

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

MEMBERS PRESENT: Chris Behn, Eric Brattstrom, David Markolf, Peter Monte, Chair; Lenord Robinson.

OTHERS PRESENT: Michael Lerch, Applicant, Patrick Thompson, Lerch Contractor; John & Rose Morin, Lerch Abutters; Elizabeth & Robert Hansen, Lerch Abutters; Jim Hilton & Jack Garvin, Warren Store; Sue Carter, Alice Cheney, Laurie Roth Bartlett, Virginia Roth, Rudy Elliott, Village residents & property owners; Dick King, Village Waste Water Project; Phil Clapp, Applicant; Margo Wade, DRB/PC Assistant.

AGENDA:

- 1) 7:30 p.m. Call to Order
- 2) Public Hearing: Raston Vermont Inc./Lerch Conditional Use Review – accessory dwelling in existing structure
- 3) Public Hearing: Warren Holdings Inc./Warren Store Conditional Use Review – change of use – barn to house bakery, office, and bathrooms
- 4) Other Business:
 - a) Signing of minutes
 - b) Review Clapp cutting/planting plan
 - c) Municipal Waste Water – permitting process discussion

I. CALL TO ORDER

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

II. PUBLIC HEARING: RASTON VERMONT INC./LERCH – CONDITIONAL USE REVIEW

Raston Vermont Inc. and Michael Lerch seeking approval of an accessory dwelling. The 3.6+/- acre parcel is located off the west side of Golf Course Road in the Rural Residential District and requires conditional use review under Articles 5 of the Warren Land Use & Development Regulations.

Michael Lerch and Patrick Thompson came before the board.

STAFF REPORT

Mr. Monte read the public notice, which ran in the May 16, 2002 issue of the Valley Reporter.

A site visit was conducted at 6:30 p.m. prior to this hearing. Chris Behn, David Markolf, Peter Monte, Michael Lerch, Patrick Thompson, and Margo Wade attended. At the site visit the group observed the garage where the accessory dwelling will be located, and the existing exterior lighting including location of flag pole light, driveway lighting and exterior house lights.

APPLICANT COMMENTS

Mr. Lerch explained the request, which includes converting an existing home office, located in a detached garage, into an accessory apartment. The garage and home office were permitted and constructed last summer. The structure meets all setback and dimensional standards required in the Rural Residential District. The apartment will be used for family and guests. Mr. Lerch has no intention to rent the apartment at this time.

The Zoning Administrator had received a call from Ms. Hansen with concerns about the exterior lighting. At the time of Mr. Lerch submitted this application the ZA asked the applicant to submit lighting information in order to check compliance with the regulations.

A municipal Health Permit (2001-46-HP) was issued September 28, 2001. The primary system accommodates 6 bedroom and the second system accommodates 1 bedroom. The Water system includes two drilled wells with one 2002 gallon shared storage tank.

The square footage of the primary dwelling exceeds 2500 feet, and the square footage for the accessory dwelling is 864 feet.

Mr. Lerch stated that there were no restrictions on the previous lighting and would have a problem is restrictions were placed on the new lighting.

The previous light poles used incandescent lights, which were insufficient in lighting the entry step or along the driveway.

PUBLIC INPUT

Ms. Hansen asked if the lighting would remain as it is. Mr. Lerch replied that the light bulbs had been changed to a lower wattage (from 150 watts to 70 watts).

Ms. Hansen read portions of the lighting standards in the Land Use Regulations and stated that the current lighting is not characteristic of the area. She pointed out that the submitted material states the lumens to be 16000, where the regulations do not allow lumens higher than 1000.

The lighting schedule submitted with the application indicates that the lumens associated with a 150-watt metal halide bulb are 16000. While the lumens associated with a 75-watt metal halide bulb are 5440. Mr. Lerch has installed 75-watts bulbs in the five driveway lampposts.

Mr. Thompson explained that the 70-watt metal halide bulb is as low as these fixtures will accept.

The flagpole light is mounted on the ground, is directed up the flag poll, and is a 300-watt bulb.

Mr. Hansen pointed out that the lampposts along the driveway do not illuminate the steps to the dwelling. He also pointed out that their property has not been used as an inn for 1.5

years and that the sign lighting for the inn had two 75-watt bulbs and were in conformance with the town regulations. When ASC came in for approval of the ice skating rink at the golf course the board considered the proposed lighting and allowed limited down cast and shielded lighting. Mr. Monte pointed out that the ice skating rink was reviewed under the old zoning, which did not have the same lighting standards.

