

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
FEBRUARY 5, 2002**

- MEMBERS PRESENT:** David Markolf, Peter Monte, Chair; Virginia Roth, Jeff Schoellkopf.
- OTHERS PRESENT:** Mark Bannon, Knaub Representative; Lenord Robinson, Knaub Abutter; Cindy Carr, Ward Representative; Margo Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
 - 2) Subdivision Hearing Continuations – Ritchie 6-Lot Subdivision
 - 3) Subdivision Review – Knaub 2-Lot Subdivision
 - 4) Subdivision Review – Ward 3-Lot Subdivision
 - 5) Other Business:
 - a) Approval of meeting minutes

I. CALL TO ORDER

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

II. PUBLIC HEARING: RITCHIE 6-LOT SUBDIVISION

Shirley M. Ritchie seeks approval of a 6-lot subdivision of 28 +/- acres located off the northwest corner of Airport and Dump Roads in the Rural Residential District. The project has been classified a major subdivision and will be reviewed under Article 6 – *Subdivision Review* and Article 7 – *Subdivision Standards* of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

Ms. Wade reported that Mr. McCain, the Ritchie consultant, had contacted her earlier in the week requesting a continuation of the hearing because update plans incorporating changes resulting from the meeting with the Warren Fire Department are not ready.

MOTION by Mr. Monte, seconded by Mr. Markolf to continue the hearing to March 19, 2002 at 7:30 p.m. VOTE: unanimous; motion carried.

III. PUBLIC HEARING: KNAUB 2-LOT SUBDIVISION

Philip and Dorothea Knaub seek approval of a 2-lot subdivision of 3.6 +/- acres consisting of Lot 1 (1.3 +/- acres) and Lot 2 (2.3 +/- acres). The property is located off the west side of Plunkton Road on Wildflower Lane in the Rural Residential District. Applicants also requests waiver of subdivision hearing requirements by combining the initial meeting with the warned public hearing. This project requires subdivision review under Articles 6&7 of the *Warren Land Use & Development Regulations*.

Mark Bannon came before the board on behalf of the applicants.

STAFF REPORT

Mr. Monte read the public notice, which ran in the January 16, 2003 issue of the Valley Reporter.

A site visit was conducted at 4:30 p.m. prior to the hearing. David Markolf, Peter Monte, Virginia Roth, Jeff Schoellkopf, Mark Bannon, Lenord Robinson, Margo Wade attended. At the visit the group inspected the locations of the existing dwelling, and driveway, leach fields area on Lot 1; the locations of the proposed dwelling, driveway, and leach fields on Lot 2. At the site visit Mr. Robinson raised concern with protection of existing water lines servicing his and his daughters abutting lots.

Motion by Mr. Markolf, seconded by Ms. Roth to grant the waiver request, classified the project as a minor subdivision, and deem the application complete. VOTE: unanimous; motion carried.

DISCUSSION

Mr. Bannon presented the plans for the project, which include subdivision of 3.6 +/- acres into two lots consisting of Lot 1 (1.3 +/- acres) and Lot 2 (2.3 +/- acres). The proposed Lot 2 dwelling will be located in an existing clearing to maintain the wooded buffers to the extent possible. The house location was chosen to preserve the x-country skiing opportunities located on the north side of the property while accommodating on-site septic. The new driveway will come off Wildflower Lane and the alignment will be curved to reduce the visual impact and maintain buffers.

Mr. Robinson requests protection of the existing water lines. He would be amenable to the lines being moved if they are properly protected. Mr. Bannon stated the intent of the project is not to disturb any of the water lines. Before any construction Mr. Robinson would be invited to inspect the areas to be disturbed.

If water lines to other properties are disturbed by site work or improvement in the subdivision the water lines must be restored or relocated. Adequate protection against frost and maintenance of consistent grade to accommodate the gravity feed will be taken, either to the satisfaction of the persons served by the water line(s) or if that cannot be resolved, by terms set by the DRB. Any water line relocation will be reviewed by a licensed engineer.

One water line is running along the proposed boundary line between Lots 1 and 2 and is not identified on the project map. This line feeds the Blueberry Lake XC Ski center owned by Mr. Robinson. The second line runs across Lot 2, but the approximate location as shown on the project map and Mr. Robinson's recollection of the physical location do not agree. This line is actually two lines running in the same trench then splitting towards the edge of the Knaub property to serve the David Seymour and Kathy Robinson properties.

There was discussion about including the easement on the mylar. Mr. Bannon stated the language in the deed is non-descript and Mr. Robinson cannot add an easement because it would be difficult. Mr. Bannon suggested submission of an as-built plan showing the location of the water lines.

Within twelve months after occupancy of the dwelling on Lot 2, an as built plan will be filed with the DRB showing the location of the waterlines in question serving other properties and crossing the subject property.

There was discussion about need to include a building envelope on Lot 2, and need to impose vegetative buffers.

