

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
JUNE 26, 2002**

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

OTHERS PRESENT: Elizabeth Graves, Patrick Thompson, Lerch Contractor; Robert
& Elizabeth Hansen, Lerch Abutters; Rosie Laquerre, DRB
Secretary Pro Tem.

AGENDA:

- 1) 7:30 p.m. Call to Order
- 2) Public Hearing – Graves Subdivision Amendment
- 3) Public Hearing – Raston, VT, Inc./Lerch Conditional Use
- 4) Other Business:
 - a) Signing of Minutes
 - b) Review/approval of Lemmon plat

I. CALL TO ORDER

Mr. Monte called the meeting to order at 7:32 p.m.

II. PUBLIC HEARING – GRAVES SUBDIVISION PERMIT

Application #2002-07-SD submitted by James & Elizabeth Graves seeking approval to amend a previously approved subdivision, specifically to relocate the house site and extend the driveway on Lot-2 of the Long Associates 2-lot subdivision (permit #1998-5-SD). The 29 +/- acres property is located on the north side of the Sugarbush Access Road in the Rural Residential District and requires review under Articles 6&7 of the Warren Land Use & Development Regulations. Applicants also request waiver of initial meeting.

All members, except Mr. Robinson, participated in a brief site visit that was conducted at 7:10 PM on June 26, 2002. Inclement weather prevented a complete walk through of the property, however Mrs. Graves provided a plat to the board depicting the property. The applicant is requesting an amendment to the subdivision permit. During the initial review by the Developmental Review Board, it was found that the house placement was on too high a grade and there was a question relative to the location of the turnout.

Mrs. Graves noted that the current deed contains protective covenants that stipulate that there can be no more than one single family residence per lot, that there shall be no further subdivision of Lots 1 or 2, and that clear cutting on the lots is to be confined to no more than 3 acres per lot in accordance with the conditions of the Warren Subdivision Approval dated 11/09/98.

Mr. Behn asked if the specific house site was permitted earlier, and suggested that the Board may wish to amend the previous site plan to accommodate the suggested changes.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, pursuant to §6.1(C)(1) this application be reviewed as a minor subdivision. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Monte that the Board finds the application complete upon receipt an updated plan. VOTE: 4 ayes, 1 abstain (CB); motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson to waive preliminary plat review and proceed to §6.4 final approval for application. VOTE 4 ayes, 1 abstain (CB); motion carried.

The board advised the applicant that any changes in the plat should be clearly noted. Within 90 days, the applicant must forward a mylar copy to the Board for final review. There was discussion relative to §7.2 General Standards

MOTION by Mr. Monte, seconded by Mr. Brattstrom that §7.2(A), (B), and (C) are not relevant to the change requested by the applicant. VOTE: unanimous; motion carried.

It was noted that §7.2(D) requires that the setbacks be clearly drawn with arrows and 7.2(E) should be changed to show a rectangular shaped “building envelope” rather than a specific footprint. It was suggested that a corner of the building envelope should be tied on the plan by bearing to a monument on the legally defined septic easement on the property.

MOTION by Mr. Monte, seconded by Mr. Brattstrom that §7.2 (D) density and lot layout of the application be approved with the above-noted changes. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to approve a 200' x 200' building envelope as satisfaction of §7.2(E) and (F) on the approximate site of the dwelling on the final plan. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn, to require as a condition of the approval clear cutting of no more than 3 acres unless already included in the 11/09/98 Planning Commission approval. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, that §7.2(G) and (H) are not applicable to this application. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn, that §7.3 and §7.4 not applicable to this application. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Markolf, that pursuant to §7.5, the applicant must follow all applicable standards for erosion control measures during any site excavation and driveway construction. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf that §7.6 is not applicable to this application. VOTE: unanimous; motion carried.

Relative to §7.7(B), Mr. Markolf voiced concerns that had been brought to the owner's attention by way of correspondence from the Fire Department. The correspondence indicated that the proposed turnout be relocated as far uphill as possible

MOTION by Mr. Markolf, seconded by Mr. Behn that the turnout be relocated to a point between elevation lines 240 and 250 and that the applicant must adhere to the radius recommendations as noted in the letter from the Fire Department, and

that the radius of the driveway turns must conform to the Fire Department requests, which will be stated on the mylar. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Monte that §7.7 is satisfied due to changes just voted on under §7.7(B) above. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom that with no changes in number of bedrooms requested, §7.8 is not applicable. There was discussion relevant to the change in the sewer system design. The design had been changed from pumping station to gravity fed. The motion was WITHDRAWN.

