

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
APRIL 11, 2001**

- MEMBERS PRESENT:** Eric Brattstrom, David Markolf, Peter Monte, Chair; Lenord Robinson, Virginia Roth.
- OTHERS PRESENT:** Dan Dukeshire, Ralph Cameron, Sherman Allen Representatives; Mary Moffroid, Annie Wattles, Tracy Martin, Phantom Theater Representatives; Jim Edgcomb, Applicant; Carl Bates, Marybeth Prager, Richard Denby, Alexis Leacock, James Salvatore, Burgi von Trapp, Michael Snyder, Heidi Darr, Nancy Wilson, Diana Pikulski, Mark Bennett, Don Ritchie, Kevin Ritchie, Cathleen Miller, MC Malboeuf, Beth & Jeff Schoellkopf, Edgcomb neighbors & abutters; Margo Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
 - 2) Public Hearing Continuation: Mac's Valley Market – Site Plan and Sign Review
 - 3) Public Hearing Continuation: Jim Edgcomb – Cottage Industry (house) & Adaptive Reuse (barn) use designations – Conditional Use Review
 - 4) Other Business:
 - a) signing of minutes

I. CALL TO ORDER

Mr. Monte called the meeting to order at 7:30 p.m.

II. PUBLIC HEARING CONTINUATION: 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 stated that this was a continuation of the April 4, 2001 public hearing.

APPLICANT COMMENTS

Mr. Cameron submitted a parking plan, which included the parking space calculations and traffic control signage. The parking plan includes 17 parking spaces, signage locations directing traffic flow, handicapped parking, and no parking area. Also included on the plan are the curb stops, new southern location of the diesel pump, and new dumpster location. Two painted arrows are

indicated at the northern entrance, which will be removed from the plan. A second no parking sign will be added to the west side of the Rt. 100 planter. Employees will be required to park at the north end of the building. The handicapped sign will be placed on the building in front of the designated parking space.

A photograph of another Mac's Convenience Store was submitted as an exterior color example. The exterior walls of the structure will be brown with a brown roof.

A lighting plan with schedule and description of proposed lights was submitted. Lighting of the site will conform to the lighting plan. Additional down cast lighting will be added to the north side of the building to light the parking spaces located on that side of the building and also to indirectly light the east/west traffic corridor on site. All other lights will be removed.

A new sign plan was submitted. The signs approved tonight will be the only signs permitted on site, not including the directional and parking signage.

The proposed new freestanding sign decreases the lighted area in comparison to the existing sign. The existing freestanding sign dimensions are the 7' X 7' Citgo logo, and 5' X 5' fuel prices totaling 74 sq. ft. of lighted area. The proposed freestanding sign dimensions are 8' X 6' including the logo, fuel prices and Mac's, and 4' X 5' diesel price and ATM totaling 68 sq. ft. of lighted area.

The design of the gas canopy will change as indicated on the submitted sign plan. The three 3' X 3' lighted Citgo signs will be removed and replaced with the new design. The new design is not lighted. Also changing are the pump enclosures as indicated on the sign plan.

All signage lighting will be turned off after hours.

Ms. Roth asked if a wood type sign was available for the freestanding sign. Mr. Dukeshire stated that Citgo did not offer them.

The sign plan includes an additional Mac's Valley Market on the east wall of the structure. This sign will be removed from the plan, therefore a variance is unnecessary.

There was general discussion about the sign requirements in the Rural Residential District and the proposed sign plan. In general, the proposed plan is a reduction in signs and lighted sign area in comparison to what already exists on site.

PUBLIC INPUT

There was no public input.

DELIBERATION/DECISION

Site Plan

MOTION by Mr. Monte, seconded by Ms. Roth to require that an updated parking and lighting plans be submitted, prior to signing of the decision, including an additional “no parking” sign and location, location of “handicapped parking” sign, additional lighting on north side of building, and the removal of the traffic arrows at the north entrance. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to Article V, § 4.B.1., to find that the site plan accommodates maximum safety of vehicular circulation between the site and street network. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to Article V, § 4.B.2., to find the plan adequately accommodated the circulation, parking and loading facilities on site. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to Article V, § 4.B.3., to find the plan adequately accommodates the landscaping, screening and setbacks with regard to achieving maximum compatibility and protection of adjacent properties. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, pursuant to Article V, § 4.B.4., to find that there are pre-existing conditions, which are not worsened by the proposed changes, and to deem criteria a. through f. satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to find Article V, § 4.B.5. not applicable because the level of service will not be increasing from C. to D. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom to grant Site Plan approval, subject to the submitted and amended site plans and application material. VOTE: unanimous; motion carried.