DELIBERATION

MOTION by Mr. Monte, seconded by Mr. Markolf to find that the specific limitations and requirements set out in §4.1 – *Accessory Dwellings*, are all satisfied by the pending application. VOTE: unanimous; motion carried.

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

Motion by Mr. Robinson, seconded by Mr. Monte delay the decision until the board has conduct an evening site visit and postpone the review of the application to the evening of June 26. VOTE: 3 ayes, 2 nays (EB, DM); motion carried.

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

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

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

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

MOTION by Mr. Monte, seconded by Mr. Brattstrom to recess the hearing until the evening of June 26, at which time the board will consider the lighting on the property because the accessory dwelling complies with the associated criteria. VOTE: unanimous; motion carried.

The board will conduct a second site visit this evening after the DRB meeting to observe the lights during darkness.

III. PUBLIC HEARING: WARREN HOLDINGS INC./WARREN STORE – COND. USE REVIEW

Warren Holdings Inc. (d/b/a The Warren Store) seeking approval to convert an existing barn for bakery/deli and retail space. The 0.63 +/- acre parcel is located off the west side of Main Street in the Warren Village Commercial District and requires conditional use review under Article 5 of the Warren Land Use & Development Regulations.

Jim Hilton and Jack Garvin came before the board.

STAFF REPORT

Mr. Monte read the public notice, which ran in the May 16, 2002 issue of the Valley Reporter.

A site visit was conducted at 7:00 p.m. prior to this hearing. Chris Behn, David Markolf, Peter Monte, Lenord Robinson, Eric Brattstrom, Jim Hilton, Jack Garvin, and Margo Wade attended. At the site visit the group observed the garage where the accessory dwelling will be located, and the existing exterior lighting including location of flag pole light, driveway lighting and exterior house lights.

APPLICANT COMMENTS

Mr. Hilton explained the application, which includes:

- moving the bakery from the current location in the store to the barn, the current space is too small and the space does not allow the bakery to keep up with current demand
- office space for bookkeeper will be created in the second floor of the barn
- a public bathroom will be added to the first floor of the barn
- propose adding approximately 500 feet of publicly accessible space (may be used for seating but will not be adding seats, instead will be moving seats from the deck to barn in winter)
- currently the store accommodates 7 seats and the deck has 24 seats
- the space in the store left vacant by the bakery will be used by the deli

Area calculations on the application are unclear and the board has asked the applicant to submit updated information including current square footage and use allocations of the store and square footage of the areas within the barn under consideration for the proposed uses.

Applicant has not determined a timeframe for the project.

In 1985, the deck and cooler were permitted. The barn is currently used for storage and recycling. The water for the property is supplied from a well located in front of the barn. The store is hooked up to municipal sewer system and the applicant is in the process of getting the necessary approvals to add the barn with the proposed uses (bakery & restroom).

No new employees are anticipated with the proposed expansion into the barn, though they are currently planning to hire another baker to accommodate the current operation needs.

The board requested that the dumpster area be added to the site plan including size, location, access, and updated parking plan since the dumpster area will displace one or more parking spaces.

PUBLIC INPUT

Mr. Elliott asked how the board would be addressing parking and traffic. He is concerned that the expanded use would increase the number of patrons and traffic. Parking is a severe problem in the village.

Ms. Cheney objected to the current sloppy parking situation at the store; believes the parking in the village is not adequate; stated on busy weekends cars park in front of her house; feels the gazebo area is a disgrace, people park in there, and it is not maintained; questioned the elimination of parking spaces behind the Lippincott house; and asked the board to adhere the specific parking standards.

Mr. Monte replied that at the time the four parking spaces were eliminated from behind the Lippincott house the store had adequate parking on site and at the municipal parking lot. The applicant will have to show there is adequate parking for the new use of the barn.

Ms. Carter stated that this past weekend should have been a quiet weekend and there were cars parked all over the place.

Ms. Roth asked if there were restrictions against parking on the roads.

Mr. Behn pointed out that parking along the street and traffic congestion has a calming effect on the speed of the traffic in the village.

Ms. Cheney feels it is this boards responsibility to make sure there is adequate parking before a business is allowed to grow.

Mr. Monte pointed out the §4.2 which supports adaptive reuse of historic structures.

