

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
FEBRUARY 6, 2002**

- MEMBERS PRESENT:** Eric Brattstrom, David Markolf, Peter Monte, Chair; Lenord Robinson.
- OTHERS PRESENT:** Jason Heroux, Applicant; Lauren Kolitch, Owner Attorney; Phil & Onriette King, Jacqueline Coates, Lydia & Jim Thompson, neighbors & abutters; Margo Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
 - 2) Public Hearing: Heroux/Clark PRD Application
 - 3) Land Use & Development Regulations Amendments
 - 4) Other Business:
 - a) Signing of minutes

I. CALL TO ORDER

Mr. Monte called the meeting to order at 7:40 p.m.

II. PUBLIC HEARING: HEROUX/CLARK PRD

Application #2002-03-MM submitted by Jason Heroux/Riverwatch Construction and Melissa Clark seeking approval for two multi-unit residential dwellings at an agricultural facility located on the west side of the Dump Road in the Rural Residential District. The applicant also seeks a waiver of hearing requirements and a waiver of subdivision review. The project requires Conditional Use Review under Article 5, Major Subdivision Approval under Articles 6 & 7, and Planned Residential Development Approval under Article 8 of the Warren Land Use & Development Regulations.

Mr. Heroux & Ms. Kolitch came before the board.

STAFF REPORT

Mr. Monte read the public notice, which ran in the January 24 issue of the Valley Reporter.

With regard to the \$500 permit fee and considering that the PRD review process for this particular application will be of lower intensity than a larger project, Mr. Monte suggested the applicant may wish to approach the Selectboard for a decrease in the PRD permitting fee.

A site a visit was conducted on January 26, Mr. Markolf, Mr. Heroux and Mr. King attended. A second site visit was conducted on January 30, Mr. Heroux, Mr. Monte, Mr. Robinson, Ms. Wade, Mr. & Mrs. King, Catherine Dillon, Joanne Buck and Philip Oxnam attended. At the site visits the groups observed the overall site, proposed duplex site and the existing structures.

APPLICANT COMMENTS

Mr. Heroux explained the project, which involves an agricultural facility including a 28 stall horse barn with 4 dwelling units upstairs, indoor riding ring, exercise barn, pastures and trails, outdoor riding ring, and a two unit duplex. The agricultural uses including the barn, indoor ring,

and exercise barn, pastures and trails, and outdoor riding ring are exempted from municipal permitting under the agricultural rules (VSA §4495). The applicant seeks municipal permits for the four dwelling units in the horse barn and the two-unit duplex, which will have a total of 4 bedrooms. The property encompasses approximately 60 acres. The barn with four individual dwelling units (2 one-bedroom apartments, 2 two-bedroom apartments), the indoor riding arena, and exercise barn are already constructed.

Both State and municipal wastewater permits have issued. The septic system capacity will accommodate 10 bedrooms.

Because the project will not be creating any new parcels and the residential use of the property is low, the applicants seek a waiver of hearing requirements and waiver of review under the major subdivision standards. Mr. Heroux explained that the project could be sufficiently reviewed under the PRD standards and conditional use standards. The subdivision standards overlap the PRD standards except where they address lot creation and road development, which are not part of this project.

The board discussed the merits of the waiver requests and the order in which to review the project.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom to grant the request to waive the hearing requirements. VOTE: unanimous; motion carried.

PUBLIC INPUT

Ms. Coates asked if the existing access road would also service the proposed duplex; and if the property been designated as agricultural. Mr. Heroux confirmed that the existing drive would service both the existing structures and the proposed duplex. Mr. Monte explained that the DRB has no authority to regulate agricultural uses. The location of the dwelling units has been identified on the site plan. Any new residential development or non-agricultural uses would require further permitting by the town. Mr. Heroux explained that the Department of Agriculture does not formally designate a property as agricultural. The property or use must comply with the mandated acceptable agricultural practices. The Dept. of Ag. is aware of the project because Mr. Heroux and town official have had multiple discussions about the project with Dept representatives and Dept representatives have visited the project. Mr. Heroux added that the owners are currently putting the property under current use, but that is for tax purposes.

Ms. Thompson asked if the owners were planning any horse shows on the property. Mr. Heroux stated that hosting a horse show is not the intent of the current owners of the property. Furthermore, any commercial use of the property, such as a horse show, would have to acquire proper local and state permits.

DELIBERATION/DECISION

ARTICLE 8, *Planned Residential Development* – Section 8.3

MOTION by Mr. Monte, seconded by Mr. Markolf to deem the Heroux/Clark PRD application complete. VOTE: unanimous; motion carried.

The minimum lot size in the Rural Residential District is 1 acre/units. The density potential is higher than the proposed 6 unit PRD.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, pursuant to §8.3(C)(1), to find the proposed 6 unit residential development will not exceed the number of units that would be permitted under an alternative development plan for the 60 acre parcel. VOTE: unanimous; motion carried.

Ms. Kolitch pointed out that the only 5% of the overall property would be developed leaving 95% undeveloped.

The board and the applicant discussed primary and secondary conservation areas and the possible need to identify them on the site plan. Mr. Heroux pointed out that they have not been included because the primary use of the property is agricultural; therefore, the bulk of the property or any sensitive area will be left undeveloped, while identification would be necessary for a traditional PRD with higher impact.

