

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
OCTOBER 18, 2000**

- MEMBERS PRESENT:** Eric Brattstrom, David Markolf, Peter Monte, Chair; Virginia Roth.
- OTHERS PRESENT:** Win Lake, Applicant; Calvin & Eleanor Kendal, Lake abutters; Charles Snow, Applicant; Fred Wheeler, Snow abutter; Margo Wade, DRB/PC Assistant.
- AGENDA:**
1. 7:30 p.m. Call to Order
 2. Public Hearing: Lake – Subdivision Amendment
 3. Public Hearing: Snow – Conditional Use a Two-Unit Dwelling & Conditional Home Occupation
 4. Other Business
 - a) signing of minutes & decisions

I. CALL TO ORDER

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

II. PUBLIC HEARING: Lake 7-Lot Subdivision Amendment

Orion Winfield Lake seeks approval to amend a previously approved 7-lot subdivision of 35 +/- acres and a waiver of subdivision hearing requirements, by way of combining the initial meeting and public hearings. The amendment consists of relocating the septic disposal area on Lot-3 and the driveway on Lot-4. The property is located off the north side of TH#3 (Lincoln Gap Road) in the R-2 (Rural Residential) District. The amendment will be reviewed under provisions of the Warren Permanent Subdivision Regulations.

Mr. Lake came before the board.

STAFF REPORT

Mr. Monte read the public notice, which ran in the September 28, 2000 issue of the Valley Reporter.

APPLICANT COMMENTS

Mr. Lake explained that he was requesting two minor changes to his 7-Lot subdivision, which was approved by the DRB on June 16, 2000. The changes include: 1) relocation of the septic disposal area for Lot-3, a suitable septic disposal area was found on Lot 3, which would alleviate the need to site the disposal area as approved on Lot-4; and 2) relocation of the driveway for Lot-4, the relocation would allow for a shorter driveway, require less excavation to build and less clearing would be needed to make way for the driveway.

Ms. Wade stated that she had spoken with Gunner McCain about the length of the development roads. Mr. McCain informed her that the length of the development roads was cumulative for Act 250 purposes. The cumulative length for both development roads for this subdivision was

less than 800 feet, the Act 250 threshold. In addition, the state had received a copy of the updated site plan showing the new location of the Lot-3 septic disposal area and the new configuration of the Lot-4 driveway.

Mr. Markolf indicated that he had inspected the development road and driveway excavation with the Fire Department, and that the quality of work, with regard to turnouts and grading, was excellent.

Mr. Monte stated that if the septic disposal area for Lot-3 can be accommodated on Lot-3 it made sense to relocate it. Also, if the reconfiguration of the driveway on Lot-4 does not effect the Act 250 permit or the previously approved DRB conditions then the requested amendments would be acceptable and a straight forward amendment.

PUBLIC INPUT

Mr. and Ms. Kendal stated that they were present at the hearing to learn about the project and had no objection towards the project. Mr. Kendal asked what the development off TH#30 had to do with the development further east along the Lincoln Gap Road. Mr. Lake explained that it was all part of the previously approved 7-Lot subdivision and showed the Kendals the site plan map for the project.

In reference to the 3/22/00 Site Plan map Mr. Kendal asked what corrections had been made to the western boundary. Mr. Lake responded that the corrections were made to the western boundary of parcel B. The western boundary of the subdivision runs along TH#30, which abuts the Kendal's property, and no changes have been made to that boundary.

DELIBERATION/DECISION

MOTION by Ms. Roth, seconded by Mr. Markolf to grant the request to waive the subdivision hearing requirements by way of combining the initial meeting with the warned public hearing. VOTE: unanimous; motion carried.

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

Mr. Monte suggested that since the amendment was a narrow and straightforward request to deal with the approval in a single motion.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to find the Article IV – *Planning and Design Standards* satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Ms. Roth to approve the Lake 7-Lot Subdivision Amendment request as submitted. VOTE: unanimous; motion carried.

III. PUBLIC HEARING: Snow Conditional Use Review

Charles R. Snow seeks approval to construct a Two-Unit Dwelling and Conditional Home Occupation. The project is located on 2 +/- acres on Willow Street off Plunkton Road in the Rural Residential Districts. The project requires review under Article V § 3 – *Conditional Use Review* of the Warren Zoning Bylaws.

Mr. Snow came before the board.

STAFF REPORT

Mr. Monte read the public notice, which ran in the September 29, 2000 issue of the Times Argus and the October 2, 2000 issue of the Valley Reporter.

A site visit was conducted at 5:30 p.m. before this hearing. Eric Brattstrom, David Markolf, Peter Monte, Charles Snow, Fred Wheeler, and Margo Wade attended. The group inspected the site including locations of the proposed structures, driveways, well and septic disposal area.

APPLICANT COMMENTS

Mr. Snow submitted a site plan, which indicated the locations of the proposed structures, driveways, well, and septic disposal area; and the septic design by McCain Consulting. The septic system is designed to accommodate a 4-bedroom dwelling. He also showed the board house plans showing foot print and elevations of the proposed dwelling.