Sign

MOTION by Mr. Monte, seconded by Mr. Robinson to disapprove all existing signs on site, and to approve the sign plan as submitted, less the proposed Mac’s Valley Market sign located on the east side of the structure, based on the fact that the proposed sign plan materially reduces the sign square footage and illuminated area from the pre-existing condition. VOTE: 4 ayes, 1 nay (VR); motion carried.

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

Jim Edgcomb seeks approval for Cottage Industry and Adaptive Reuse 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, Annie Wattles and Tracy Martin came before the board.

STAFF REPORT

Mr. Monte stated that this was a continuation of the April 4, 2001 public hearing, that only new testimony would be taken during the hearing, and that once the Board went into deliberation no public comments would be heard, though the public was welcome to stay and listen to the deliberation.

DISCUSSION

Mr. Edgcomb submitted and updated site plan, which clarify the parking available for the home office. Ms. Moffroid submitted an updated list of proposed conditions and discussed the changes. The changes from, and since, the last meeting include amendments to the hours of operation, maximum number of events, capacity, exterior lighting, signage, and waste.

Further amendments were made as follows:

- Hours of operation on Sunday – Thursday will end at 10:00 p.m. with people gone if it is not a performance or dress rehearsal.
- The maximum number of events in the barn is 24, including no more than three private events in the barn. An event is an activity in which a) either more than 15 cars are parked on site, or b) the public is invited. A private event will not be subject to the other conditions in this permit. Jim Edgcomb agrees to limit the number of private events in the barn as stated above during the time covered by the permit.
- The capacity is reduced to 120 people.
- The acoustic barriers will be installed over the north entrance for the 2001 season and installed over the southern and other openings for the 2002 season. The applicant may apply to amend this condition after the first year if the neighbors agree that the barriers are not necessary.
- No tiki lights will be used to illuminate pathways.
- Barn parking will only be allowed in the southeast lot as indicated on the site plan, except for handicapped parking and deliveries which may come in the west side.
- The port-o-let will be lighted discreetly.
- There will be a parking attendant at all events directing patrons while arriving and departing performances.
- All pathways will be lighted for safety.

Mr. Monte stated that unfortunately, there would be an increase of traffic during the performances, which some neighbors will find objectionable, but if we can devise proper conditions, they are the price the ordinance imposes on the Board to preserve historic structures. The question is – is there an undue affect on the neighborhood.

PUBLIC INPUT

Kevin Ritchie stated he did not support the project because he is concerned with the future use of the property and wishes to build a residence on the property across the street and feels the proposed use will be too loud for a residential neighborhood.

Don Ritchie stated that the board was leaning towards approval and that with or without conditions the proposed use is an intrusion into the neighborhood. He requested that the permit not be granted because a significant number of neighbors and abutters feel it is an intrusion and there is a potential for performances every weekend. He asked why the Board was discussing conditions before the use was approved. Mr. Markolf explained that conditions were discussed during the process so that the Board could better approve or disapprove and application.

There was general discussion about the petitions for the zoning re-vote. Mr. Monte explained that if the uses were approved under the new zoning and the new zoning was repealed after the re-vote the approval would stand. Any amendments to the plan would be reviewed under current zoning at the time of application.

Mr. Edgcomb stated that the Dept. of Labor and Industry is coming to inspect the barn at the end of April.

The traffic impacts produced by the proposed adaptive reuse are less than the traffic impacts produced by the airport and cross-country ski center and occur at different times of the years. In addition, the proposed hours of operation will not coincide significantly with the airport traffic times.

One port-o-let has been used in the past with no problems encountered.

The home office has been an existing use since Mr. Edgcomb purchased the property in the late 1980s. The application for a cottage industry use designation is confirming the existing use of the property.

There was general discussion about how to determine how many employees are working at the business at any given time and how to enforce the number. The Board decided not to place specific conditions pertaining to reporting number of employee to the Zoning Administrator.

The proposed overflow parking area will be plowed in the winter as necessitated by the business load.

The septic system was upgraded in 1990 to 600 gallon capacity per day. The allocation is calculated as follows - two bedrooms with a 250gal/day allocation and six employees with 15 gal/day/employee totaling 590gal/day.

