

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
JANUARY 8, 2003**

MEMBERS PRESENT: David Markolf, Vice Chair; Virginia Roth, Jeff Schoellkopf.
OTHERS PRESENT: Gunner McCain, Estin Representative; Russ Bennett, Beaudoin Contractor; Karen MacDonald, Beaudoin abutter; Margo Wade, DRB/PC Assistant.

AGENDA:

- 1) 7:30 p.m. Call to Order
- 2) Subdivision Amendment – Estin 2-Lot Subdivision
 - Re-locate the Lot-B building envelope and curb cut
 - Waiver of multiple meeting/hearing request
- 3) Conditional Use Review – Beaudoin garage & apartment
 - Residential accessory structure & dwelling FR District
- 4) Other Business:
 - a) DRB Rules of Procedure

I. CALL TO ORDER

Mr. Markolf called the meeting to order at 7:36 p.m.

II. PUBLIC HEARING: ESTIN 2-LOT SUBDIVISION AMENDMENT

Application #2002-15-SD submitted by Hans Estin seeking approval to amend a previously approved subdivision by relocating the building envelop on Lot B of the Estin 2-Lot Subdivision. The applicant also requests waiver of hearing requirements, specifically combining the initial meeting and the warned public hearing. The project is located on 3.9+/- acres off Golf Course Road in the Vacation Residential District and requires review under Articles 6 – *Subdivision Review* and Article 7 – *Subdivision Standards* of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

Gunner McCain came before the board on behalf of the applicant.

STAFF REPORT

Mr. Markolf read the public notice, which ran in the December 19, 2002 issue of the Valley Reporter.

APPLICANT COMMENTS

Mr. McCain presented an amended plan, which proposes moving the approved house site, driveway and curb cut location. The Estin 2-Lot subdivision was approved May 2001.

There was discussion about the brook identified along the north side of the property and appropriate setback requirements. The definition of “stream” in the land use regulations includes “courses of water depicted in the USGS topographic map or as identified through site investigation.” The proposed building envelope is located 50 feet away from the brook and the approved building envelope is located 30 feet away from the brook. The regulations also require a 50 foot buffer and DRB approval if construction within 100 feet of the stream. The proposed building envelope is not in a flood plain or flood hazard area.

PUBLIC INPUT

There was not public input.

DELIBERATION/DECISION

MOTION by Mr. Schoellkopf, seconded by Ms. Roth to grant the applicant's request to waive the hearing requirements. VOTE: unanimous; motion carried.

The application material was found complete, except that the abutter notice was mailed on December 26, 2002. January 9 would be the 15th day after the notice was mailed. The board decided to continue the hearing until January 22 and sign the decision at that time if there are no concerns raised by abutters.

Mr. McCain is unaware of any deed restrictions on the lot. The property was part of the Estin Estate subdivision created back in the 70's. The property actually incorporates three parcels of the old subdivision. Due to the current minimum lot size requirements only two lots could be created with the total acreage of the combined three.

MOTION by Mr. Markolf, seconded by Ms. Roth to find §7.2 (A) through (D) satisfied. VOTE: unanimous; motion carried.

The applicant is not proposing buffers along the property boundaries or road. There were not cutting restrictions or buffers conditioned in the 2001 approval. The proposal complies and/or exceeds road setback and boundary setback requirements. This lot does not have features that would require special consideration or protection.

MOTION by Mr. Markolf, seconded by Mr. Schoellkopf to find §7.2 (E) satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Ms. Roth to find §7.2 (F) though (H) satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Schoellkopf, seconded by Ms. Roth to find §7.3 and §7.3 not applicable. VOTE: unanimous; motion carried.

The board discussed §3.13 – *Surface Water Protection* and proper measures to accommodate the provisions and protect the stream.

MOTION by Mr. Schoellkopf, seconded by Mr. Markolf to find §7.5 satisfied with the following conditions:

- 1) To establish a 50-foot vegetative buffer along the brook identified on the site plan along the northern property boundary;**
- 2) Prior to commencement of construction a silt fence shall be placed down slope of the building area to contain any runoff associated with site work; and**
- 3) A naturally vegetated buffer will be maintained 50 feet along the brook, except for the removal of dead and diseased trees and trees cut in accordance with acceptable water quality practices. VOTE: unanimous; motion carried.**

An amended curb cut application was submitted to the Selectboard for approval.

MOTION by Mr. Markolf, and seconded by Mr. Schoellkopf to find §7.6 and §7.7 satisfied or not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Schoellkopf to find §7.8 through §7.10 satisfied or not applicable and to require applicant to obtain a town health permit for the project. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Schoellkopf to condition the permit on receipt of an amended curb cut permit. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Ms. Roth to continue the hearing to January 22 at 7:25 p.m. VOTE: unanimous; motion carried.

