable; the new conditions do not allay her concerns; feels threatened by the request; and if the use is allowed could turn out to be a Pandora's box especially if the permit transfers to a new owner.

Mr. Malboeuf (neighbor) – supports the home office use; stated that the traffic has increased in general on the road; is concerned with the increase in evening traffic; feels that a self policing

permit will not work; the application must go to Labor and Industry for their approval; questions whether the economics of the project will work with the Town's conditions and Labor and Industry's requirements. He questioned how the conditional use of the property relates to the private use, and how those can be separated.

#### DISCUSSION

Mr. Markolf questioned the number of parking spaces available for the home office use. Mr. Edgcomb replied that nine spaces are needed. Five are available on the west side of the house with overflow parking behind the barn.

Fire Dept review or approval was not requested. During the review process last year Mr. Markolf and Mr. Behn, who are both on the Warren Fire Dept, requested that the grass in the parking area be kept short to minimize the chance of a grass fire.

There was general discussion about the possible transfer of the permit to new property owner. Mr. Edgcomb stated that he would accept a condition barring transfer of either use in the event the he was no longer the owner of the property.

Mr. Mote asked, in light of the neighbor's concerns, if Phantom had considered a different location. Ms. Wattles stated that a permanent home was necessary because it is difficult to move and store the theater equipment. The Skinner Barn will be less available due to its increased popularity and the cost of the space is prohibitive. Phantom Theater has a very small operating budget. Phantom Theater enjoys being a small local group with no desire of becoming much larger.

There was general discussion about having Phantom apply for the theater use as a co-applicant; a graduated number of performances based on neighbor feedback each year for a three-year period; enforcement; neighborhood participation; and the difference between public and private functions and how to separate the two.

#### DELIBERATION/DECISION

**MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to Article 5. §5.3(A)(1), to find the barn/theater and or home office will not adversely affect the capacity of existing or planned community faculties or services. VOTE: unanimous; motion carried.**

Mr. Monte recommended continuing the hearing to give the Board the opportunity to read and consider the submitted letters and asked the applicant to consolidate the conditions as discussed.

**MOTION by Mr. Monte, seconded by Mr. Markolf to continue the Edgcomb Conditional Use Review hearing to April 11, 2001 at 7:30 p.m. VOTE: unanimous; motion carried.**

**IV. OTHER BUSINESS**

a) signing of minutes

**MOTION by Mr. Robinson, seconded by Mr. Brattstrom to approve the March 21, 2001 meeting minutes. VOTE: 4 ayes, 1 abstention (VR); motion carried.**

**VI. ADJOURNMENT**

**MOTION by Mr. Robinson, seconded by Mr. Brattstrom to adjourn the meeting. VOTE: unanimous; motion carried.**

The meeting adjourned at 11:00 p.m.

Respectfully submitted,  
Margo B. Wade  
DRB/PC Assistant

**DEVELOPMENT REVIEW BOARD**

\_\_\_\_\_  
Eric Brattstrom (date)

\_\_\_\_\_  
Lenord Robinson (date)

\_\_\_\_\_  
David Markolf (date)

\_\_\_\_\_  
Peter Monte, Chair (date)

\_\_\_\_\_  
Virginia Roth (date)