The capacity of the well is adequate.

The question of whether the proposed home office qualifying as a cottage industry was discussed. Mr. Monte stated that a professional office is a classic occupation customary in a residential area. Ms. Roth stated that the definition of cottage industry was not clear to include a professional office. Mr. Edgcomb stated he had discussed his application with Brain Shupe and Joanna Whitcomb who stated the use was setup to accommodate medium sized home based businesses including home offices.

DELIBERATION/DECISION

Barn – Adaptive Reuse

MOTION by Monte, seconded by Mr. Markolf to find that the Edgcomb barn is eligible for listing on the historic register and therefore is a structure eligible for adaptive reuse as specified under the Land Use Regulations. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to find that the evidence before us shows there are two reactions among the neighbors to the theater use of the barn. There are neighbors nearby who have legitimate concerns about noise, traffic, and other effects that flow from the use, and there are other neighbors equally close, and not so close, that do not find the off property impacts to be objectionable. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3(A)(2), based on and subject to the approval of the conditions contained herein that the proposed adaptive reuse of the barn will not adversely affect the character of the area. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson to formally adopt the conditions as submitted and further amended this evening. VOTE: unanimous; motion carried.

MOTION by Mt. Monte, seconded by Ms. Roth, pursuant to §5.3(A)(3), given the conditions adopted the proposed adaptive reuse of the barn will not adversely affect the traffic on roads and highways in the vicinity. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Mr. Brattstrom, pursuant to §5.3(A)(4), the proposed adaptive reuse of the barn will not adversely affect bylaws in effect and in fact complies with the Warren Town Plan. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to find §5.3(A)(5) not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson to find §5.3(B)(1) – *Building Design* not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3(B)(2), given the imposed conditions to find *Traffic, Circulation and Access* satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson given the imposed conditions to waive further conditions pertaining to §5.3(B)(3) – *Bicycle and Pedestrian Access*, (4) – *Parking and Service Areas*, (5) – *Outdoor Storage and Display*, and (6) – *Landscaping and Screening*. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, pursuant to §5.3(B)(7) – *Protection of Natural Resources* that before July 1, 2001 the applicant shall request an inspection of the project and building plans by the VT Department of Labor and Industry for building approval and the VT Agency of Natural Resources for any septic disposal requirements that may apply and will submit copies of the requests to the DRB. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson given the imposed conditions to waive further conditions pertaining to §5.3(B)(8) – *Erosion Control* and (9) – *Surface Water Protection*. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Ms. Roth that before the first performance the applicant shall obtain a curb cut permit from the Selectboard. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf given the imposed conditions to waive further conditions pertaining to §5.3(B)(10) – *Lighting* and (11) – *Performance Standards*. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to grant Conditional Use approval for the Adaptive Reuse of the Edgcomb barn for Phantom Theater use. VOTE: unanimous; motion carried.

Home Office – Cottage Industry

MOTION by Mr. Monte, seconded by Mr. Brattstrom, pursuant to § 4.8(B) – *Cottage Industry*, to find criteria (1) through (7) satisfied by the terms of the application. VOTE: unanimous motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom pursuant to § 4.8(B) – *Cottage Industry*, to find criteria (8) and (9) satisfied, (10) not applicable, (11) satisfied, and (12) specifically recited at a permit condition. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Robinson, pursuant to §5.3(A)(2), to find the proposed cottage industry use of the residence will not adversely affect the character of

the area. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3(A)(3), to find the proposed cottage industry use of the residence will not adversely affect the traffic on roads and highways in the vicinity. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3(A)(4), to find the proposed cottage industry use of the residence will not adversely affect bylaws in effect. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to find §5.3(A)(5) no applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3(B), to find there is no need to impose conditions under the *Specific Standards* section. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to grant Conditional Use approval for the Cottage Industry use designation subject to the conditions pertaining to that use and to the site plan amended and submitted this evening. VOTE: unanimous; motion carried.

IV. OTHER BUSINESS

MOTION by Mr. Monte, seconded by Mr. Markolf to approve the April 4, 2001 meeting minutes with corrections. VOTE: unanimous; motion carried.

V. ADJOURNMENT

MOTION by Mr. Monte, seconded by Mr. Markolf 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)

WARREN DEVELOPMENT REVIEW BOARD
Minutes of Meeting

4/11/01

Lenord Robinson (date)

David Markolf (date)

Peter Monte, Chair (date)

Virginia Roth (date)