III. PUBLIC HEARING

Application #2002-86-ZP submitted by Rick and Laura Beaudoin seeking approval to construct a residential garage with an accessory dwelling. The project is located on 24.8+/- acres off the east side of Roxbury Mountain Road in the Forest Reserve District and requires review under Article 5 – *Development Review* of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

Russ Bennett came before the board on behalf of the applicants.

STAFF REPORT

Mr. Markolf read the public notice, which ran in the December 19, 2002 issue of the Valley Reporter.

A site visit was conducted on January 4 at 8:30 a.m. David Markolf, Russ Bennett, and Margo Wade attended. At the site visit the group inspected the proposed garage site, the existing vegetation, the vegetation to be removed, the visibility of the proposed structure from the vicinity, and the drainage swale. . Jeff Schoellkopf conducted an individual site visit on January 8, 2003.

APPLICANT COMMENTS

Mr. Bennett introduced the project, which includes construction of a two-car garage with an option to add an apartment/studio at a later date. Septic capacity for the additional bedroom would have to be proven.

The application does not specifically request approval for an accessory dwelling. In conversations with Mr. Bennett and Ms. Beaudoin after the application was submitted, it became evident to Ms. Wade that an apartment was a possible future use. She recommended adding it to the request to combine the review process. The public notice included both the garage and apartment. It is uncertain if the abutter notification included both uses because the notification letter was not submitted with the proof of mailing.

Since information regarding the accessory dwelling was lacking, the board asked the applicant to re-apply for that use when and if they were ready to do so.

The garage dimensions are 26' x 30' with a 10' shed (overall dimensions are 36' x 30' x 26').

The proposed location of the structure is within the minimum setbacks for the district. Complying with the setback would entail excessive site work and additional clearing. The existing dwelling and clearing is within the setbacks. Section 2.1(F)(5) allows the DRB to waive the minimum setbacks if it would allow placement of a structure, which more fully complies with the standards.

The proposed structure will be located approximately 50' to 60' north of the existing dwelling. Minimal additional clearing will be required to accommodate the location. No additional clearing will be needed on the west of side of the driveway to the edge of the Roxbury Mt. Road, except dead and diseased trees. Mr. Bennett suggested a condition that would preserve the tree canopy and under story. Minimal additional clearing will be necessary on the north and east sides of the proposed structure. Up to 35' on the east (rear) side and 30' on the north (side) of additional clearing is anticipated. Tree cutting will take place this winter.

The existing drainage swale(s) will have to be relocated and/or extended to accommodate the new structure.

Lighting of the proposed dwelling will be minimal and in compliance with the regulations (§3.9). The submitted plans indicate location of the proposed structure. The carriage type light fixtures will be shielded and down cast, with a maximum of 60 watt bulbs, on photosensitive timer switches with motion sensors to minimize the amount of outdoor lighting.

PUBLIC INPUT

Ms. MacDonald asked when the project would begin. Mr. Bennett hopes to complete the construction within 6 to 8 weeks of commencement. The project should begin this spring/summer.

DELIBERATION/DECISION

MOTION by Mr. Schoellkopf, seconded by Mr. Markolf to find the application complete with the exception of the notice to abutters, which will be submitted to the board by the applicant. VOTE: unanimous; motion carried.

The board reviewed the Conditional Use Review §5.3(A) criteria.

MOTION by Mr. Markolf, seconded by Mr. Schoellkopf to find the proposed development will not adversely affect the §5.3(A)(1) through (5) criteria. VOTE: unanimous; motion carried.

The board reviewed the Conditional Use Review §5.3(B) and (C) criteria. The driveway and parking area will not be expanded to the west.

The board granted a waiver of setback requirements as indicated on the site plan.

MOTION by Mr. Markolf, seconded by Ms. Roth to find the §5.3(B) criteria not applicable or satisfied with conditions contained herein. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Ms. Roth to find the §5.3(C)(4) criteria satisfied subject to conditions contained herein. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Ms. Roth to grant the request as submitted for construction of a 1 ½ story garage will be 26' x 30' x 26' with a 10' shed off one side subject to the following conditions:

- 1) To be located no less than 80 feet from the edge of the Roxbury Mountain Road, and located no further than 60 feet from the north side of the existing structure.**
- 2) Additional clearing is allowed as follows – a maximum of 35 feet to the east (rear) and 30 feet to the north (side) of the proposed structure, and no further clearing is allowed on the west side of the driveway unless the trees are dead and/or diseased.**
- 3) The exterior material of the proposed structure will be as specified in the application with muted natural earth tone colors.**
- 4) The lighting as specified in the application with a maximum equivalent light out put of a 60-watt incandescent bulb. VOTE: unanimous; motion carried.**

IV. OTHER BUSINESS

a) DRB Rules of Procedure

DRB Rules of Procedure were distributed the board members.

VI. ADJOURNMENT

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

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Margo B. Wade

DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

David Markolf, Vice Chair (date)

Virginia Roth (date)

Jeff Schoellkopf (date)