

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
JUNE 14, 2000**

- MEMBERS PRESENT:** Eric Brattstrom, David Markolf, Peter Monte, Chair; Lenord Robinson (departed 9:20 p.m.).
- OTHERS PRESENT:** Jason Heroux, Lauren Kolitch, Keir representatives; Mac Rood, Friedman representative; Andrew Cunningham, applicant; Margo Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
  - 2) Public Hearing Continuation: Keir Subdivision Amendment
  - 3) Public Hearing: Friedman - Subdivision Amendment
  - 4) Public Hearing: Cunningham - Road Setback Variance
  - 5) Other Business
    - a) signing of minutes & decisions

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**I. CALL TO ORDER**

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

**II. PUBLIC HEARING CONTINUATION: Keir 3-Lot Subdivision Amendment**

Helen C. Keir Trust, Jack Keir, and Jason Heroux seek approval to amend a previously approved 3-Lot subdivide of 364 +/- acres and waiver of subdivision hearing requirements, by means of combining the initial meeting and warned hearing. The subdivision consists of Parcel 2 (357 +/- acres), Parcel 3 (8.0 +/- acres), and Parcel 4 (4.3 +/- acres). The property is located on Plunkton Road in the R-2 (Rural Residential) District. The project will be reviewed under provisions of the Warren Permanent Subdivision Regulations.

This is a continuation of the May 17, 2000 public hearing.

Mr. Heroux and Ms. Kolitch came before the board on behalf of the applicant.

Ms. Kolitch requested a continuance due to unsettled negotiations between parties.

**MOTION by Mr. Markolf, seconded by Mr. Brattstrom to continue the hearing until June 28, 2000 at 9:15 p.m. VOTE: unanimous; motion carried.**

**III. PUBLIC HEARING: Friedman Subdivision Amendment**

Ken & Kathy Friedman requesting approval to amend the approved K.B. Properties 3-Lot Subdivision, specifically relocating the driveway and house site on Lot-3 and a waiver of subdivision hearing requirements. The 51 +/- acre parcel is located off the west side of West Hill Road and the south side of West Hill Extension in the Rural Residential District. The project will be reviewed under criteria found in the Warren Permanent Subdivision Regulations.

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

STAFF REPORT

Mr. Monte read the public notice, which ran in the 5/26/00 issue of the Valley Reporter.

APPLICANT COMMENTS

Mr. Rood explained that the applicants seek approval to: 1) amend the previously approved K.B. Properties subdivision by relocating the proposed house and driveway locations from their approved locations to new proposed locations farther west on lot-3; 2) that the DRB waive the requirement that a licensed engineer prepare the amended site plan; and 3) that the DRB waive the subdivision hearing requirement by way of combining the initial meeting and warned public hearing.

The relocation of the house site will allow for gravity feed to the previously designed and approved sewage disposal area. Lot-3 consists of approximately 11.2 acres and has approximately 700 feet of frontage off the south side of West Hill Extension. The new driveway will be located further west on West Hill Extension and will be shorter than the previously approved driveway.

No other amendments are sought at this time.

PUBLIC INPUT

There was no public input.

DELIBERATION/DECISION

The applicant submitted a subdivision application including: narrative of the project; proof of abutter notification; a site plan indicating the proposed amendment; the subdivision fee; copy of the building permit application; a copy of the health permit application; and a copy of the road cut application.

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

**MOTION by Mr. Markolf, seconded by Mr. Brattstrom to grant the waiver requests and review the amendment under the minor subdivision criteria. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Robinson that none of the planning and design standards of Article 4 will be affected by the proposed amendment. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Brattstrom to amend the 1993 K.B. Properties 3-Lot Subdivision by allowing the relocation of the house site and driveway on Lot-3, and by discontinuing the previously approved locations. VOTE: unanimous; motion carried.**

**IV. PUBLIC HEARING: Cunningham Road Setback Variance**

Andrew & Jane Cunningham seek a road setback variance for the construction of an entry porch. The one +/- acre parcel is located off the east side of Behn Road in the Rural Residential District. The project will be reviewed under variance criteria found in Article IV § 3.C.

Andrew Cunningham came before the board.

**STAFF REPORT**

Mr. Monte read the public notice, which ran in the 5/26/00 issue of the Valley Reporter.

**APPLICANT COMMENTS**

Mr. Cunningham presented a site plan, which indicates the distances from the centerline of the town highway to the front of the existing house and front of the proposed porch. The leading face of the structure measures approximately 35 feet from the center of the town highway. The house was constructed before zoning was adopted and is approximately 120 years old, therefore is a pre-existing non-conforming structure.

The applicant has submitted a building application for a two-story (20'x20'x24') renovation, an entry porch (5'x20'), and a rear deck (12'x18'). The two-story renovation lies on the existing footprint, except for a 5'x5' area at the rear of the structure. The front porch and rear deck increase the footprint of the structure. The Zoning Administrator referred the application to the board because the front porch requires a road setback variance. The road setback standard in the R-2 District is 40 feet. All of the existing structure lies within the road setback.

The front porch will be covered, but not enclosed. The application will be amended to reflect that the overall dimensions of the porch are 5'x20', which includes the drip edge of the roof. The drip edge will not extend past the existing front face of the house. There is an existing entrance on the recessed face of the house, where the porch will be located. It is the applicant's position that the request to shield the existing entrance from adverse weather is reasonable.

**PUBLIC INPUT**

There was no public input.

**DELIBERATION/DECISION**

Mr. Monte read the variance criteria in Article IV, Section 3. C. – *Appeals for a Variance...*

**MOTION by Mr. Markolf, seconded by Mr. Robinson that there are unique physical circumstances of conditions peculiar to the particular property due to the pre-existing location of the structure, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions created by the provisions of the zoning regulation in the neighborhood or district in which the property is located. VOTE: unanimous; motion carried.**

**MOTION by Mr. Brattstrom, seconded by Mr. Robinson that because of the location of the pre-existing structure and entrance, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. VOTE: 3 aye, 1 nay (PM); motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Markolf that the applicant has not created the unnecessary hardship. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Brattstrom that the variance will not alter the essential character of the neighborhood or district in which the property is located; will not substantially or permanently impair the appropriate use or development of adjacent property; will not reduce access to renewable energy resources; nor be detrimental to the public welfare. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Brattstrom that the variance will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan because the porch will not extend past the main face of the structure and dimensions of the porch represent the minimum for the use and nature of the proposed structure. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Markolf to grant the requested road setback variance for the construction of a front porch with the amended overall dimensions, which are 5 feet x 20 feet. VOTE: unanimous; motion carried.**

## **V. OTHER BUSINESS**

a) signing of minutes 5/31/00 & Samara Farms, McLendon & Lake decisions

**MOTION by Mr. Markolf, seconded by Mr. Brattstrom to approve the May 31, 2000 minutes. VOTE: unanimous; motion carried.**

The board discussed the current hearing scheduling delay and the possibility of pulling together the DRB alternates to hear applications on alternate weeks. Increasing the number of DRB alternates was also discussed. Ms. Wade will be in contact with the current DRB alternates to discuss this issue.

Mr. Robinson departed at 9:20 p.m., after signing the 5/31/00 minutes.

The Samara Farms, McLendon & Lake decisions were approved and signed.

## **VI. ADJOURNMENT**

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

The meeting adjourned at 9:45 p.m.

Respectfully submitted,  
Margo B. Wade  
DRB/PC Assistant

**DEVELOPMENT REVIEW BOARD**

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Eric Brattstrom (date)

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Lenord Robinson (date)

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David Markolf (date)

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Peter Monte (date)