

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MARCH 5, 2003**

MEMBERS PRESENT: David Markolf, Vice Chair; Jason Heroux, Virginia Roth, Jeff Schoellkopf.

OTHERS PRESENT: Margo and Geoff Wade, Barry Simpson, Steve Kimball, USFS; Joshua Kelly, TPL representative; Heli and Gail Hietzker, Jim Sanford, abutters; Shannon Hill, DRB/PC Assistant.

- AGENDA:**
- 1) **7:30 p.m. Call to Order**
 - 2) **Conditional Use Review:** Wade - reconstruction of a single-family dwelling and the addition of an accessory apartment.
 - 3) **Subdivision Review:** Trust for Public Lands - two lot subdivision of Parcel A of the Blueberry Lake subdivision.
 - 4) **Elect Officers (Discussion)**
 - a) Chair, Vice Chair and Secretary
 - 5) **Other Business:**
 - a) Signing of minutes and decision
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I. CALL TO ORDER

Mr. Monte called the meeting to order at 7:42 p.m.

II. PUBLIC HEARING: WADE CONDITIONAL USE APPLICATION

Applicant # 2003-09-ZP submitted by Geoff and Margo Wade seeking conditional use approval to reconstruct a residential dwelling and add an accessory apartment. The project is located on 2+/- acres on the south side of Roxbury Mt. Road in the Forest Reserve District and requires Conditional Use Review under Article 5 of the *Warren Land Use & Development Regulations*.

STAFF REPORT

Mr. Markolf read the public notice, which ran in the February 13, 2003 issue of The Valley Reporter.

A site visit was conducted on Saturday March 1, 2003. Present were DRB board members David Markolf, Vice Chair; Virginia Roth, Jeff Schoellkopf as well as Shannon Hill, DRB/PC Assistant. The site visit began at 9:00AM at 1266 Roxbury Mountain Road at the Wade residence where we were joined by Margo and Geoff Wade. The existing structure, proposed house, proposed septic location, large trees, well location and driveway location were all discussed.

APPLICANT COMMENTS

Mr. and Ms. Wade presented the proposed project, which includes the reconstruction of a residential dwelling and addition of a garage with an upstairs

accessory apartment on approximately 2+/- acres. The property is located on Roxbury Mountain Road in the Forest Reserve District. The access to the lot would be slightly reconfigured as to align with the garage and avoid having to cut down a large 100 year old Maple tree. The 7.2 +/- acres land held in common between the Wade's and the Strauss's would not be developed or altered in any way.

The proposed dwelling would include 3 bedrooms and 2 bathrooms. The studio apartment would be an open space with one bedroom and 1 bathroom for a total proposed development of 4 bedrooms and 3 bathrooms. Ms. Wade noted the existing septic system is marginal and the proposed septic will be designed to comply with state and local regulations. A new well will be drilled to accommodate the new developments water needs.

The Wade's have planned a 12' by 12' foot room to add on some time in the future. They are including this anticipated addition in this conditional use permit so they do not need to come back for another conditional use permit in the future.

The existing home is approximately 1500 ft². The proposed development, including the studio apartment, garage, covered walkway and proposed future 12' by 12' addition add up to 2174 ft².

The Wade's plan to paint the house brown with a green standing seam roof as to minimize the visibility from East Warren Road and blend the house in with its forested surroundings.

PUBLIC INPUT

There was no public input.

DELIBERATION/DECISION

The application material was found complete. There was no communications from abutters in opposition of the project.

The board discussed the applicability of §3.8(A), Noncomplying Structure and Nonconforming Uses. There was concern that the proposed project will increase the degree of non-compliance and therefore is not allowed by the regulations. The applicant feels the existing structure is not a preexisting nonconforming structure and it is a conforming residential use. The applicant further argues that in Table 2.1(F)(5) the board may wave the 150 ft setbacks if such a waiver would allow for the placement of a structure in a location, which more fully complies with the standard set forth in subsection (F)(3). The applicant stated the proposed development was a more appropriate location for the following reasons:

- 1) The existing lot has a negative building envelope and therefore cannot comply with the setbacks.
- 2) If the development were put in the center of the lot and be in “most compliance” with the setbacks the house would need to be on top of the existing septic.
- 3) The above stated site would push the development further down slope, requiring more excavation and larger equipment.
- 4) The applicant further argues that §3.8(A)(4) is applicable because the proposed development would bring a marginal septic system and structure up to code.

