

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
JUNE 4, 2003**

- MEMBERS PRESENT:** Eric Brattstrom, Virginia Roth and Jeff Schoellkopf.  
**OTHERS PRESENT:** Jim Hendershot & Mary Zeleski, Ward Abbutors; Cindy Carr & Dexter Leflavour, Ward Representatives; Tom Clark; Robert Neuberger; Miron Malbouf, Zoning Administrator; Alan Solomon, John Keith & James Garilli, Garilli Representatives; Deb Kirchwey & Kathy Kier, Garilli Abutters; Shannon Hill, DRB/PC Assistant.
- AGENDA:**
- 1) **7:30 p.m. Call to Order**
  - 2) **Ward 2-Lot Subdivision**
  - 3) **Neuberger Conditional Use Review**
  - 4) **Garilli Zoning Violation Appeal**
  - 5) **Other Business:**
    - a) Signing of minutes and decisions

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**I. CALL TO ORDER**

**Motion by Mr. Schoellkopf, seconded by Mr. Brattstrom, to elect Ms. Roth the chairman of this meeting. VOTE: unanimous; motion carried.**

Ms. Roth called the meeting to order at 7:45 p.m.

**II. Ward 2-Lot Subdivision:**

Application # 2003-03-SD submitted by Holly Ward seeking approval of a 2-lot subdivision of 24.5 +/- acres consisting of Parcel 1 (16.5 +/- acres) and Parcel 2 (8.0 +/- 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*.

**STAFF REPORT**

Ms. Roth read the public notice, which ran in the May 14, 2003 issue of The Vermont Journal.

A site visit was conducted on Saturday May 31<sup>st</sup>, 2003. Present were DRB board members Virginia Roth, Eric Brattstrom as well as Shannon Hill, DRB/PC Assistant. The site visit began at 9:30AM at the property on East Warren Road where we were joined by Cindy Carr. The access to the proposed sites, meadowland overlay district, proposed house sites, proposed septic location and proposed well location were all discussed at the site visit. Mr. Schoellkopf conducted a site visit on June 4<sup>th</sup> 12:00 pm.

Ms. Carr came before the DRB for a sketch plan review on February 5, 2003 where she proposed a three-lot subdivision of the 24 +/- acres. Further site work indicated the land did not have the septic capacity for three houses, and therefore Cindy reduced the subdivision to two lots.

## APPLICANT COMMENTS

Cindy Carr & Dexter Leflavour came before the board on behalf of the applicant.

Ms. Carr & Mr. Leflavour presented the proposed project, which includes subdividing 24.5 +/- acres consisting of Parcel 1 (16.5 +/- acres) and Parcel 2 (8.0 +/- acres). The property is located on East Warren Road in the Rural Residential District.

Ms. Carr met with the Town of Warren Fire Department who suggested the applicant use the existing agricultural curb cut to access both proposed sites. The Fire Department felt this was the safest access to the lots due to its visibility on East Warren Road and Fire Truck accessibility.

Since a small portion of the 24.5 acres resides in Waitsfield, as would the septic system for Lot 1, Ms. Carr notified Mr. Bryant, the Waitsfield Town Manager, of the proposed subdivision of the land and the Lot 1 septic location. He stated that as long as the abutting landowners were notified he does not see the need for the applicant to get a Waitsfield Zoning Permit.

## PUBLIC INPUT

Jim Hendershot and Mary Zeleski, Ward property abutters, expressed their concern that any site disturbance to proposed Lot 2 may alter the route of the natural spring water that comes down off the hill into their yard. They stated that as it is, their property gets flooded with water from the springs and they would not like to see any more water diverted into their yard. They testified that they have deeded rights to a spring uphill of the Ward property, which they are not currently using but would like to retain the right to use it in the future.

## DELIBERATION/DECISION

The DRB informed Ms. Carr that she would need to get curb cut approval from the Selectboard to access the property.

The DRB noted that the map submitted by the applicant shows a portion of the building envelope for Lot 1 within the Meadowland Overlay District. The DRB requested the applicant move the building envelope so it contains no Meadowland Overlay District.

The DRB requested the applicant bring the following information to the next meeting:

- letter of support for the 2-Lot Subdivision from the Warren Fire Department;
- more defined building envelopes for both lots not containing any Meadowland Overlay District;
- 5-foot contour interval for the areas to be developed;
- spring location for Jim Hendershot and Mary Zeleski's land;
- Proposed screening plan.

**MOTION by Ms. Roth, seconded by Mr. Brattstrom, to continue the Ward 2-Lot Subdivision hearing on July 9<sup>th</sup> at 7:30 at the Warren Municipal Office. VOTE: unanimous; motion carried.**

### **III. Neuberger Conditional Use Review**

Application #2003-13-ZP submitted by Robert Neuberger seeking approval for a residential addition. The property is located on Roxbury Mountain Road in the Forest Reserve District. This project requires Conditional Use Review under Article 5 of the *Warren Land Use & Development Regulations*.

#### **STAFF REPORT**

Ms. Roth read the public notice, which ran in the May 14, 2003 issue of The Vermont Journal.

