

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MAY 3, 2000**

- MEMBERS PRESENT:** Chris Behn, Eric Brattstrom, David Markolf, Peter Monte, Chair; Jason Heroux.
- OTHERS PRESENT:** Anne Whiteside, Bill Maclay, and Todd Hill, Samara Farm Representatives; Sheila Ware, Grant Representative; Win Lake, Applicant; Gunner McCain, McCain Consulting; Peter Sidel, Lake abutter; Margo Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
 - 2) Public Hearing: Samara Farm 2-Lot Subdivision
 - 3) Initial Public Hearing: Lake 6-Lot Subdivision
 - 4) Other Business
 - a) signing of minutes & decisions
 - b) Pitcher Inn Appeal to the Supreme Court

I. CALL TO ORDER

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

II. PUBLIC HEARING: Samara Farm 2-Lot Subdivision

Samara Farm, Inc. and Joseph H. Muraskin seek approval for a 2-lot subdivision of 37.5 +/- acres. The subdivision consists of Lot 6.1 (15.0 +/- acres) and Lot 6.2 (22.5 +/- acres). The property is located off the east side TH#23 (Fuller Hill Road) in the R-2 (Rural Residential) District.

Anne Whiteside, Bill Maclay, and Todd Hill came before the board on behalf of the application. Shelia Ware acting as Mr. Grant's representative (Samara Farm abutter) was also present.

STAFF REPORT

Mr. Monte read the public notice, which ran in the April 13, 2000 issue of the Valley Reporter.

A site visit was conducted at 6:00 p.m. prior to this hearing. Chris Behn, David Markolf, Peter Monte, Anne Whiteside, Bill Maclay, Todd Hill, Shelia Ware, and Margo Wade attended. At the site visit the group inspected the proposed house sites, driveways, road cuts, septic locations, and meadowland areas. Specific attention was paid to: house sites located in existing wooded areas, and buffer areas; visibility of driveways from Fuller Hill Road; line of site for road cuts, and distance between road cuts; general visual impact of the proposed development regarding the meadowland; and the visual impact of the site from other roads and areas within the Town.

APPLICANT COMMENTS

Ms. Whiteside stated that the project is also going through Act 250 process.

Though one road cut is preferable to the board when reviewing subdivisions, the members and the applicants agreed that for this project two road cuts are preferable to minimize the visual impact of the project. The property has 900 + feet of frontage on Fuller Hill Road, which allows for an appropriate distance between the two road cuts. The group discussed the possibility of moving the road cut on lot 6.1 to the northern edge of the meadow, but agreed that the proposed location achieves the best line of site from both directions, when entering and existing Fuller Hill Road. Moving the driveway into the wooded area on the northern edge of the lot would cause more disruption and environmental impact than running the driveway along the edge of the meadow. The applicant must apply for road cut permits with the Selectboard.

The eastern abutter (Sellner) has a deeded right-of-way of up to 400 feet along the driveway on Lot 6.2.

Currently there are no restrictions on the parcel regarding further subdivision. Mr. Maclay stated that, other than the meadowland, the parcel has other developable areas and restricting further subdivision of the proposed lots in unwarranted.

Mr. Monte raised concern regarding the proposed sizes of building envelopes. Mr. Maclay stated that the proposed house locations are the most likely to be developed, but that there are other possible house sites in the wooded area, which may be more preferable to a purchaser. Mr. Behn suggested a restriction on the amount of clearing allowed within the building envelope. Mr. Maclay replied that the configuration of the parcel is such that clearing of the wooded areas would not cause grave visual impacts from Fuller Hill Road, other areas within the Town, nor the effect the character of the area. Mr. Maclay stated that allowing for greater clearing of the wooded areas could possibly produce more meadowland, which would be in keeping with the character of the land. Restrictions should concentrate on screening the structures from Fuller Hill Road.

Mr. Monte pointed out that a buffer is proposed for the house site on lot 6.2 but not on the house site on lot 6.1.

PUBLIC INPUT

Ms. Ware raised concerns with the intermittent stream running through the parcel and onto the Grant's property. The proposed septic location for lot 6.1 will require the connection from the house to the septic area to cross the stream. She would request a courtesy review by Carl Fuller of the proposal, sleeve around the connection, and 50-foot buffer along the Grant & Samara Farm common boundary.