Primary conservation areas include lands within the flood hazard and meadowland overlay districts, slopes with a gradient of 25% or greater, and wetlands, surface waters and associated buffers. Secondary conservation areas include critical wildlife habitat and corridors; groundwater source protection areas; slopes from 15% to 25%; designated archaeological and historic sites; and ridgelines and knolls, which are visible from public vantage points. There is no flood hazard or meadowland designated on the property. Some steeper slopes may occur along the boundary with the Town parcel. Mr. Heroux stated that he is unaware of any secondary features occurring on the property. Ms. Kolitch also pointed out that the remaining 95% of property is used agriculturally therefore applying the subdivision standards, which include identification of primary and secondary conservation areas, is unwarranted.

MOTION by Mr. Monte, seconded by Mr. Markolf to find §8.3(C)(2) is not applicable to the current request because no primary or secondary conservation areas will be involved in the residential development. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Monte, pursuant to §8.3(C)(3), to find the project conforms because the proposed residential development is concentrated within approximately 5% of the property. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §8.3(C)(4), to find the project is consistent with the goals and policies of the Warren Town Plan as it encourages

and preserves agricultural uses, preserves open land and places no significant burden on the capital budget or school system. VOTE: unanimous; motion carried.

There will be no physical subdivision of ownership of the land. The residential aspects of the project are invisible to adjoining properties. Any change in the residential use of the property would require further permitting from the town.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §8.3(C)(4), to find the project satisfies applicable subdivision criteria. VOTE: unanimous; motion carried.

Mr. Brattstrom raised the concern of landscaping and further clearing. Ms. Kolitch stated that tree cutting and clearing would be exempt under the agricultural rules. Mr. Heroux added that no further clearing of the land would take place except for the potential creation of pasture. Mr. Monte suggested imposing a buffer between the Dump Road and the duplex.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf to impose a condition requiring an undisturbed vegetative buffer bounded by the Dump Road, the access road to the duplex, the further most contour, as indicated on the site plan, back to the Dump Road. Further, that an updated site plan would be submitted indicating said vegetative buffer. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom to find §8.3(C)(5) and (7) not applicable. VOTE: unanimous; motion carried.

MOTION Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §8.3(C)(6) and (D)(2), to require the exterior color, design and texture of the proposed duplex must be compatible with existing structures on the property. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom based on the foregoing; to find the PRD requirements have been satisfied. VOTE: unanimous; Motion carried.

Article 5, § 5.3 – *Conditional Use Review*

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3(A)(1), to find the PRD will not adversely affect the capacity of existing or planned community facilities or services. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Markolf to require the agricultural practices on the property is conducted consistently with the accepted agricultural practices as defined by the Vermont Department of Agriculture, or subsequently applicable rules, to protect the character of the neighborhood, ground and surface water resources. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, pursuant to §5.3(A)(2), to find the PRD will not adversely affect the character of the neighborhood or area affected. VOTE: unanimous; motion carried.

There was general discussion about additional traffic generated on the roads in the vicinity by the 6 residential dwellings. Ms. Coates raised the concern with the horse trailer traffic on the Dump Road. Mr. Monte explained that the horse trailer traffic is associated with the agricultural use of the property therefore exempt from DRB jurisdiction. Mr. Heroux added that the trailers access the Dump Road via the Airport Road to avoid the Dump Road/Brook Road intersection.

MOTION by Mr. Brattstrom, seconded by Mr. Monte, pursuant to §5.3(A)(3) and considering the low intensity of the residential use, to find the 6 residential units will not adversely affect traffic on roads and highways in the vicinity. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3(A)(4), to find the PRD conforms to bylaws now in effect. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf to find §5.3(A)(5), pertaining to the utilization of renewable energy resources, not applicable. VOTE: unanimous; motion carried.

There was general discussion about fire safety, the sprinkler system in the barn and the 50,000-gallon pond feeding the system.

MOTION by Mr. Monte, seconded by Mr. Markolf to find, base on earlier findings, that §5.3(B) – *Specific Standards*, are satisfied by the application. VOTE: unanimous; motion carried.

Mr. Heroux stated that the Agency of Natural Resources required erosion control measure to be employed during the construction process.

Mr. Heroux stated that the present owners have no plans for further build out.

Mr. Monte briefly reviewed the Subdivision criteria.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom to deem the subdivision review not applicable beyond the attention already given under the PRD and Conditional Use Review processes. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to grant approval for the application as submitted subject by conditions imposed, including submission of an updated site plan. VOTE: unanimous; motion carried.

III. LAND USE & DEVELOPMENT REGULATIONS AMENDMENTS

Proposed revisions, to be voted on at March Town Meeting, were distributed. Ms. Wade requested that members review the changes.

IV. OTHER BUSINESS

a) Signing of minutes

MOTION by Mr. Markolf, seconded by Mr. Monte to approve the January minutes as corrected. VOTE: unanimous; motion carried.

The Heroux/Clark appeal decision was approved and signed.

V. ADJOURNMENT

MOTION by Mr. Markolf, seconded by Mr. Monte to adjourn the meeting. VOTE: unanimous; motion carried.

The meeting adjourned at 9:35 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)