The board agrees with the applicant.

MOTION by Mr. Markolf, seconded by Ms. Roth pursuant to §5.3(A)(1) thru §5.3(A)(5) to find that the proposed development will have no adverse effect on the capacity of existing or planned community facilities or services, the character of the neighborhood or area affected, the traffic on roads and highways in the vicinity, the bylaws now in effect and the utilization of renewable energy resources. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Heroux pursuant to §5.3(B)(1) thru §5.3(B)(5) to find that the proposed development either meets, or the criteria is not applicable, to the standards for building design, traffic circulation, bicycle and pedestrian access, parking and service and outdoor storage and display. VOTE: unanimous; motion carried.

The applicant would like to maintain the existing open space on the lot and plans to keep the existing trees in this area. The existing trees on the Western slope are Moose Maple and Poplar, which do not provide much screening from East Warren Road. The Wade's do not plan to remove any of the trees from the Western slope except those that must be cut for the septic.

MOTION by Mr. Schoellkopf, seconded by Mr. Markolf pursuant to §5.3(B)(6) to find that the proposed development meets the standards for landscaping and screening. However, the board would like to revisit the no cut buffer and the septic location items after the septic site work and design is complete. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Schoellkopf pursuant to §5.3(B)(7) thru §5.3(B)(9) to find that the proposed development meets the standards or the criteria is not applicable to the protection of natural resources, erosion control and surface water protection as outlined in the application. VOTE: unanimous; motion carried.

MOTION by Mr. Schoellkopf, seconded by Ms. Roth pursuant to §5.3(B)(10), to find the proposed development will comply with §3.9 and that there may be no more than two exterior lights on the Western side of the proposed house. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Heroux, pursuant to §5.3(C)(1) thru §5.3(C)(3) to find that the Lincoln Peak Growth Center, Warren Village and Meadowland Overlay District and Flood Hazard Overlay District standards are not applicable to the proposed development. VOTE: unanimous; motion carried.

The size of the accessory structure was discussed to determine if it was less than 40% of the square footage of the primary structure, or 1000 ft², whichever is less. It was determined that the proposed accessory dwelling is 34% of the proposed primary dwelling and therefore meets the requirement.

Motion Mr. Heroux seconded by Mr. Schoellkopf pursuant to §5.3(C)(4) and §2.1(C) thru §2.1(E) to find that the conditional uses, dimensional standards and supplemental development standards for the proposed development are met as outlined in the application. VOTE: unanimous; motion carried.

Motion Mr. Schoellkopf seconded by Mr. Heroux pursuant to §5.3(C)(4) and §2.1(F)(1) to find that the supplemented development standards are approved for the proposed development subject to the conditions herein. VOTE: unanimous; motion carried.

Motion by Mr. Schoellkopf seconded by Mr. Markolf pursuant to §5.3(C)(4) and §2.1(F)(2) thru §2.1(F)(4) to find that the access and placement of structure for the proposed development shall be met as outlined in the application. VOTE: unanimous; motion carried.

Motion by Mr. Heroux seconded by Mr. Schoellkopf pursuant to §5.3(C)(4) and §2.1(F)(5) to wave the 150-foot setbacks requirement and require 50-foot setback on the northern and 120-foot setback on the western property boundary. VOTE: unanimous; motion carried.

Motion by Mr. Markolf seconded by Mr. Schoellkopf to grant the application subject to the conditions contained herein, the receipt of a health permit and further review of the septic system location to address the no cut zone. VOTE: unanimous; motion carried.

III. PUBLIC HEARING: THE TRUST FOR PUBLIC LAND 2-LOT SUBDIVISION

The Trust for Public Lands seeks approval of a 2-lot subdivision of 7.52+/- acres consisting of Parcel A-1 (5.01+/- acres) and Parcel A-2 (2.51+/- acres). The property is located off the east side of Plunkton Road and west of Blueberry Lake Road 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*.

STAFF REPORT

Mr. Markolf read the public notice, which ran in the February 13, 2003 issue of the Valley Reporter.

