

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
AUGUST 9, 2000**

**MEMBERS PRESENT:** Eric Brattstrom, David Markolf, Vice Chair; Lenord Robinson, Jeff Schoellkopf.

**OTHERS PRESENT:** Doug Bonneau, Behn representative; Andrew Cunningham, Behn abutter; Cindy Carr, Woods representative; Margo Wade, DRB/PC Assistant.

**AGENDA:**

1. 7:30 p.m. Call to Order
2. Public Hearing: Behn 2-Lot Subdivision
3. Public Hearing: Woods Lot Line Adjustment
4. Other Business
  - a) signing of 7/26 minutes & Keir decisions

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**I. CALL TO ORDER**

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

**II. PUBLIC HEARING: Behn 2-Lot Subdivision**

Peter and Pam Behn seek approval for a 2-lot subdivision of 19.5 +/- acres, and waiver of subdivision hearing requirements, by way of combining the initial meeting and warned public hearing. The subdivision consists of Lot 1 (10.5 +/- acres), and Lot 2 (9 +/- acres). The property is located off the east side TH#25 (Behn Rd.) in the R-2 (Rural Residential) District.

Doug Bonneau came before the board on behalf of the applicants.

**STAFF REPORT**

Mr. Markolf read the public notice, which ran in the July 20, 2000 issue of the Valley Reporter.

A site visit was conducted at 7:00 p.m. before the hearing. Eric Brattstrom, David Markolf, Lenord Robinson, Jeff Schoellkopf, Doug Bonneau, and Margo Wade attended. At the site visit the group walked the proposed driveway, inspected the proposed house site and septic disposal areas, and determined the approximate distance between the proposed house site and the stream.

**APPLICANT COMMENTS**

Mr. Bonneau described the project. The lot consists of 19.5 +/- acres and will be divided into two lots. Lot-1 (10.3 +/- acres) included the existing house site, and Lot-2 (9.0 +/- acres), which includes the proposed house site. Lot-2 will have a drilled well and mound type septic disposal system, which will accommodate 4 bedrooms. The watercourse indicated on the site map is not indicated on the USGS topographic map. Lot-2 will have a "no further subdivision" restriction placed in the deed language. Lot-2 will be granted a 50' driveway right-of-way across Lot-1. The driveway will be maintained at a 14' width year round. The Proposed driveway will cross the existing spring line to the Cunningham property.

Mr. Schoellkopf and Mr. Brattstrom raised concerns with the setback of the house site from the stream and the need to protect the stream, which appears to run year-round.

There was discussion about the location of Behn Road on the north corner of Lot-1 on the site plan and the possible deed discrepancy between the Cunningham boundary at that corner.

The board also discussed the need to specify a buffer and setback from the northern boundary of Lot-2 and the Cunningham property.

A curb cut permit is required for the proposed new driveway accessing Lot-2, which has been submitted to the Selectboard. The board will defer the curb cut design to the Selectboard. The members acknowledge the steep slope of Behn Road and the possible difficult negotiation by emergency vehicles.

#### PUBLIC INPUT

Mr. Cunningham requested that proper methods be taken to protect the existing spring line, and that the permit reflect that his spring rights have precedence over the driveway right-of-way.

He stated that he and Mr. Behn have recently filed papers with the Town regarding the Cunningham's spring rights.

Mr. Cunningham offered his assistance to Mr. Bonneau to locate the boundary common pin indicating the southwest corner of the Cunningham parcel.