Mr. Maclay agreed with the sleeving and suggested that if a buffer is required on the Samara Farm parcel that a reciprocal buffer be granted or attained on the Grant's property. Ms. Ware agreed to ask Mr. Grant if he would reciprocate with a buffer. Mr. Monte suggested that the applicant and the abutter propose an agreement and submit that to the board and then the board can incorporate it into the subdivision review.

DELIBERATION/DECISION

Mr. Monte read through the Subdivision criteria.

MOTION by Mr. Monte, seconded by Mr. Heroux that Article IV § 1 - *General Planning Standards*, has been satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn to find that the driveway on Lot 6.2 is located to coincide with an existing right-of-way to the Sellner parcel and is in an inconspicuous location. Also that it is not practical to provide access to Lot 6.1 off a common driveway because of the topography of the parcel and that a common driveway would cause greater visual impact through the meadowland than the proposed two driveways. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Heroux to find that the driveway entrance granting access to Lot 6.1 provides the best site distances along Fuller Hill Road, its proposed placement is inconspicuous across the meadowland, and is less disruptive, regarding clearing and drainage, than if located in the wooded area along the northern side of the lot. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn that Article IV § 2 - *Roads*, has been satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Heroux, seconded by Mr. Behn that Article IV § 3 - *Parking*, § 4 - *Pedestrian Access*, and § 5 - *Sidewalks*, do not apply to the application. VOTE: unanimous; motion carried.

MOTION by Mr. Heroux, seconded by Mr. Behn pertaining to Article IV § 6 - *Utilities*, that all utilities to the lots will be provided underground. VOTE: unanimous; motion carried.

MOTION by Mr. Heroux, seconded by Mr. Markolf pertaining to Article IV § 7 - *Drainage and Erosion Control*, that drainage and erosion control precautions are specified on the site plan. VOTE: unanimous; motion carried.

Appropriate pullouts and hammerheads have been specified on the site plan.

MOTION by Mr. Monte, seconded by Mr. Heroux that Article IV § 8 - *Fire Protection*, has been satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Heroux that Article IV § 9 - *Lighting*, and § 10 - *Signs*, do not apply to the application. VOTE: unanimous; motion carried.

Article IV § 11 – *Buffer Areas*, and comments from Carl Fuller will be discussed and finalized on April 17th.

MOTION by Mr. Markolf, seconded by Mr. Monte that the existing vegetative buffer along Fuller Hill Road on Lot 6.1, shall be maintained in perpetuity as a vegetative screen, except for a 25 foot area at the location of the proposed road cut. VOTE: unanimous; motion carried.

There was discussion about how to condition screening buffers for the proposed structures, considering the house locations may change. The group agreed that the goal of the screening is to minimize the visual impact of the proposed structures on the meadow and from Fuller Hill Road. Suggested language on the site plan states that “No clearing of trees 6” or greater except for up to a total of 100’ of view corridors divided into 50’, or less, segments with a minimum separation of 25’ between segments”. The site plan does not propose a buffer for the house site on Lot 6.1. Mr. Maclay stated that the topography of the proposed house site on Lot 6.1 does not lend itself to the same kind of buffer as suggested on Lot 6.2. Mr. Monte suggested allowing the property owner the ability to come back into the DRB to amend the landscaping and screening buffer if they wish to change it from what is approved with the subdivision.

MOTION by Mr. Monte, seconded by Mr. Heroux with regard to screening the structures that we require either:

- A) **A buffer 30-feet in depth by 300-feet in length centered on the proposed main structure, located between the proposed structure(s) and Fuller Hill Road, and that the cutting of trees greater than 6” in the buffer is prohibited except for the view corridors as described on the site plan; or**
- B) **A subsequent screening and landscaping proposal submitted to and approved by the DRB in the future.**

VOTE: unanimous; motion carried.

MOTION by Mr. Heroux that the finished surface of the driveways shall be of gravel.

MOTION failed because it was not seconded.

MOTION by Mr. Behn, seconded by Mr. Monte that the driveways shall not be constructed of concrete, asphalt, or other impermeable surfaces. VOTE: unanimous; motion carried.

Mr. Maclay objected to a restriction of no further subdivision. Mr. Muraskin does not presently have plans to further develop the parcel, but that the parcel could possibly be further subdivided by a new owner.

