

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
JUNE 27, 2001**

- MEMBERS PRESENT:** Chris Behn, Eric Brattstrom, David Markolf, Peter Monte, Chair; Lenord Robinson.
- OTHERS PRESENT:** Miron Malboeuf, Ron Zschaler, Applicants; Allen Pierson, Tenant; Holly Hodgkins, The Bridges; Laure McGuire, Duke Freeman, Applicants; Don Swain, Bob Sahlman, Don & Lois Kaufmann, McGuire Neighbors; Margo Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
 - 2) Public Hearing: Sugarbush Village Transit, Inc. – Conditional Use Review for a Public Storage Facility and Sign
 - 3) Public Hearing: Laure McGuire – Conditional Use Review for a Kennel and Sign
 - 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: Sugarbush Village Transit, Inc. – Public Storage Facility - Conditional Use Review

Sugarbush Village Transit, Inc. seeks approval to construct four storage buildings, a freestanding sign, and a variance from setback requirements. The project is located on 1 +/- acres on the south side of the Sugarbush Access Road in the Vacation Residential District. The project requires review under Article 3, Section 3.12 - *Sign Requirements*, Article 5 - *Development Review*, and Article 9, Section 9.6 - *Variances* of the Warren Land Use and Development Regulations.

Miron Malboeuf and Ron Zschaler came before the board.

STAFF REPORT

Mr. Monte read the public notice, which ran in the June 7, 2001 issue of the Valley Reporter.

A site visit was conducted at 6:30 p.m. prior to this hearing. Eric Brattstrom, David Markolf, Peter Monte, Lenord Robinson, Miron Malboeuf, Ron Zschaler, Allen Pierson, and Margo Wade attended. At the site visit the group viewed the existing configuration of the site; relationship of proposed structures to abutting properties; proposed cleared areas; and proposed location of the sign.

Mr. Behn stated for the record that he managed the Peaks Storage Facility. The board and applicants did not feel his recusal was necessary.

APPLICANT COMMENTS

Mr. Malboeuf explained the project. The existing structure has been used for property management, related storage and a public transit business with four busses since 1982. In 1991 Mr. Malboeuf and Mr. Zschaler ceased operation and began leasing the facility to an other property management company.

The proposed project includes construction of four buildings to be used for passive commercial and/or residential storage. The proposed structures will not have power, water or heat. The two larger buildings will have 8 storage units each; the number of units in the two smaller buildings have not been determined at this point.

No hazardous material will be stored in the proposed buildings.

The proposed building locations have been chosen to maximize the site and to allow for best vehicular/patron access and most effective snow removal. Buildings #1 and #2 are approximately 40' apart. All proposed buildings would have shed type roofs, which will be pitched towards the back to shed snow away from the front (access side) of the buildings.

The proposed site layout will keep traffic between the buildings and interior of the site; therefore, the buildings will act as noise barriers.

The proposed location of building #2 is dictated by the location of and access for an existing wellhead.

The proposed freestanding sign will be located 25' from the traveled portion of the Access Road on the east side of the driveway. The dimensions of the sign will be 4' X 2' and will be 8'tall. Mr. Monte stated that since the sign conforms to the standards review by the board is not necessary. Mr. Markolf concurred.

PUBLIC INPUT

Ms. Hodgkins raised the concern with noise and intensity of use associated with large tractor-trailer traffic. Mr. Zschaler stated that large trucks cannot access the site and predicted the use to be mostly residential in intensity.

Mr. Monte suggested restricting commercial use from the facility, but Mr. Malboeuf and Mr. Zschaler objected because it would be difficult to police, and some commercial storage could be relatively low intensity.

Ms. Hodgkins asked that the existing fence and line of tree between the Bridges tennis courts and the project site be maintained by the applicants. Mr. Zschaler stated that an agreement between the Bridges & Sugarbush Villager Transit already exists requiring Sugarbush Village Transit to erect and maintain the fence; to plant the row of trees and for the Bridges to maintain the trees there after.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Behn to find that the application does not require variance review under § 9.6 because Table 2.5(E)(2) allows review as a conditional use. VOTE: unanimous; motion carried.

Article 5.3 – Conditional Use Review Standards

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3(A)(1), to find the project will not adversely affect the capacity of existing or planned community facilities or services. VOTE: unanimous; motion carried.

The exterior colors will be dark earth tones (brown, tan or gray), and compatible with the existing structure. The proposed structures will have no doors or windows facing the nearest property boundaries. The buildings will have single pitched shed type roofs and will have a maximum height of 15 feet.

MOTION by Mr. Monte, to include in the renters lease agreement a provision that the zoning permit allows only household and personal items and that storage of commercial items will violate the conditions set forth in the permit. Motion: failed with no second.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §5.3(A)(2), to find the project will not adversely affect the character of the neighborhood or area. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §5.3(A)(3), to find the project will not adversely affect the traffic on roads and highways in the vicinity. VOTE: unanimous; motion carried. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3(A)(4), to find the project will not adversely affect bylaws now in effect.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3(A)(5), to find the project will not adversely affect the utilization of renewable resources for nearby property owners. VOTE: unanimous; motion carried.

Ms. Wade requested that a larger scale site plan be submitted for better readability.

MOTION by Mr. Monte, seconded by Mr. Behn to require that a larger scale site plan be submitted, which will include the dimensions of the proposed structures, as stated on the application, and that the number of storage space will not exceed 50 units. VOTE: unanimous; motion carried.

