

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MAY 31, 2000**

MEMBERS PRESENT: Eric Brattstrom, David Markolf, Vice Chair; Peter Monte, Chair (arrived 8:15); Jason Heroux (arrived 8:15), Lenord Robinson (departed 8:50), Virginia Roth (departed 8:50).

OTHERS PRESENT: Craig DiGiammarino, Ray Daigle, Bruce McCoy, Sugarbush representatives; Bill Westvang, Club Sugarbush representative; Dick King, McLendon representative; Corinne Kremer, Andrea Della Vecchio, Jackie Coates, Catherine & Bob Dillon, Don Ritchie, Mary Moffroid, Carl Bates, Tracy Martin, Gabe Jarrett, Edgcomb representatives, neighbors & abutters; Win Lake, applicant; Gunner McCain, Lake representative; David Dion, Miron Malboeuf, Warren ZA; Margo Wade, DRB/PC Assistant.

- AGENDA:**
- 1) 7:30 p.m. Call to Order
 - 2) Public Hearing: Sugarbush Inn Pavilion Building – Change of Use application/Conditional Use & Site Plan Approval
 - 3) Initial Meeting: McLendon Lot Line Adjustment
 - 4) Final Public Hearing Continuation: Lake 5-Lot Subdivision
 - 5) Other Business:
 - a) signing of minutes and decision
 - b) schedule site visits for Friedman & Cunningham application
 - c) Edgcomb neighbors & abutters request to re-open hearing

I. CALL TO ORDER

Mr. Markolf called the meeting to order at 7:45 p.m.

II. PUBLIC HEARING: Sugarbush Inn Pavilion Building Change of Use

Sugarbush Resort Holdings Inc. requests a Change for Use of the Sugarbush Inn Pavilion Building from Outdoor/Indoor Recreation Facility to Professional Office, and Warehouse Storage space. The project is located on 10.70 acres off TH#5 (Sugarbush Access Road) in the R-5 (Vacation Residential) District across from the Sugarbush Inn.

Members sitting for the application included: Eric Brattstrom, David Markolf, Vice Chair; Lenord Robinson, and Virginia Roth.

Craig DiGiammarino, Ray Daigle, Bruce McCloy, on behalf of the application, and Bill Westvang, on behalf of Club Sugarbush, came before the board.

STAFF REPORT

Mr. Markolf read the public notice and explained this hearing was a continuation of the February 23, 2000 and April 19, 2000 meetings.

DISCUSSION

Mr. DiGiammarino submitted written comments, dated May 22, 2000, pertaining to the site plan conditions approved at the April 19th hearing, and use clarification. After he shared the conditions with Sugarbush people additional input and suggestions were made. Specifically Mr. DiGiammarino requested to amend the conditions as follows.

Condition #2 – Sugarbush is requesting to remove the requirement for a professional engineer to review and report on the condition of the curb cut. Sugarbush has compared the existing curb cut with the VAOT standard A-76 and found it deficient. He proposes to modify the intersection to conform to the VAOT standard by October 1, 2000.

MOTION by Mr. Robinson, seconded by Mr. Brattstrom to amend the previously approved Site Plan condition #2 by removing the requirement for a professional engineer to review and report on the condition of the curb cut, and to allow Sugarbush to repair and/or modify the Pavilion Facility driveway entrance and apron to conform with the VAOT “Standard A-76” by October 1, 2000. VOTE: unanimous; motion carried.

Condition #5 – Sugarbush is requesting that occasional larger scale carpentry projects, and storage of associated material be allowed to take place outside of the building on a short term and infrequent basis. Mr. Westvang raised a concern with the requested hours of outdoor activity due to the residential nature of Club Sugarbush. Mr. Daigle suggested that they notify Mr. Westvang prior to the occurrences of “out-side” projects. The Sugarbush Inn wood shop, which is currently located in the old Cups & Cones building, will be moved into the Pavilion building.

MOTION by Mr. Markolf, seconded by Mr. Robinson to amend the previously approved Site Plan condition #5 to allow for short term carpentry projects and the storage of associated project materials, to take place outside of the Pavilion building between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. VOTE: unanimous; motion carried.

Condition #6 – Sugarbush is requesting for all tennis courts and associated fencing to remain in place. Mr. Westvang and Mr. Markolf raised concerns about the current “run-down” condition of the courts and fencing. Mr. Westvang also raised the concern regarding inconsistent maintenance practices in the past, and asked who would be responsible for monitoring the maintenance of the courts and facility grounds. Mr. DiGiammarino assured the board that Sugarbush would maintain the fencing to an aesthetically pleasing level. Mr. McCloy stated that they are requesting this to maintaining the existing asset in the event of a sale of the property, rather than deconstructing the fencing and courts, which would lower the value. Mr. Markolf suggested a time limit on the request. Mr. McCloy agreed.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom to amend the previously approved Site Plan condition #6 to allow the tennis court fencing to remain in place with the following requirements:

- 1) The fencing surrounding the five (5) front clay tennis courts will be maintained in operational condition. If the facility is not sold and/or transferred on/or before October 1, 2001, the fencing surrounding the five front tennis courts will be removed. The eastern clay tennis courts will be regularly mowed or chemically treated and further maintained in an aesthetically presentable state. The western clay tennis courts will have the weeds removed and will be regularly maintained in weed-free state**
- 2) The fencing surrounding the back tennis courts will be maintained in operational condition. The weeds will be regularly mowed and/or removed on the back tennis courts.**
- 3) The grounds surrounding the Pavilion Facility will be regularly mowed and maintained in an aesthetically presentable state.**

VOTE: 3 aye, 1 nay (VR); motion carried.