MOTION by Mr. Behn, seconded by Mr. Markolf, pursuant to §7.8, that the applicant submit an amendment to the current Town health permit due to the change in design to town official, Mike Mayo. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §7.9, that all utilities be installed underground from the boundary of Lot 2 to the inside of the dwelling. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf that §7.10 is not application to this application. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn that the amendment requested for the subdivision be approved subject to DRB receipt of a mylar plat, with the changes discussed above, subject to the conditions voted upon above, and subject to amendment of the Town Health Permit. VOTE: unanimous; motion carried.

III. PUBLIC HEARING CONTINUATION RASTON VT, INC./LERCH – CONDITIONAL USE REVIEW

Application #2001-103-MM submitted by 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.

Mr. Monte opened the discussion by describing the site visit made by the board on June 5, 2002 at approximately 10:30 p.m. He indicated that the property owner had turned on all driveway lights, but the flagpole light was not illuminated, nor was the fixture located at the edge of the parking area. It was the general consensus of the board that the lighting was excessive due to the degree of illumination going off the premises and the direction of the lighting pointing upward. §5.3(B)(10) refers to §3.9, which speaks to the degree of lighting permitted for outdoor lighting.

MOTION by Mr. Markolf and seconded by Mr. Behn that the application be found non-compliant pursuant to §5.3(B)(10). VOTE: unanimous; motion carried.

Mr. Thompson informed the board that the applicant has replaced bulbs in the fixtures with 50-watt metal halide bulbs, now producing only 2400 lumens versus the former 75-watt bulbs producing up to 5300 lumens.

Robert and Elizabeth Hanson, when asked by the board to describe their overall experience with the lighting, noted that there seemed to be no difference at all in the brightness. They had also observed that the flagpole light is in use, and is pointed upward. Mrs. Hanson voiced her objection, after the 50-watt bulbs were installed, to the use of halogen lights for this environment, and stated that she does not feel it is in keeping with the neighborhood. She also noted that the lights are not downcast.

Mr. Thompson stated that he has received some diffuser lenses from the lighting manufacturer and is willing to install them to minimize the brightness from the fixtures. Mr. Behn questioned whether the ultimate result of downcast light as required in the regulations could be achieved using this method.

Mrs. Hanson asked why the owners of the property want the lights. Mr. Thompson responded that the owner cites security reasons and personal taste. Mr. Hanson pointed out that although “The Farms” development further down the road has some lighting at the entrance, there is no further lighting up the road to the development. He also suggested that the use by the owner of the lighting system may be in violation of §3.9(A), which addresses unnecessary use of electric power. Mr. Thompson responded that lower wattage bulbs have been installed in the fixtures.

Mr. Thompson proposed that he would install the diffuser lenses on one fixture, leave one fixture as installed with the 50-watt bulb, and adjust the lenses on other fixtures so that the board would have the information necessary for comparison. The board requested that the fifth fixture near the edge of the parking area and the flagpole fixture be operational at the time of the site visit. The board will visit the site late on the evening of July 10 after its regularly scheduled meeting in order to observe the illumination of the fixtures.

MOTION by Mr. Monte, seconded by Mr. Behn to recess the hearing to July 10 in order to perform an additional site visit. VOTE: unanimous; motion carried.

The site visit will occur at the conclusion of the July 10 hearing.

IV. SIGNING OF MINUTES

Upon reviewing the minutes of the meeting held on June 5, the following changes were made:

Add: Rudy Elliott to those listed in the “Others Present” section.

On Page 2 under Public Input, lumens and watts should refer to the type of light being used (50 watt Metal Halide vs. Halogen)

On page 4 in the third to last paragraph relating to the store discussion, the minutes read that the “store is hooked up to municipal system”. Please add the word “sewer” between the words municipal and system.

On pages 6&7 to incorporate Mr. Monte’s clarifications to the Clapp cutting plan.

MOTION by Mr. Behn, seconded by Mr. Robinson to accept the minutes of the meeting dated June 5, 2002, with the above amendments. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf to adjourn the meeting. VOTE: unanimous; motion carried, and the meeting was adjourned at 9:06 p.m.

Respectfully submitted,
Rosie Laquerre, CPS
Secretary Pro Tem
Warren Developmental Review Board

DEVELOPMENT REVIEW BOARD

Chris Behn (date)

Eric Brattstrom (date)

Lenord Robinson (date)

David Markolf (date)

Peter Monte, Chair (date)