Mr. Monte pointed out that since this application was submitted under that Warren Land Use & Development Regulations a setback variance is not necessary because Table 2.5(E)(2) allows the

setback standard to be eased with conditional use review. Mr. Monte asked Ms. Hodgkins if the Bridges had concerns with the proposed 10-foot setback on the common boundaries. Ms. Hodgkins stated no.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to find the proposed 10-foot setback on the east, west and south boundaries is consistent with the standards because the existing structure has a 10-foot setback; the abutters have been notified and those present have no objections; and the site is isolated and adequate screening exists and will be maintained. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson to find §5.3(B)(2) and (4) satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn to find §5.3(B)(3) not applicable to the application. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Monte that no outdoor storage will be allowed unless associated with the existing property management use. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn to find §5.3(5) satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to require that the existing wood fences will be maintained in good repair and remain of wood material; a 15-foot vegetation buffer will be maintained on the northwest boundary; and a 5-foot vegetative buffer will be maintained on the southwest and northeast boundary easterly of the existing fence. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to find §5.3(B)(6) satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to find §5.3(B)(7)-(9) satisfied. VOTE: unanimous; motion carried.

The driveway and parking/access areas will remain gravel and will not be paved.

MOTION by Mr. Monte, seconded by Mr. Markolf that the updated site plan will include the locations and kinds of existing and proposed exterior lighting accompanied by lighting details. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to require that no hazardous material will be stored at the facility. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Behn to find §5.3(B)(11) satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to continue the hearing until the evening of July 18, 2001. VOTE: unanimous; motion carried.

III. PUBLIC HEARING: Laure McGuire – Kennel – Conditional Use Review

Laure McGuire seeks approval for a Kennel use designations for a dog day care and overnight boarding facility and a freestanding sign. The project is located on 3.3 +/- acres off Pike Hill Road in the Rural Residential District. The project requires review under Article 3, Section 3.12 - *Sign Requirements*, and Article 5 - *Development Review* of the Warren Land Use and Development Regulations.

Laure McGuire and Albert Freeman came before the board.

STAFF REPORT

Mr. Monte read the public notice, which ran in the June 7, 2001 issue of the Valley Reporter.

A site visit was conducted at 7:00 p.m. prior to this hearing. Eric Brattstrom, David Markolf, Peter Monte, Lenord Robinson, Laure McGuire, and Margo Wade attended. At the site visit the group viewed the existing configuration of the site, two fenced in areas, outdoor shelters/doghouses, indoor facility, waste management system, and proposed location of the sign.

APPLICANT COMMENTS

Ms. McGuire explained that she had received a permit for a conditional home occupation with a limit of five dogs and no over night boarding. Mr. Malboeuf told her she needed to apply for a kennel use because her business had increased beyond the scope of the permit. She is seeking to increase the allowable number of dogs and provide over night boarding. The existing “built” facility will not change. She plans to plant more trees and screening if an expanded permit is granted. She is also considering a solid fence to help to keep the barking at a minimum and to help block the noise.

PUBLIC INPUT

Mr. Swain questioned the completeness of the application. The abutter notification was not clear about Ms. McGuire intent to expand her business therefore the application was incomplete at time of submittal. The application was further incomplete because it did not address the increase of traffic on the road. If the application was incomplete after the new zoning was rescinded then it should be reviewed under the old (current) regulations. He is concerned with noise, hours of operation, number of dogs, and the intensity of the kennel use in the residential neighborhood.

Mr. Swain also question if the use would comply with the performance standards.

Mr. Monte stated that the board historically reviewed applications under the regulations in effect at time of submittal if the application was then complete.

Mr. and Ms. Kaufmann stated that they had received the notification, but did not understand that Ms. McGuire was requesting a permit for a kennel. They are concerned about the impact on the neighborhood a larger facility would bring. They do feel that Ms. McGuire's facility is nicer and very different from a traditional kennel. Specifications from the State may be geared towards a more traditional facility.

Mr. Sahlman raised the following concerns: insufficient notification, barking dogs late in the evening and early in the morning, number of dogs allowed at the facility, impact on the private road, maintenance costs of the road, and effect on value of property. He stated that he did not want to hear barking after 7 p.m. nor before 7 a.m.

There was general discussion about the completeness of the application and which regulations the application will be reviewed under.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Robinson to find that the abutter notification was insufficient, and to waive the requirement if the applicant sends a new notice to all abutters including the following information: details contained in the public notice, intent and changes of projects, overnight boarding, number of dogs, specify kennel use and how noise will be mitigated. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson to find the submittal material complete, except the abutter notification which has been granted a waiver, therefore the application will be reviewed under the March 2001 ordinance. VOTE: 3 yes, 1 no, 1 abstention; motion carried.

Mr. Monte stated that there should be a way to protect the neighbors from the noise. The indoor structure, which is a large sunroom attached to the main dwelling, is used in the evening for overnight boarding purposes. He recommended that Ms. McGuire check to find out if there are any State requirements (Dept of Agriculture, Act 250, etc.) associated with a larger facility.

There was discussion about use of the right-of-way (Pike Hill Road) for commercial purposes. Mr. Monte requested that written information be submitted at the next hearing regarding the deed language restricting commercial use.

MOTION by Mr. Monte, seconded by Mr. Markolf to continue the hearing to the evening of July 18, 2001. VOTE: unanimous; motion carried.

IV. OTHER BUSINESS

a) Signing of minutes

MOTION by Mr. Markolf, seconded by Mr. Behn to approve the May 23, 2001 meeting minutes. VOTE: unanimous; motion carried.

V. ADJOURNMENT

MOTION by Markolf, seconded by Mr. Behn to adjourn. 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)

Lenord Robinson (date)

David Markolf (date)

Peter Monte, Chair (date)