CONDITIONAL USE REVIEW

Mr. Markolf read the conditional use criteria.

Mr. DiGiammarino stated that they are requesting the designation for a business/professional office use for up to eight (8) employees. It is his and Sugarbush's position that carpentry is a legitimate profession and thus falls within this designation. The number of employees is set based on the flow rate (water and wastewater use), and would include all base operation employees and/or 'desk' type employees.

Ms. Roth questioned the use classification - that the proposed use is closer to light industry than business or professional office.

Mr. Malboeuf clarified that a carpentry shop associated with the Inn has been located in the R-5 District for many years. In this situation, the uses (the proposed and existing wood shops) will be combined. It is his interpretation that this use qualifies under the business/professional use designation.

MOTION by Mr. Robinson, seconded by Mr. Brattstrom that the use as proposed qualifies as business/professional designation and will not adversely affect the capacity of existing and planned community facilities. VOTE: 3 aye, 1 nay (VR); motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson that the facility and grounds will be maintained as specified in the Site Plan conditions therefore will not affect the character of the area. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson that the intensity of the use is decreasing and the driveway entrance and apron will be improved per the Site Plan condition therefore will not affect the traffic and highways in the vicinity. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Robinson that Section A. 4, 5, 6 & 7 are not applicable to the request. VOTE: unanimous; motion carried.

MOTION by Mr. Robinson, seconded by Mr. Brattstrom that Section B. criteria are satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom to grant approval to change the conditional use designation for the Sugarbush Inn Pavilion Facility from indoor/outdoor recreation facility to professional/business office and warehouse storage, subject to the conditions outlined and modified in the site plan approval. VOTE: 3 aye, 1 nay (VR); motion carried.

At 8:15 p.m. Mr. Heroux and Mr. Monte arrived, but did not participate in the Sugarbush hearing. At 8:50 p.m. Mr. Robinson and Ms. Roth departed the meeting.

III. PUBLIC HEARING: McLendon Lot Line Adjustment

John & Barbara McLendon seek approval for a lot line adjustment and waiver of subdivision hearing requirements. The property consists of 200 +/- acres and is located in the R-2 (Rural Residential) District at the corner of TH#9 (Airport Rd.) and TH#10 (Cold Springs Farm Rd.).

Members sitting for the application included: Eric Brattstrom, David Markolf, Peter Monte, Chair; and Jason Heroux.

Mr. King came before the board on behalf of the applicants.

STAFF REPORT

Mr. Monte read the public notice, which was published in the May 11, 2000 issue of the Valley Reporter.

APPLICANT COMMENTS

Mr. King explained that the McLendons seek approval to amend their 1994 Cold Springs Farm Subdivision by way of relocating the property line on Lot 1 from the centerline of the town highway to the existing barbwire fence line running along the eastern edge of the town highway. The length of the boundary is divided into two sections: the northern section is approximately 353 feet; and the southern section is approximately 662 feet. The request is essentially a lot line adjustment between the McLendon and DeFreest properties.

This will change the existing deeded language to what the McLendons and DeFreests believed was the boundary between their two properties.

PUBLIC INPUT

There was not public input.

DELIBERATION/DECISION

Mr. Monte stated that this request would not affect any of the criteria that were relevant for the 1994 subdivision approval. The submittal material is complete. He feels this is a minor change and does not require a complete review of the subdivision regulations. This change will not affect the Town's right-of-way for TH#10. No change is requested on Lot 2. Mr. King stated that there are no private or public legal rights or obligations that are impacted by this request.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to amend the 1994 Cold Springs Farm Subdivision by moving a portion of the eastern boundary on Lot 1 to the fence line to conform with the quit claim deed exchanged between the McLendons and the DeFreests. We further find that no relevant subdivision criteria are affected by the lot line change. VOTE: unanimous; motion carried.

IV. PUBLIC HEARING: Lake 5-Lot Subdivision

Orion Winfield Lake seeks approval of a major subdivision of 35 +/- acres into five lots. The lots range in size from 2.0 +/- acres to 12.2 +/- acres. The property is located off the north side of TH#3 (Lincoln Gap Rd.) & east side of TH#30 (no name) in the R-2 (Rural Residential) District.

Members sitting for the application included: Eric Brattstrom, David Markolf, Peter Monte, Chair; and Jason Heroux.

STAFF REPORT

Mr. Monte stated that this is a continuation of the final public hearing.