MOTION by Mr. Monte, seconded by Mr. Markolf to require inclusion of a building envelope on the final plat with a 140 foot setback from the front (southwest) boundary and 50 foot setbacks from all other boundaries. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Ms. Roth to require the first 150 feet of the driveway, as indicated on the project map, be included on the final plat and that the driveway will be constructed substantially as indicated on the plat. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Ms. Roth to require that all applicable State and local permits be acquired prior to construction of the Lot 2 dwelling. VOTE: unanimous; motion carried.

MOTION by Mr. Schoellkopf, seconded by Mr. Monte to include on the final plat a building envelope for Lot 1 complying with applicable district setbacks. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to waive the need to include building elevation and contour line, and utilizes and water waste/waste water systems on the final plat. VOTE: unanimous; motion carried.

Mr. Bannon objects to restriction of further subdivision of the property.

MOTION by Mr. Markolf, seconded by Mr. Schoellkopf to require no further subdivision of either lot, except boundary line adjustments that do not increase the number of developable lots. VOTE: 2 ayes (DM, JS), 2 nays (PM, VR); motion fails due to lack of support by a majority of the board.

There was discussion of about possible existence of covenants and deed restriction and how to address the issues arising when this kind of information is not presented to the board.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Markolf to find, with conditions and requirements already voted, the project complies with the subdivision general standards. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to grant the subdivision requires with the following condition:

1) If water lines to other properties are disturbed by site work or improvement in the subdivision the water lines must be restored or relocated. Adequate protection against frost and maintenance of consistent grade to accommodate the

gravity feed will be taken. A licensed engineer will review any water line relocation.

2) Within twelve months after occupancy of the dwelling on Lot 2, an as built plan will be filed with the DRB showing the location of the waterlines in question serving other properties and crossing the subject property.

VOTE: unanimous; motion carried.

IV. PUBLIC HEARING: WARD 3-LOT SUBDIVISION

Holly Ward seeks approval of a 3-lot subdivision of 24.5 +/- acres. The property is located off the east side of East Warren Road in the Rural Residential District. This project requires subdivision review under Articles 6&7 of the *Warren Land Use & Development Regulations*.

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

STAFF REPORT

Ms. Wade reported this was the initial meeting to discuss the subdivision application and proposed sketch plan.

APPLICANT COMMENTS

Ms. Carr presented the proposed project, which includes subdivision of 24.5 +/- acres into three lots consisting of Lot-1 (16.5 +/- acres), Lot-2 (5 +/- acres), and Lot-3 (3 +/- acres). The property is located off the east side of East Warren Road in the Rural Residential District. Approximately 23.7 acres are located in Warren and approximately .8 contiguous acres are located in Waitsfield.

The parcel has three access possibilities 1) a deeded right of way through the Shulevitz property utilizing a shared driveway (Ridge View Road), 2) an old town highway (TH #11) to a collapsed hunting camp, and 3) a curb cut off East Warren Road.

Approximately 40% of the parcel is located in the Meadowland Overlay District.

The group discussed possible access routes to the lots; meadowland issues including construction of a driveway in the meadowland, structure placement, screening, and preservation of agricultural soils; septic capacity; lot configuration, and number of lots proposed.

PUBLIC INPUT

There was no public input.

DELIBERATION/DECISION

The board determined the proposed subdivision would be reviewed as a minor subdivision; no waivers were requested; and the proposed subdivision generally conforms to the applicable subdivision standards, with the possible exception of the Meadowland provisions which will be considered in more detail once a site visit has been conducted and plans have progressed.

The board identified the following items/issues that need further consideration:

- The Fire Department needs to be consulted about access to the proposed parcels, best emergency vehicle access, and access alignments that comply with the intent of the regulations.
- The soils test may need to be updated to determine septic capacities and compliance with current local and State water/wastewater requirements.
- The board will need to conduct a site visit at some point prior to the warned public hearing.
- How to best accommodate the Meadowland standards, ways to incorporate mechanisms that screen the proposed development from other areas in town, and preserving historically viable agricultural soils.
- If the existing agricultural access off the East Warren Road will be used to access the project, a curb cut permit will be required to formalize the curb cut.
- If TH #11 were used to access the project permission would be needed from the Selectboard to improve the old road.

Ms. Carr will contact the board when the project is ready to schedule the public hearing.

V. OTHER BUSINESS

a) Approval of meeting minutes

MOTION by Mr. Schoellkopf, seconded by Ms. Roth to approve the December 8, 2003 meeting minutes. VOTE: unanimous; motion carried.

VI. ADJOURNMENT

MOTION by Mr. Schoellkopf, seconded by Ms. Roth, to adjourn the meeting.

VOTE: unanimous; motion carried.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,
Margo B. Wade
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

David Markolf (date)

Peter Monte, Chair (date)

Virginia Roth (date)

Jeff Schoellkopf (date)