The property is located in Alpine Village and comprises 16 lots totaling approximately 2 acres. A few of the lots were acquired at the Town's tax sale last year and the deed will not be finalized until the end of the month. Mr. Snow is not anticipating any problem with the transfer. The property is bounded on three sides by private roads, Willow Street on the south, Chestnut Street on the north and Walnut Road on the east. It is a private road network therefore, no road cut permits are required from the Town. The parcel is generally downward sloping west to east towards an intermittent stream running north south, and then climbs back up to the elevation of Walnut Road. Exposed ledge is evident on a significant portion of the western half of the parcel.

A two-unit dwelling is proposed with two accesses off Willow Street. A six bay garage is proposed for storage of equipment associated with Mr. Snow's general contracting business, with access off Walnut Road. Mr. Snow has applied for and received a Town Health permit.

Blasting will be required for the basement of the proposed residence and to level the western access off Willow Street.

Mr. Snow originally applied for a light industry use designation, but after further review, the board determined that he would need an additional 2 acres of property to accommodate the use. The minimum lot requirement for a two-unit dwelling is two acres and is also two acres for light industry, which means that Mr. Snow needs a total of 4 acres to accommodate his request. The board also determined that Mr. Snow's general contracting business would qualify for a home

occupation, which does not require additional acreage and would only require further review if he sought to have non-resident employees. Mr. Snow decided to amend his application by applying for a home occupation, with no more than two non-resident employees, instead of the light industry designation. The board further determined that the conditional home occupation is a less intensive use than light industry and therefore will not require the hearing to be re-warned.

Mr. Snow stated that he had a box trailer that he would be moving to the property, which he would be using for storage during construction of the project and that he would probably try to sell it when the project was complete.

PUBLIC INPUT

Mr. Wheeler lives across Willow Street. His well is located approximately 50 feet south of Willow Street across from Mr. Snow's western driveway. Mr. Wheeler stated that he is concerned with the blasting because it may affect his well. Mr. Monte recommended that before the blasting takes place a certificate is filed with the ZA certifying the blaster is insured in case a problem arises, and that Mr. Snow notifies Mr. Wheeler of the blasting day.

He is also concerned with contamination running off Mr. Snow's property on to his. Mr. Snow's western access is steep and ledgy and if motor oil were spilled it may seep down into the ledge or flow over to Mr. Wheeler's property. Mr. Wheeler recommended that Mr. Snow access his property from Chestnut Street. Chestnut Street is an un-improved road connecting Plunkton Road to Walnut Road.

Mr. Snow stated that he had consulted with three blasters all of whom inspected the site and determined that Mr. Wheeler's well is at a safe distance from the blasting areas.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Brattstrom to deny the request for light industry due to the minimum lot requirements, but to consider the proposed six bay garage as a part of the conditional home occupation use. VOTE: unanimous; motion carried.

Article V § 3 – *Conditional Uses*

MOTION by Mr. Markolf, seconded by Mr. Monte that the proposed development will not adversely affect the capacity of existing and planned community facilities. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Ms. Roth that the proposed development will not adversely affect the character of the area, due to the residential nature and because there are other similar home occupations in the surrounding area. VOTE: unanimous; motion carried.

The six bay garage will primarily be used for storage of equipment associated with the home occupation and only occasionally for short-term storage of construction materials. Therefore, the

traffic on Plunkton Road will only be increasing by one more residential use.

MOTION by Mr. Markolf, seconded by Ms. Roth that the proposed development will not adversely affect the traffic on roads and highways in the vicinity, because the increase is only one residence with an associated home occupation. VOTE: 3 ayes, 1 nay (PM); motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf that the proposed development will not adversely affect bylaws in effect. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Ms. Roth that the proposed development will not adversely affect utilization of renewable energy resources. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf that the proposed development will not result in the discharge of harmful wastes into surface or subsurface water systems. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf that the proposed development will not violate any of the standards in Section 7 of this Article. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom the § 3 B - *Conditional Uses, Specific Standards*, criteria 1-8 are satisfied subject to the conditions contained here in. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to impose the following conditions:

- 1) There will be no more than a total of 4 bedrooms in the two-unit dwelling.
- 2) All construction equipment and associated material will be stored inside the six bay garage, except that a piece of equipment may be left out of doors for not more that 10 days during any 30 day period.
- 3) The second dwelling unit cannot be occupied until the full two acres have been legally acquired by Mr. Snow.
- 4) The western most driveway to be constructed off Willow Street shall be blasted and graded to assure that a standard pleasure care can pass along the driveway without dragging the car's bottom.
- 5) All blasting shall be done by a licensed blaster who shall file with the Warren Zoning Administrator a certificate of general liability insurance in an amount not less than \$50,000 before any blasting work begins. All damage to wells caused by the blasting shall be paid by the owner or blaster. The owner shall give notice to Mr. Wheeler of all blasting 14 days before any blasting begins.

VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to grant approval for the request to construct a Two-Unit Dwelling and Conditional Home Occupation subject to the above stated conditions. VOTE: unanimous; motion carried.

IV. OTHER BUSINESS

a) signing of minutes & decision

MOTION by Mr. Monte, seconded by Mr. Markolf to approve the October 4, 2000 minutes as submitted. VOTE: unanimous; motion carried.

The Saltzman Subdivision decision was approved and signed.

V. ADJOURNMENT

MOTION by Mr. Markolf, seconded by Ms. Roth to adjourn. VOTE: unanimous; motion carried.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,
Margo B. Wade
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Eric Brattstrom (date)

Lenord Robinson (date)

David Markolf (date)

Peter Monte, Chair (date)

Virginia Roth (date)