

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
JULY 2, 2003**

- MEMBERS PRESENT:** Peter Monte, Chair; David Markolf, Vice Chair; Lenord Robinson, Chris Behn.
- OTHERS PRESENT:** Kenny & Fran Blair, subdivision Applicants; Robert Meany & Laura Arnesen, river setback Applicants; Marty Gubernick, potential buyer of Blair property; Peter & Suzanne Sanborn, Blair property abutters; Shannon Hill, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 Call to Order
  - 2) 7:30 Meany River Setback
  - 3) 8:30 Blair 3-Lot Subdivision Warned Hearing
  - 4) Signing of Minutes & Decisions

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**I. CALL TO ORDER**

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

**II. MEANY RIVER SETBACK**

Application # 2003-45-CU submitted by Robert Meany & Laura Arnesen seeking approval to build a garage within the 100 foot setback from the river. The property is located on Hanks Road in the Rural Residential District. This project requires review under *Article 5, Development Review*, of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

**STAFF REPORT**

Mr. Monte read the legal warning which ran in the June 11, 2003 issue of the *Vermont Journal*.

Mr. Monte stated that a site visit took place on July 2, 2003 at 7:00 PM. Present at the site visit were DRB board members Dave Markolf, Peter Monte, Chris Behn and Lenord Robinson. Others present at the site visit were Robert Meany, Laura Arnesen and Shannon Hill, DRB/PC Assistant. During the site visit the board members discussed the dimension and design of the garage and the surface water drainage off the proposed garage site.

**APPLICANT COMMENTS**

Robert Meany & Laura Arnesen presented the project to the board. They are proposing to build a 38" long by 24" wide by 24" tall garage. The garage would be located a minimum of 50 feet from the bank of the river. The drainage from the proposed garage area is already directed away from the stream.

Mr. Meany submitted a drawing indicating the dimension and design of the proposed garage. He stated that the garage would be built to look like a barn, be painted or stained using earth tones.

PUBLIC INPUT

There was no public input.

DELIBERATION/DECISION

**MOTION by Mr. Markolf, seconded by Mr. Monte, that the application is complete. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Markolf, that the application be required to maintain the existing drainage pattern on the easterly side of the driveway where the surface water is drained to the east, away from the stream. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §3.13 (A) thru (D), that the project, as presented and subject to the conditions contained herein, conforms with the standards for Surface Water Protection. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Robinson, pursuant to §5.3 (A)(1), (4) & (5), to find the proposed development will have no adverse impact on the capacity of existing or planned community facilities or services, bylaws now in effect or the utilization of renewable energy sources. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Robinson, pursuant to §5.3 (A)(2) & (3), to find the proposed development will have no adverse impact on the character of the neighborhood or on traffic on roads and highways in the vicinity. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Robinson, that the siding and roof on the proposed development will be muted earth tones. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Robinson, pursuant to §5.3 (B)(2) thru (6), to find the proposed development is not applicable to the standards for traffic circulation and access, bicycle and pedestrian access, parking and service areas, outdoor storage and display and landscaping and screening. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (B)(7), (8) & (9), to find the proposed development, as presented and subject to the conditions contained herein, has met the standards for protection of natural resources, erosion control and surface water protection. VOTE: unanimous; motion carried.**

The applicant will use hay bails to prevent sediment from reaching any surface water during construction.

**MOTION by Mr. Behn, seconded by Mr. Robinson, pursuant to §5.3 (B)(10) to require that any outdoor lighting on the development be downcast, limited to the North side of the structure and comply with §3.9, *Outdoor Lighting*, of the WARREN LAND USE & DEVELOPMENT REGULATIONS. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (B)(11), (C)(1) thru (4) & (D)(1) thru (12), to find the proposed development is not applicable to the performance standards, district standards or the flood hazard overlay district standards. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Behn, to grant application # 2003-45-CU, subject to the conditions contained herein. VOTE: unanimous; motion carried.**