APPLICANT COMMENTS

Mr. McCain presented the final set of plans, which includes the re-grading plan for the Lincoln Gap Road entrance and landscaping plan. The Selectboard has reviewed the road cut application(s) and has approved the TH#30 road cut, and required that the conditions previously attached to the Lincoln Gap road cut be observed. The Selectboard's main concern with the Lincoln Gap road cut is safety and sight lines around the existing bank. The applicant missed the last Fire Department meeting, but is planning to attend the next meeting.

PUBLIC INPUT

There was no public input.

DELIBERATION/DECISION

The board requested that the final map include language requiring further Fire Department approval for any re-location of the driveways and/or development roads, submittal of Fire Dept. approval to the Zoning Administrator, both of which must take place prior to the actual construction of the roadways in the new locations. Development roads will not exceed a 12% grade.

MOTION by Mr. Monte, seconded by Mr. Heroux that internal roadways may be relocated only in accordance with the notation on the approved plat, and only after the land owner gets written approval from the Warren Fire Department and files that approval with the Warren Zoning Administrator. VOTE: unanimous; motion carried.

The board discussed the mergers of Parcel A and Parcel B. Parcel A will be transferred to Mr. Hayden, further Mr. Hayden will merge the parcel with his property. Parcel B will be transferred to Mr. Sidel, further Mr. Sidel will merge the parcel with his property.

MOTION by Mr. Monte, seconded by Mr. Heroux to condition the conveyance of Parcel A and Parcel B to the respective adjoining (grantees), and that each grantee will merge the transferred parcel with the grantee's existing holding. VOTE: unanimous; motion carried.

Prior to, or in concurrence with the filing of the mylar the following will be submitted:

- 1) Fire Dept. approval of the site plan and proposed roadways;
- 2) Copies of the deeds transferring parcels A and B; and
- 3) Draft deed language including road maintenance agreements for Lots 1, 3 & 4, and Lots 2 & 5.

Mr. Lake stated that he has conferred with the State Forester about the condition of the existing trees and forestry plan for the parcel. On the forester's recommendations, there will be selective cutting along the Lincoln Gap Road buffer to improve the health and actual visual barrier of the stand.

MOTION by Mr. Heroux, seconded by Mr. Markolf to approve the Lake 5-Lot subject with the following conditions:

- 1) **There will be a 35' no cut buffer along the northern subdivision boundary. The removal of dead and dying trees is allowed with the agreement of adjoining property owners affected by the buffer.**
- 2) **There will be a 100' vegetated buffer along the Lincoln Gap Road on Lots 1 and 3, the maintenance of which will allow for normal forest management practices under a written plan prepared by a professional forester and filed with the Warren Zoning Administrator, which shall maintain the visual barrier of the forest.**
- 3) **At least nine, 4' to 6' tall trees will be planted east of the Lincoln Gap road cut for screening, as shown on the site plan. If any of the said trees show signs of disease or death, they will be replaced with same.**

VOTE: unanimous; motion carried.

V. OTHER BUSINESS

a) signing of minutes and decision

MOTION by Mr. Monte, seconded by Mr. Heroux to approve the May 17, 2000 minutes as presented. VOTE: unanimous; motion carried.

b) schedule site visits for Friedman & Cunningham applications
No site visits are requested for these tow applications.

c) Edgcomb neighbors & abutter request to re-open the hearing
Carl Bates, Mary Moffroid & Tracy Martin came before the board on behalf of the Edgcomb Barn Board of Directors and Phantom Theater. Corinne Kremer, Andrea Della Vecchio and Don Ritchie came before the board on behalf of the Edgcomb abutters and neighbors group.

Ms. Kremer submitted a petition signed by approximately 20 abutters and neighbors requesting a continuation of the Edgcomb Barn – Cultural Facility hearing to address their issues because many abutters and neighbors have concerns, were not aware of the project, and would like the opportunity to speak to the board.

On behalf of Mr. Edgcomb, the Edgcomb Barn Board of Directors, and Phantom Theater Ms. Martin submitted a letter supporting the abutters and neighbors request to re-open the hearing; a public statement regarding the Edgcomb Barn; and the Phantom Theater Summer 2000 Schedule. Ms. Martin stated that it is their intent to schedule a meeting with the abutters and neighbors prior to the DRB hearing to discuss the project and address concerns.

Mr. Monte explained that the board would only consider the request to re-open the hearing, and could not take further testimony concerning the application tonight.

Ms. Martin requested that the board grant temporary permission to allow for this summer's theater schedule. Mr. Monte replied that the board did not have that ability, but suggested that she seek permission from the Selectboard possibly via a festival permit.

MOTION by Mr. Monte, seconded by Mr. Heroux, at the request of the petitioners and approval of the applicant, to re-open the Edgcomb Barn – Cultural Facility site plan and conditional use hearing to take further evidence. VOTE: unanimous; motion carried.

VI. ADJOURNMENT

MOTION by Mr. Heroux, seconded by Mr. Monte to adjourn. 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 (date)

Jason Heroux (date)

Virginia Roth (date)