MOTION by Mr. Monte, seconded by Mr. Brattstrom that the applicant has disclosed subsequent development plans. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded Mr. Markolf to grant preliminary approval of the subdivision with the understanding that there are a few issues that must be addressed prior to final approval. VOTE: unanimous; motion carried.

Specifically: buffer agreement between Grant and Samara Farm, Carl Fuller comments, and road cut approvals.

MOTION by Mr. Monte, seconded by Mr. Heroux to continue the hearing until April 17, 2000, at 7:30 p.m. VOTE: unanimous; motion carried.

III. INITIAL PUBLIC HEARING: Win Lake 6-Lot Subdivision

Orion Winfield Lake seeks approval for a 6-lot subdivision of 35 +/- acres. The lots range in size from 2.1 +/- acres to 12.2 +/- acres. The property is located off the north side of TH#3 (Lincoln Gap Road) in the R-2 (Rural Residential) District.

Win Lake and Gunner McCain came before the board on behalf of the application. Peter Sidel, abutter, was also present.

STAFF REPORT

Mr. Monte read the public notice, which ran in the April 13, 2000 issue of the Valley Reporter.

APPLICANT COMMENTS

Mr. McCain explained that the proposal has changed slightly since the initial application was submitted. A seventh lot has been proposed, which will be conveyed to Mr. Sidel and subsequently merged with Mr. Sidel's abutting parcel.

There is a three acre minimum lot requirement for a major subdivision, which would mandate that Lots 6 and 7 be merged with purchasers property.

Development possibilities were questionable on both Lot 6 and Lot 7. The applicant will get a clarification from Chip Hayden regarding the merger of lot 6 into his lot.

There was discussion about maintenance of the class 4 road (TH#30) to the west of the development. Mr. McCain stated that an agreement would be finalized with the Selectboard about maintenance responsibilities. He also stated that deed language would be included specifying common driveway maintenance responsibilities. Mr. Monte stated that a road cut permit for the TH#30 access and maintenance agreement will be required for approval of the subdivision.

Mr. Monte asked why the development could not be serviced by one road cut. Mr. McCain stated that there would be less impact to the land with the driveway configuration as currently proposed. Mr. Monte also suggested connecting the two development roads. Mr. McCain stated that a connected development road would cross a gully and would require significant cut and fill.

He also feels that the two prime lots (Lot 1 and Lot 2) have a greater value with individual driveways.

For the site visit the driveways, road cut, house sites, and septic locations will be flagged. The applicant has proposed 100' buffer along Lincoln Gap Road, 35' buffer along rear boundary line, and 25' buffer along eastern boundary line. No buffer is proposed on the western boundary line. All internal power will be provided underground. Septic sites have been tested and specifics have been submitted with the plans. State wastewater permits are required for all but Lot 1.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Markolf to classify the project as a major subdivision. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Monte to deem the subdivision application complete. VOTE: unanimous; motion carried.

The application must submit a copy of the project plans to the Fire Dept. for recommendations, and to the Selectboard for a road cut permit. Deeds conveying Lots 6 & 7 will be submitted with the mylar. Deed language must be included mandating mergers.

An updated site plan will be submitted, and preliminary subdivision criteria will be reviewed at the next hearing.

Some of the concerns to be addressed at the next meeting will be: access on TH#30, maintenance obligation of TH#30 and common driveways, possibility of connecting road cuts, and Lot 6 & 7 merger issue.

MOTION by Mr. Monte, seconded by Mr. Heroux to schedule a site visit on May 17, 2000 at 6:00 p.m., and to continue the preliminary hearing until 8:45 p.m. on May 17th. VOTE: unanimous; motion carried.

For the site visit the group will meet at the proposed road cut off TH#30.

IV. OTHER BUSINESS

a) signing of minutes & decisions

The April 19, 2000 minutes and Rootswork decision were approved and signed by participating members.

b) Pitcher Inn Appeal to the Supreme Court

The Selectboard asked the DRB to comment about the Town entering an appearance for the Pitcher Inn Supreme Court appeal. The board was in general agreement that, other than enforcement, the Town's interest is not a stake.

V. ADJOURNMENT

MOTION by Mr. Behn, seconded by Mr. Markolf to adjourn the meeting. VOTE: unanimous; motion carried.

The meeting adjourned at 10:30 p.m.

Respectfully submitted,
Margo B. Wade
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Chris Behn (date)

Eric Brattstrom (date)

David Markolf (date)

Peter Monte (date)

Jason Heroux (date)