A site visit was conducted on Saturday March 1, 2003. Present were DRB board members David Markolf, Vice Chair; Virginia Roth, Jeff Schoellkopf as well as Shannon Hill, DRB/PC Assistant. The site visit began at approximately 9:30 at the Blueberry Lake proposed subdivision parcel where Josh Kelley, the representative for the Trust for Public Land, joined us. The site plan for the project was reviewed and the house and septic locations were pointed out to the board. The possible location of the wetlands, and whether the site in question was located within the meadowland overlay district were also discussed during the site visit.

Ms. Iffland from the Trust for Public Land was stuck in traffic due to an accident and was unable to attend the public meeting.

Mr. Heroux recused himself from the board and departed the meeting at 8:45 P.M..

APPLICANT COMMENTS

Mr. Kelly explained the Trust for Public Land (TPL) would like to subdivide the 7.5+/- parcel of land into two lots Parcels A1 being 5.01+/- acres and Parcel A2 being 2.51+/- acres. Parcel A2 is slated to be sold to a private buyer with a restriction of a no build zone as well as a 50-foot easement for public access to the lake. The TPL is working on selling Parcel A2 to the United States Forest Service.

Mr. Kelly has contacted their engineers to determine the location of the wetlands on the property but has not heard back from them yet.

DELIBERATION/DECISION

Motion by Mr. Markolf seconded by Mr. Schoellkopf to deny the applicants request for a waiver of the initial meeting due to the public interest in the project. VOTE: unanimous; motion carried.

GENERAL DISCUSSION

The subdivision application submitted by the TPL was determined to be incomplete based on the lack of wetland information.

The board discussed their concern regarding meadowlands, wetlands, the building envelope and the lack of a curb cut permit to access the new Parcel.

The board determined there is no meadowland on the proposed parcel, and requests that the applicant provide additional information on the location of any wetlands on the site map.

Although a curb cut application is not a requirement of the *Land Use and Development Regulations*, the board would prefer the TPL get the curb cut permit prior to the issuance of a subdivision permit so the DRB could review the conditions the Selectboard imposes on the application.

It was noted the previous subdivision decision dated 8/9/00 (Kier 3-Lot Subdivision) that the purpose of the subdivision was to transfer the land into public ownership and that other than regular maintenance the land will not be further subdivided. The board is concerned as to whether these statements are legally binding and recommend contacting the Town of Warren's lawyer.

The board expressed their gratitude to the TPL for their efforts to conserve the parcel in question, and for the prior transfer of land to the United States Forest Service.

The board is concerned about the TPL's intention to conserve the land, yet they are attempting to subdivide the land for an additional developable lot. The applicant notes that the land must be subdivided to ensure a reasonable price for the land and to have a backup plan in case the USFS acquisition does not work out.

Mr. Kimbal, the USFS representative, stated the USFS is very interested in the land but they cannot take on the liability of the house. The board asks if the USFS would be willing to enter into an agreement that contingent upon the subdivision of Parcel A2 the USFS would purchase the land and not develop it. Mr. Kimbal is unsure if the USFS could enter into such an agreement.

There was a lengthy discussion between the board, the applicant and the public as to whether the house could be disassembled and sold so the Forest Service could purchase the entire lot and thus eliminate the need for the subdivision all together. The applicant has put a bit of time into researching the subject and trying to find a buyer and is convinced there is no cost effective way to disassemble or destroy the house. Mr. Sanford and Mr. Simpson feel they should continue to look for a buyer.

Since the Forest Service already owns the adjacent land, the board suggested the possibility of the TPL looking into a lot line adjustment instead of a subdivision.

The board is concerned that developing in the proposed Parcel A1 is against the Warren Town Plan and the Land Use Regulations because of the meadow.

V. OTHER BUSINESS

a) Approval of meeting minutes

MOTION by Ms. Roth, seconded by Mr. Markolf, to approve the February 5, 2003 meeting minutes as submitted. VOTE: unanimous; motion carried.

VI. ADJOURNMENT

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

The meeting adjourned at 10:00 p.m.

Respectfully submitted,
Shannon M. Hill
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

David Markolf (date)

Jason Heroux (date)

Virginia Roth (date)

Jeff Schoellkopf (date)