The board asked the applicants to submit an updated site plan and written narrative addressing the criteria under §5.3(A) and §5.3(B), paying close attention to, but not limited to, the following: vehicle circulation and access between the store and barn and abutting building; pedestrian access from the store to the barn; vehicle parking between the store and barn; outdoor storage for the dumpster and recycling (size & location of enclosure/shed); landscaping and screening between the store and barn and surrounding area; protection of natural resources especially during construction; erosion control especially during construction; surface water protection especially during construction; exterior lighting of the barn and surrounding area; and performance standards. Applicant should also address applicable criteria under §5.3 (C) (2) – *District Standards for Warren Village*.

Mr. Markolf reminded the applicants the VT Dept. of Labor and Industry will need to be contacted regarding State requirements for public buildings.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom to continue the hearing to the evening of July 24, 2002. VOTE: unanimous; motion carried.

IV. OTHER BUSINESS

a) Signing of minutes

Motion by Mr. Monte, seconded by Mr. Markolf to approve the May 22, 2002 meeting minutes as submitted. VOTE: unanimous; motion carried.

b) Review Clapp cutting/planting plan

Phil Clapp came before the board.

A site visit was conducted at 5:45 p.m. prior to this meeting. David Markolf, Peter Monte, Phil & Mireille Clapp, and Margo Wade attended. The group observed the proposed cutting area, flagged trees to be saved, area already cut, and the proposed location of the garage.

The garage site has been moved from the originally proposed location, which was located behind the dwelling. The new location is northwest of the dwelling further along the driveway.

The board reviewed the cutting plan dated May 13, 2002 and detailed cutting and planting plan dated June 1, 2002 submitted by the Clapps. Mr. Behn requested that the identified trees on the June 1, 2002 plan included species of the indicated trees.

Ms. Wade reported that she had visited the site with Russ Barrett, the Washington County Forester, and submitted a written summary of their discussion of the condition of the trees.

There was general discussion about how the ZA will enforce the plans today and/or in 10 years, and how to standardize cutting and planting requirements for properties in the forest reserve.

Mr. Monte reminded the applicant that the original site plan indicated a silt fence would be installed surrounding the development area, which was not evident today during the site visit. He also pointed out that the garage may require further review once the applicants have decided on the location and trees to be cut to accommodate the garage.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to approve the submitted cutting plan dated May 13, 2002 and detailed cutting and planting plan dated June 1, 2002 with the following conditions:

1) Within 30 days of the approval of these minutes the applicant will identify on the Board approved plan the species of the indicated trees on the June 1, 2002 plan.

2) Apart from the indicated "cutting area" and the area within 30 feet of the dwelling and proposed garage, the remainder of the property is designated as a "no-cut area."

3) In the no-cut area diseased, dead or dieing, or unsafe trees or trees under 6" diameter at breast height (dbh) may be cut.

4) Up to 20 trees, over 6" dbh, that are diseased, dead or dieing or unsafe, may be cut in the no cut area in any given year without written notice to the Zoning Administrator (ZA).

5) Cutting of more that 20 trees, over 6" dbh, that are diseased, dead or dieing, or unsafe in the no-cut area can only be done 30 days after written notification has been given to the ZA.

6) Within that 30-day period, the ZA may request that the applicant mark the trees to be cut.

7) Within the cutting area, 10% of the undergrowth will be allowed to grow in a natural state.

8) If any of the trees designated on the plan within the cutting area are to be cut for any reason, notice shall be given to ZA, and the removed tree will be replaced with a 5 foot tall tree of the same species unless within 10 feet of the tree to be removed the under story is sufficiently regenerating to replace the tree.

9) Any tree that is in a dangerous condition, blocking access or threatening utilities lines may be cut without prior notice anywhere on the property.

VOTE: unanimous; motion carried.

c) Municipal Waste Water – permitting process discussion
Dick King came before the board.

Mr. King and the board generally discussed the village waste water system and the municipal permitting process. The town will be the property owner and applicant of record for the project. The Project requires conditional use review under Article 5. Mr. King will request that the project engineer attend the public hearing. A public hearing was scheduled for July 10, 2002. Because the board and Mr. King were not sure how much public participation to anticipate the full meeting was allocated to the hearing.

d) Bennett mylar

After reviewed of the submitted mylar the board requested that a new mylar be submitted with the approved changes properly incorporated rather than the submitted mylar, which had the changes erased off the mylar after it was printed. The board did not feel comfortable accepting a manipulated mylar since a mylar is supposed to be a final and permanent record.

V. ADJOURNMENT

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

The meeting adjourned at 10:15 p.m.

Respectfully submitted,
Margo B. Wade
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Chris Behn (date)

Eric Brattstrom (date)

Lenord Robinson (date)

David Markolf (date)

Peter Monte, Chair (date)