### **III. BLAIR 3-LOT SUBDIVISION**

Application number 2003-05-SD submitted by Kenny & Fran Blair seeking approval of a 3-Lot subdivision of 310 +/- acres into Lot 1 (130 +/- acres), Lot 2 (60 +/- acres) & Lot 3 (120 +/- acres). The property is located at the intersection of Fuller Hill Road and Plunkton Road. The applicant has requested a waiver of the initial sketch plan review and wishes to proceed directly to the final plat approval. This project requires review under Article 6, *Subdivision Review*, and Article 7, *Subdivision Standards*, of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

#### **STAFF REPORT**

Mr. Monte read the legal warning which ran in the June 11, 2003 issue of the *Vermont Journal*.

Mr. Monte stated that a site visit took place on July 2, 2003 at 6:30 PM. Present at the site visit were DRB board members Dave Markolf, Peter Monte, Chris Behn and Lenord Robinson. Others present at the site visit were Kenny & Fran Blair, Marty & Robin Gubernick, and Shannon Hill, DRB/PC Assistant.

#### **SITE VISIT**

During the site visit Mr. Blair discussed his plan for the subdivision. He explained that Lot # 1, along with the farmhouse and barn, is slated to be sold to Marty & Robin Gubernick. The Gubernick's who wish to return the property to a working farm and are willing to maintain the existing leases with both Blueberry Lake XC Ski Area and the Defreast Farm for use of the land. The land that is presently in the state current use program will remain in the program. The Blair's intend to give Lots #2 and #3 to their two children so they can each built one house. Mr. Blair stated that if the local regulations were in line with the state regulations the land would already be subdivided by Plunkton Road and Fuller Hill Road.

Mr. Monte explained that Mr. Blair could avoid the subdivision process if the town owned Plunkton Road and Fuller Hill Road. It is unknown whether the town has a deeded right of

way or owns these roads. Mr. Monte believes that if the roads were deeded to the town that the Blair property would already be four separate parcels. Mr. Blair stated that he would look into the ownership of the road and report back to the DRB.

#### APPLICANT COMMENTS

Mr. Blair explained that there would be conditions written into the deed when the land is transferred to the Gubernick's. One of these conditions would state that the land could not be further subdivided.

#### PUBLIC INPUT

Mr. and Mrs. Sanborn, Blair property adjoiners, expressed their concern for the duration of the property remaining in the current use.

#### DELIBERATION/DECISION

**MOTION by Mr. Markolf, seconded by Mr. Monte, that the application is complete and the waiver of the Sketch Plan Review is approved. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §7.2 (A), to find the proposed subdivision will not adversely affect the character of the land. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §7.2 (B) thru (G), to find that since the applicant is not proposing any development that the proposed subdivision is not applicable to the standards for conformance with the Town Plan, compatibility with existing settlement patterns, density and lot layout, establishment of a building envelope, landscaping and screening and energy conservation. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Markolf, that the applicants' testimony referring to the future use (s) of the property are not meant to be conditions of this permit. Therefore §7.2 (H) is satisfied. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §7.3 (A), (B) & (C), to find that based on the submittal material and testimony that the criteria for protection of primary and secondary conservation areas is met. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §7.4, §7.5, §7.6, §7.7, §7.8, §7.9 & §7.10 to find that the proposed subdivision is not applicable to the standards for open space, common land, stormwater management, erosion control, community services, community facilities, roads, pedestrian access, water supply, wastewater disposal, utilities and signs. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Behn, to continue the Blair 3-Lot**

**subdivision hearing on July 16, 2003 at 7:30 PM. VOTE: unanimous; motion carried.**

**IV. ADJOURNMENT**

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

The meeting adjourned at 9:05 PM.

Respectfully submitted,  
Shannon M. Hill  
DRB/PC Assistant

**DEVELOPMENT REVIEW BOARD**

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

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Lenord Robinson (date)

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David Markolf (date)

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Peter Monte (date)