

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
SEPTEMBER 6, 2000**

- MEMBERS PRESENT:** Chris Behn, Eric Brattstrom, David Markolf, Peter Monte, Chair; Lenord Robinson.
- OTHERS PRESENT:** John Norton, Roni Donnenfeld, applicants; Laurie Peters, applicant; Barbara Tanck, Dave Sellers, applicant; Margo Wade, Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
 - 2) Public Hearing: Norton/Donnenfeld Subdivision Amendment
 - 3) Public Hearing: Laurie Peters – Setback Variance
 - 4) Public Hearing: David Sellers – Setback Variance
 - 5) Other Business:
 - a) signing of 8/23/00 minutes and Bennett Decision
 - b) Saltzman mylar extension request
 - c) Kier mylar extension request

I. CALL TO ORDER

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

II. PUBLIC HEARING: Norton/Donnenfeld Lot Line Adjustment

John Norton and Roni Donnenfeld seek approval to amend a previously approved 3-Lot subdivision of 132 +/- acres and waiver of subdivision hearing requirements, by way of combining the initial meeting and warned public hearing. The amendment consists of reconfiguring the boundary line between Lot 2 (75 +/- acres) and Lot 3 (46 +/- acres). The property is located off the east side of Prickly Mountain Road on Rice Mountain Road in the R-1 (Interim Forest) and R-2 (Rural Residential) Districts. The project will be reviewed under criteria found in the Warren Permanent Subdivision Regulation.

John Norton and Roni Donnenfeld came before the board.

STAFF REPORT

Mr. Monte read the public warning, which ran in the Valley Reporter on August 17, 2000.

APPLICANT COMMENTS

Mr. Norton described the project. The Planning Commission in November of 1998 approved the property for a 3-lot subdivision. The current configuration consists of Lot-1 (11 +/- acres), Lot-2 (109 +/- acres) and Lot-3 (12 +/- acres). Lots 1 & 3 have restrictions against further subdivision. Lot-2 has an allowance, for further subdivision -- up to three more lots (a total of four lots). Currently only Lot-1 has been developed.

The amendment sought would adjust the boundary between Lots 3 and 2, thus increasing the acreage of Lot-3 from 12 +/- acres to 46 +/- acres and reducing the acreage of Lot-2 from 109 +/-

acres to 75 +/- acres.

PUBLIC INPUT

There was no public comment.

DELIBERATION/DECISION

Motion by Mr. Monte, seconded by Mr. Markolf to classify the lot line adjustment request as a minor subdivision. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn to grant the request to waive the initial meeting. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf that the project conforms with the Town Plan, and will have no effect on the capital budget because no new developable lot are being created. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom to deem the application complete. VOTE: unanimous; motion carried.

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

MOTION by Mr. Behn, seconded by Mr. Brattstrom that Article IV, § 2 - 10 are not applicable because this amendment does not change the relevant portion of the 1998 permit. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson that the 50' boundary buffer as established by the 1998 permit will also apply to the new boundary between Lots 2 and 3. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn to amend the 1998 Lot-2 approval by way of decreasing the allowable further subdivision, which will not exceed three lots (in total). VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom that the project covenant #7 as stated in the 1998 approval can not be modified without approval from the DRB except that the number of lots available for further subdivision on Lot-2 has been decreased to three. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf that Article IV, § 12 – *Site Preservation and Improvements*, and § 13 – *Disclosure of Subsequent Development Plans* are deemed satisfied with the above stated conditions. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson to approve the lot line adjustment as proposed subject to conditions contained herein. VOTE: unanimous; motion carried.

III. PUBLIC HEARING: Peters – Side-Yard and Stream Setback Variance

Laurie Peters seeks a variance from side-yard and stream setback requirements for a residential addition consisting of a one car garage and covered entry. The 0.2 +/- acre parcel is located off the west side of TH#4 (Main Street) in the R-3 (Historic Residential) District. The project will be reviewed under variance criteria found in Article IV § 3.C. and Article VI § 10. of the Warren Zoning Bylaws.

Laurie Peters came before the board.

STAFF REPORT

Mr. Monte read the public warning, which ran in the Valley Reporter on August 17, 2000.

A site visit was conducted before the hearing at 7:00 p.m. Eric Brattstrom, David Markolf, Peter Monte, Laurie Peters, Barbara Tanck, Ed Dettor, and Margo Wade attended. The group inspected the site including the locations of the proposed garage, covered entry, and measured the setback for the northern property boundary, and river.

Mr. Dettor, the abutter to the north, stated his support of the project, but raised the concern of possible erosion and construction debris spilling over to his property during the construction process. He requested that precautions be taken to avoid this possibility.

APPLICANT COMMENTS

Ms. Peters explained the project, which includes attaching a 15' x 22' garage and 7' x 20' covered entry to an existing single-family dwelling. The dimensions of the proposed structures are the overall exterior dimensions including roof overhangs. The proposed structures conform with all but the 20' side yard setback and the 100' stream setback. The lot is generally triangular in shape with the wider end fronting on the road, which then tapers back towards the river.

The proposed garage is 19 feet, in the rear, and 24 feet, in the front, from the northern property boundary, and 35 feet from the edge of the pavement. A setback variance is required for the northwest corner of the proposed structure.

The zoning requires that no building may be allowed within 100 feet of a streams or less than 10 feet in elevation above the level of the stream bed at a point closest to the proposed building site. It was estimated at the site visit that the grade level at the northern side of the existing structure from the base of the foundation is approximately 25 feet above the present water level of the river. A rough measurement was taken establishing the existing structure to be approximately 61 feet from the water's edge.