#### DELIBERATION/DECISION

**MOTION by Mr. Robinson, seconded by Mr. Brattstrom to classify the project as a minor subdivision. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Robinson to deem the application complete. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Brattstrom that the project conforms to the Town Plan, and Capital Budget and Program. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Robinson to waive the initial meeting requirement. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Schoellkopf to grant preliminary approval of the Behn 2-Lot subdivision with the following conditions:**

- 1) The house site on Lot-2 will be setback at least 80' from the stream, which also includes 40' "no cut / no grading change" buffer measured from the centerline of the stream (in a northerly direction) towards the proposed house site.
- 2) The house site in Lot-2 will be setback 75' from the northerly boundary with the

- Cunningham lot, which will also include a 50' "no cut" buffer measured from the northerly boundary (in a southern direction) towards the proposed house site.
- 3) The clearing of Lot 2 is limited to one acre to accommodate the house site and septic disposal areas.
  - 4) The driveway accessing Lot-2 will conform to the Town of Warren Fire Department requirements.
  - 5) There will be no further subdivision of Lot 1 or Lot-2 due to poor access and the added burden placed on the Town to improve the access if more development was allowed.
  - 6) The Cunningham's deeded spring rights to the spring located on Lot-1 and associated spring line will have precedence over the Lot-2 driveway right-of-way. During construction of said driveway, proper protection methods will be taken to insure viability of the spring line, which will be properly routed, sleeved and insulated at the developer's expense.
  - 7) If a deed discrepancy exists between the existing Behn and Cunningham boundaries clarification will be submitted to the DRB and filed with the Warren Town Clerk.
  - 8) The final survey will included the above described setbacks and buffers, the stream from origin to edge of parcel, proposed house site and septic disposal areas on Lot-2, and existing spring and spring lines on Lot-1.

**VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Brattstrom to continue the Behn 2 Lot Subdivision hearing until August 23, 2000 at 7:30 p.m. VOTE: unanimous; motion carried.**

### **III. PUBLIC HEARING**

Claudia Woods and Papani Realty Trust seek re-approval to reconfigure interior lot lines of an existing 4-lot subdivision of 17.1 +/- acres due to a filling defect, and a waiver of subdivision hearing requirements, by way of combining the initial meeting and warned public hearing. The subdivision consists of Lot 20 (6.15 +/- acres), Lot 21 (4.4 +/- acres), Lot 22 (3.1 +/- acres), and Lot 23 (3.45 +/- acres). The project is located off the north side of TH#1 (Roxbury Mt. Rd.) and west of Burnt Mt. Rd. in the R-2 District.

Cindy Car came before the board on behalf of the applicant.

#### **STAFF REPORT**

Mr. Markolf read the public notice, which ran in the July 20, 2000 issue of the Valley Reporter.

#### **APPLICANT COMMENTS**

Ms. Carr explained that the lot line adjustment had been approved by the Planning Commission in 1995 but the final mylar was never filed, thus the approval became void. The applicants are seeking re-approval of the project. No changes have been made to the original application. The applicants specifically request lot line changes which will increase the size of Lot-20, and decrease the size of Lot-21. The house site on Lot-21 will be relocated. Lots 22 and 23 are

slightly reconfigured. Lot-20 is owned by Claudia Woods and is the only lot currently developed. Lots 21, 22 and 23 are owned by Papani Realty Trust and have yet to be developed.

**PUBLIC INPUT**

There was no public comment.

**DELIBERATION/DECISION**

**MOTION by Mr. Brattstrom, seconded by Mr. Robinson to approve the proposed lot line adjustments as proposed and specifically included all finding of facts and conditions as approved by the Planning Commission Subdivision Review signed July 7, 1995. VOTE: unanimous; motion carried.**

Mr. Schoellkopf departed at 9:30 p.m.

**IV. OTHER BUSINESS**

a) signing of 7/26 minutes & Keir decisions

**MOTION by Mr. Robinson, seconded by Mr. Brattstrom to approve the July 26, 2000 minutes as submitted. VOTE: unanimous; motion carried.**

The Kier decision was approved and signed.

**V. ADJOURNMENT**

**MOTION by Mr. Robinson, seconded by Mr. Brattstrom 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**

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Eric Brattstrom (date)

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Lenord Robinson (date)

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David Markolf, Vice Chair (date)

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Jeff Schoellkopf (date)