A site visit was conducted on Saturday May 31<sup>st</sup>, 2003. Present were DRB board members Virginia Roth, Eric Brattstrom as well as Shannon Hill, DRB/PC Assistant. The site visit began at 9:00AM at 2148 Roxbury Mountain. The visibility of the structure from the valley below, distance from the proposed addition to the septic, setback from the Roxbury Mountain Road and the screening of the addition were all discussed. Mr. Schoellkopf conducted a site visit on June 4<sup>th</sup> 12:30 pm.

#### **APPLICANT COMMENTS**

Mr. Neuberger and Mr. Clark presented the proposed project, which includes an addition to a residential dwelling on approximately 1.1 +/- acres. The property is located on Roxbury Mountain Road in the Forest Reserve District.

The proposed addition would include a 2½ story structure, a ground level two car garage and a two level family room with a loft. The bedrooms would be reconfigured, but the number would not change.

Mr. Neuberger believes that the structure would not be more visible from the road if they left the trees in front as a screen.

Mr. Clark presented the DRB with a written request for a variance for the 150 foot setback from the town right of way.

#### **DELIBERATION/DECISION**

The DRB discussed the following:

- setback from the property boundary and Roxbury Gap Road;
- the reflection of the glass windows;
- the septic location and adequacy;
- screening from the road and the valley below;
- overall compatibility with the *Town of Warren Land Use & Development Regulations*.

The DRB requested Mr. Clark resubmit a larger Site Plan that include the following:

- steep slopes between 15-25%
- 5' contour intervals for the property
- legal boundaries of the property
- town right of way for the Roxbury Gap Road
- location of the existing well

- location of the existing leach field
- proposed lighting scheme

The DRB felt that this project would be difficult to approve due to its location, visibility, size of the lot and the setback from the road and property boundaries.

Mr. Schoellkopf stated that the bedrock, slopes and overall unsuitable soils indicate to him that this is not a great place to develop, and that is why the town adopted the Forest Reserve District.

**MOTION by Ms. Roth, seconded by Mr. Brattstrom, to continue the Neuberger Residential Addition in the Forest Reserve District hearing on July 9<sup>th</sup> at 7:30 at the Warren Municipal Office. VOTE: unanimous; motion carried.**

#### **IV. Garilli Zoning Violation Appeal**

Appeal to a zoning violation issued to Brenda & James Garilli on April 2, 2003 for a violation of Article 3, Section 3.4, Erosion Control & Development on Steep Slopes of the *Warren Land Use & Development Regulations*.

#### **STAFF REPORT**

Ms. Hill read the public notice, which ran in the May 14, 2003 issue of The Vermont Journal.

A site visit was conducted on Saturday May 17<sup>th</sup>, 2003. Present were DRB board members Virginia Roth, Jeff Schoellkopf and Lenord Robinson as well as Mr. Solomon, Mr. Garilli and Shannon Hill, DRB/PC Assistant. The site visit began at 9:00AM at 155 Ellen Lane. The slope of the bank, vegetation on the slope, distance to slope from the stream bank, drainage and time frame of development were all discussed. Mr. Brattstrom conducted a site visit on his own.

#### **APPLICANT COMMENTS**

Mr. Solomon, the Garilli attorney, informed the board that Mill Brook Imports, Inc owns the land where the alleged violation occurred.

Mr. Solomon explained to the DRB that the problems began back when the Town of Warren road crew cut into the bank across the street and paved Ellen Lane. The pavement reduced the infiltration on the road, and caused more runoff which was inadvertently directed down the Garilli's driveway.

In 1997 the Garilli's received a building permit from the town to add onto their house. They also put in a catch basin at the end of their driveway and filled in the part of their driveway that had been eroded by the runoff. Since 1997 the Garilli's have been accepting fill from the Town of Warren and others to fill in their driveway toward the river.

Sediment control silt fences and hay bails were placed down slope near the river in 1998/1999. The sediment control was not placed at the base of the bank until 2002.

Mr. Solomon argued that the Garilli's should be exempt from any violations because the town has known that the Garilli's were filling the bank for years and did nothing to stop it.

In the interest of moving forward with the development review process, Mr. Solomon indicated that Mr. Garilli was willing to accept the decision of the DRB even though Mill Brook Imports Inc. owns the property. Mr. Garilli is a partial owner of Mill Brook Imports Inc.

**PUBLIC INPUT**

Ms. Kirshway, the Garilli's property abutters, feels that the Garilli's are trying to enlarge their driveway, not just replace the eroded soil. She feels that the Garilli's should not be able to continue the practice of filling the bank just because they have been doing it for a long time. She reminded the board of the provision in the regulations prohibiting development on slopes > 25%. She was also concerned that she had not been notified about the hearing.

**DELIBERATION/DECISION**

**Motion by Mr. Schoellkopf, seconded by Mr. Brattstrom, that the Garilli's are in violation of the Town of Warren *Land Use and Development Regulations, Article 3.4, Erosion Control and Development on Steep Slopes. VOTE: unanimous; motion carried.***

The DRB recommended the Garilli's submit a zoning permit application and come before the DRB at a formally warned hearing to discuss how to restore the site.

**V. ADJOURNMENT**

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

The meeting adjourned at 10:45 p.m.

Respectfully submitted,  
Shannon M. Hill  
DRB/PC Assistant

**DEVELOPMENT REVIEW BOARD**

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Eric Brattstrom (date)

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Virginia Roth (date)

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Jeff Schoellkopf (date)