

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
MARCH 13, 2002**

- MEMBERS PRESENT:** Chris Behn, Eric Brattstrom, David Markolf, Vice Chair;  
Lenord Robinson.
- OTHERS PRESENT:** John & Virginia Roth, Applicant's Representative; Lillian  
Brewster; neighbor; Bob Messner, Granite Intersection; Margo  
Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
  - 2) Appointment of DRB Officers (Chair & Vice Chair)
  - 3) Public Hearing: Austin/Menke/Strong Conditional Use  
Review of a single-unit dwelling in Forest Reserve District
  - 4) Review of Della Monica planting plan
  - 5) Other Business:
    - a) Granite T-Hangar Act 250 amendments/denial
    - b) Signing of minutes

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**I. CALL TO ORDER**

Mr. Markolf called the meeting to order at

**II. APPOINTMENT OF DRB OFFICERS**

**MOTION by Mr. Markolf, seconded by Mr. Behn to appoint Peter Monte as Chair of the Warren Development Review Board through February 2003. VOTE: unanimous; motion carried.**

**MOTION by Mr. Robinson, seconded by Mr. Brattstrom to appoint David Markolf as Vice Chair of the Warren Development Review Board through February 2003. VOTE: unanimous; motion carried.**

**III. PUBLIC HEARING: AUSTIN/MENKE/STRONG CONDITIONAL USE REVIEW**

Application #2002-06-MM submitted by Jane M. Austin, Steven Menke and the Estate of L. Strong seeking approval to construct a single family dwelling on 25.9 +/- acres off the east side of Cider Hill Road in the Forest Reserve District (parcels #012002-600 and #012004-100). The project requires Conditional Use Review under Article 5 of the Warren Land Use & Development Regulations.

Virginia & John Roth came before the board on behalf of the applicant.

**STAFF REPORT**

Mr. Markolf read the public notice, which ran in the February 21, 2002 issue of the Valley Reporter.

Mr. Markolf reported that a site visit was conducted on Saturday, March 9, 2002 at 9:00 a.m. David Markolf, Lenord Robinson, Chris Behn, Eric Brattstrom, Jane Austin, Virginia & John Roth, and Margo Wade attended. At the site visit the group walked up the existing

right-of-way to the proposed house site. Inspected the proposed driveway, house site, septic disposal area, summer deck area, meadow or pond area, and tree cutting areas.

#### APPLICANT COMMENTS

Ms. Roth explained the application. Contingent on DRB approval of this request, the Austins will purchase the Menke and Strong properties to construct a dwelling. They propose to combine the two parcels to form one 25.9 +/- acres parcel. All of the property is located in the Forest Reserve District. The Austins do not have designs for the dwelling at this time, but do have preliminary site plans to submit to the board.

Two site plans were reviewed. The plan by John Roth shows an accurate preliminary plan of the project. While the McCain plan shows the location of the septic disposal areas correctly, but the proposed dwelling is in the wrong location. An updated McCain site plan will be submitted.

At the site visit, Ms. Austin spoke about the summer deck, which she envisions as a landscaped patio area and a small seasonal structure with bathroom facilities, and possibly a gazebo. If the structure meets the criteria under §9.2(A)(7) a building permit and/or DRB review will not be required.

Access to the property is via an existing right-of-way. A portion of the road exists. The driveway alignment servicing the property may change and run along the contours with one switch back to the house site.

The applicant proposes a six-bedroom dwelling and septic disposal area, both located within the building envelope. A health permit has not been applied for yet.

A right-of-way exists granting access through the properties to the abutting Saltzman lot. This right-of-way will be added to the updated site plan.

The original subdivision received Act 250 approval. Town approval was not required at the time.

The upper stream crossing will require Act 250 approval and a stream alteration permit from the State.

Utilities will most likely follow the existing road. It is unknown at this time if they will run above or be buried.

#### PUBLIC INPUT

Ms. Brewster raised the following concerns: damage to the road during construction of the project; increased traffic and speed on the road associated with the construction of the project and from the project as a whole; the Austins should join the road association; and who is responsible for speed enforcement on the private road.

Mr. Markolf explained that the Town was not responsible for enforcing speed limits on private roads.

Within the last few years, Harriett King drew up a road agreement between the properties with access off Cider Mountain and Cider Fork Roads. Ms. Brewster did not have a copy of the road agreement with her.

DELIBERATION/DECISION

TABLE 2.1 – FOREST RESERVE DISTRICT, §(F) – *Supplemental Development Standards*

**MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §(F)(1) – *Clearing and Landscaping*, to find the criteria satisfied with the following conditions:**

- 1) The selective cut area allows the removal of dead or diseased trees and the removal of trees with a width of less than 10 inches provided that any given view corridor does not exceed 20 feet in width.
- 2) The building envelope is defined as 200 feet by 400 feet, as indicated on the Strong-Menke site plan by John Roth, where clear cutting is allowed.
- 3) Clearing for the driveway is allowed, but will not exceed 25 feet from the centerline on either side.

**VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §(F)(2) – *Access*, to find the criteria satisfied with the following conditions:**

- 1) All rights-of-ways will be indicated on an updated site plan or survey to be submitted to the DRB.
- 2) This approval is subject to any and all requirements imposed by the District Commission and/or State regarding the upper stream crossing and erosion control associated with the project.
- 3) Submission, to the DRB, of evidence that the applicant (Austin) enters into or joins the existing road agreement.

**VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §(F)(3) – *Placement of Structures*, to find the criteria satisfied with the following conditions:**

- 1) The proposed dwelling will be located within the building envelope as defined above.
- 2) If not exempt under §9.2(A)(7), the summer deck will require further review.

**VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §(F)(4) – *Erosion Control*, to find the criteria satisfied with the following conditions:**

- 1) The project does and will comply with Article 3 – GENERAL REGULATIONS, §3.1 *Access*, and §3.13 *Surface Water Protection*, and is subject to any and all requirements imposed by the District Commission and/or State.

**VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Behn to find §(F)(5) – *Setbacks*, satisfied as proposed. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Brattstrom to find §(G) – *Exemptions not applicable to the application*. VOTE: unanimous; motion carried.**

Mr. Markolf conveyed that a pond would require Fire Department approval.

ARTICLE 5, DEVELOPMENT REVIEW, §5.3 *Conditional Use Standards*

**MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §5.3(A)(1), to find the proposed development will not adversely affect the capacity of existing or planned community facilities or services with the following conditions imposed:**

- 1) Development of a pond will require Warren Fire Department approval.**
- 2) District Commission review will be necessary for subdivision amendments.**
- 3) At minimum, the driveway will conform to all Town road standards and emergency vehicle access standards.**

**VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Robinson pursuant to §5.3(A)(2), to find the proposed development will not adversely affect the character of the neighborhood or area due to the residential nature of the project. VOTE: unanimous; motion carried.**

There was significant discussion about the road and whose responsibility it was to police damage to the road during construction of the proposed development and how to assign that responsibility. It was determined that Cider Mountain Road is a private road and the current road agreement should address such issues. If it does not, the board urged the property owners to update the agreement accordingly.

**MOTION by Mr. Behn, seconded by Mr. Markolf pursuant to §5.3(A)(3), to find the proposed development will not adversely affect the traffic on roads and highways in the vicinity because one dwelling is proposed on two existing lots. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Brattstrom pursuant to §5.3(A)(4), to find the proposed development conforms to bylaws in effect. VOTE: unanimous; motion carried.**

**MOTION by Mr. Robinson, seconded by Mr. Behn pursuant to §5.3(A)(5), to find the proposed development will not adversely affect utilization of renewable energy resources. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Behn pursuant to §5.3(B)(1) – *Building Design*, to find the criteria satisfied with the requirement for the applicant to submit, for DRB review, architectural plans of the dwelling including elevations, exterior treatment and finish. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn seconded by Mr. Brattstrom to find §5.3(B)(2)-(11) satisfied by or not applicable to the proposed development. VOTE: unanimous; motion carried.**

**MOTION Mr. Markolf, seconded by Mr. Brattstrom to grant the request to construct a single family dwelling in the forest reserve district pursuant to conditions contained herein and the submission of an updated site plan including location and size of updated building envelope and topography in the surrounding area, and updated driveway configuration. VOTE: unanimous; motion carried.**

#### **IV. REVIEW OF DELLA MONICA PLANTING PLAN**

After review of the submitted planting plan, the board request a site visit to gain a better understanding of the proposed plan. A tentative date was set for March 27, 2002 at 6:30 p.m. Ms. Wade will confirm the date with John Pollock and Leo Laferriere.

#### **V. OTHER BUSINESS**

##### **a) Granite T-Hangar Act 250 amendments/denial**

Mr. Messner came before the board to explain the issue. Granite is requesting that the town participate in the Act 250 process to have this condition amended.

In 1999, Granite T-Hangars applied for and received conditional use approval from the DRB to construct two new hangars and internal roadway connecting the north and south curb cuts. One condition of the permit required “The access road to be maintained in the winter to allow emergency vehicle access to the hangars.” The DRB allowed connection of the north and south curb cuts for vehicular safety and emergency vehicle access. In the fall of 1999, Granite T-Hangars applied for and received Act 250 approval for the two new hangars. The condition pertaining to the roadway states “The existing agricultural road shall not be extended south,” which would not allow connection of the north and south curb cuts. In January of 2002, Granite T-Hangars applied to Act 250 to amend this condition to allow connection of the two curb cuts. Their request was denied.

The present conflict in permits leaves the Town in a difficult position because compliance with one permit necessarily results in non-compliance with the other, thus Granite is subject to an enforcement action by either the Town or Act 250 no matter what it does. The DRB’s permit condition is based on safety, while Act 250’s condition is based on aesthetics, therefore the Town has a legitimate reason to participate in the Act 250 proceeding.

**MOTION by Mr. Behn, seconded by Mr. Brattstrom to recommend to the Selectboard that the Town request party status and participate in the Act 250 process to have the condition, pertaining to the internal roadway, amended because the Town has a vital interest in public safety, which may be impaired if the Act 250 condition were to stand. VOTE: unanimous; motion carried.**

b) Signing of minutes

**MOTION by Mr. Robinson, seconded by Mr. Brattstrom to approve the February 13, 2002 meeting minutes. VOTE: unanimous; motion carried.**

**VI. ADJOURNMENT**

**MOTION by Mr. Robinson, seconded by Mr. Brattstrom to adjourn the meeting. VOTE: unanimous; motion carried.**

The meeting adjourned at 10:10 p.m.

Respectfully submitted,  
Margo B. Wade  
DRB/PC Assistant

**DEVELOPMENT REVIEW BOARD**

\_\_\_\_\_  
Chris Behn (date)

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Eric Brattstrom (date)

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Lenord Robinson (date)

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David Markolf, Vice Chair (date)