PUBLIC INPUT

There was no public comment.

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Mr. Robinson that there are unique physical circumstances or conditions, including the pre-existing location of the structure and pre-existing small sized lot. VOTE: unanimous; motion carried.

MOTION by Mr. Robinson, seconded by Mr. Brattstrom that because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that reasonable use of the property in this day and age include a garage and sheltered entry. VOTE: 4 aye, 1 nay (PM); motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson that based on the pre-existing status of the property the unnecessary hardship has not been created by the applicant. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom that a variance to encroach 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. Robinson 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, understanding that the proposed garage shall not exceed 16' x 22', and that any less of a variance would not accommodate a one care garage. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, by Mr. Robinson that the proposed garage will not adversely affect the ability of the river to carry floodwaters. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom that during construction of the proposed garage there shall be no disruption of the river bank within 5 feet of the edge of the steep drop-off, and that proper erosion control measure shall be implemented. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, by Mr. Robinson that the proposed garage will not adversely affect the water quality of the river by virtue of erosion or runoff. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, by Mr. Brattstrom that the proposed garage will not adversely affect the aesthetic beauty of the river because it will not be visible from the river. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom that the exterior of the proposed garage and covered entry will be similar in nature and in keeping with the existing structure in material and color, further that the proposed garage will have clapboard siding. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Monte that Article VI, § 10. B, C, and D are not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn to approve the variance requests subject to conditions contained herein. VOTE: unanimous; motion carried.

IV. PUBLIC HEARING

David Sellers seeks a variance from stream setback requirements for a residential two story addition measuring 12' x 12'. The 0.25 +/- acre parcel is located off the west side of TH#21 (Flat Iron Road) in the C-4 (Warren Village Commercial) District. The project will be reviewed under variance criteria found in and Article VI § 10 of the Warren Zoning Bylaws.

David Sellers came before the board.

STAFF REPORT

Mr. Monte read the public warning, which ran in the Valley Reporter on August 17, 2000.

A site visit was conducted before the hearing at 6:30 p.m. Eric Brattstrom, David Markolf, Peter Monte, David Sellers, and Margo Wade attended. The group inspected the site including the proposed location of the addition, and the measured the setbacks of the addition from the brook.

APPLICANT COMMENTS

Mr. Sellers explained the project, which includes adding a two story 12' x 12' addition on the south side of an existing dwelling. The first floor of the addition will be a porch and the second floor will extend the existing bedroom. The addition will be supported by two pillars allowing for an "open" basement. There will be no addition of number of bedrooms.

The dwelling is connected to a septic disposal field, which is located on the north side of Brook Road. The applicant submitted copies of the State wastewater disposal permit #WW-5-0363 and Town health permit dated 8/31/93.

Mr. Sellers stated that the bridge was damaged during the 1998 flood, but that the existing dwelling was untouched by the floodwaters. The 1998 flood was considered a 500-year flood. The zoning requires that no building may be allowed within 100 feet of a streams or less than 10 feet in elevation above the level of the stream bed at a point closest to the proposed building site. The west side of the proposed addition will be approximately 32'6" from the water's edge, and the south side will be approximately 40' from the water's edge. The base of the frost wall on the

south side of the existing structure is approximately 12 feet above the water level of the brook.

PUBLIC INPUT

There was no public comment.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Behn that Article VI § 10 A 1 has been satisfied.

VOTE: unanimous; motion carried.

MOTION by Mr. Monte seconded by Mr. Markolf that the project will not adversely affect the ability of the brook to carry floodwaters, in part because the existing dwelling and proposed addition lie above the 100 year flood level. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom that proper erosion control measures will be implemented during the construction process to eliminate the possibility of contamination of the brook. VOTE: unanimous; motion carried.

MOTION by Mr. Monte seconded by Mr. Robinson that the project will not adversely affect the water quality of the brook by virtue of erosion or runoff. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom that the exterior siding material will be clapboard and of the same color of the existing structure, the trim will be similar in nature and consistent with the neighborhood and that within eight month of commencement the exterior of the project shall be complete. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn that the project will not adversely affect the aesthetic beauty of the brook. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf that Article VI, § 10. B, C, and D are not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to approve the variance request subject to conditions contained herein. VOTE: unanimous; motion carried.

V. OTHER BUSINESS

a) signing of 8/23/00 minutes and Bennett Decision

MOTION by Mr. Markolf, second by Mr. Robinson to approve the 8/23/00 minutes as corrected. VOTE unanimous; motion carried.

The Bennett decision was approved and signed.

b) Saltzman mylar extension request

Ms. Wade gave the board the heads-up that Mr. McCain would be requesting an extension of the 90 mylar filing requirement because he is concerned that the Act 250 approval may not be granted until after the filing deadline. Again, the board is not sure if they have the authority to extend the 90-day period and would ask the applicant to research this. Ms. Wade will confer with Mr. McCain about this.

c) Kier mylar extension request

MOTION by Mr. Monte, seconded by Mr. Markolf to treat the extension request as a request for clarification of filing the plat mylar, that the board has no objection with the request to file the mylar on or before January 7, 2000, and to caution the applicant that our extension beyond the State mandated 90-day filing time line may not have legal effect, and that they should make that determination on their own. VOTE: unanimous; motion carried.

VI. ADJOURNMENT

MOTION by Mr. Robinson, seconded by Mr. Behn to adjourn. VOTE: unanimous; motion carried.

The meeting adjourned at 9:45 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)