

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
JULY 9, 2003**

**MEMBERS PRESENT:** Eric Brattstrom, Virginia Roth, Jeff Schoellkopf.  
**OTHERS PRESENT:** Cynthia Carr, Dexter Leflavour, Ward Representative; Jim Hendershot and Mary Zeleski, Ward Property Adjoiners; Tom Clark, Robert Neuberger; Shannon Hill, DRB/PC Assistant.  
**AGENDA:**  
1) Call to Order  
2) 7:30 Ward 2-Lot Subdivision  
3) 8:30 Neuberger Residential Addition in the Forest Reserve District  
4) Signing of Minutes & Decisions

---

**I. CALL TO ORDER**

Ms. Roth called the meeting to order at 7:46.

**II. WARD 2-LOT SUBDIVISION**

#2003-04-SD submitted by Holly Ward seeking approval of a 2-lot subdivision of 24.5 +/- acres consisting of Parcel 1 (16.5 +/- acres) & 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**

This is a continuation of the June 4, 2003 meeting.

**APPLICANT COMMENTS**

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

Ms. Carr reported that she has redesigned the driveway configuration in order to minimize the encroachment on the meadowland. She applied for and received two curb cut permits from the Selectboard so that each house could have its own driveway.

The new Site Plan has a more defined building envelope, 5-foot contour intervals on the land to be developed, the approximate location of the Hendershot's spring rights and the clearing limits.

**PUBLIC INPUT**

The adjoining property owners, Jim Hendershot and Mary Zeleski, are pleased with this solution because it minimizes the impact and encroachment on their property.

**DELIBERATION/DECISION**

**MOTION by Mr. Schoellkopf, seconded by Ms. Roth, to find that that the application submitted by Holly Ward for a 2-Lot subdivision of 24.5 +/- aces is complete. VOTE: unanimous; motion carried.**

**MOTION by Mr. Brattstrom, seconded by Ms. Roth, to find that the driveway on Lot 1 must be located within 50 feet of the property boundary that is labeled**

**N36°W in order to minimize the impact on the meadowland. The remainder of the driveway must be built within 15' of where it is shown on the final Plat. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.2 (A) thru (E), to find the proposed development satisfies the criteria for character of the land, conformance with the Town Plan, compatibility with existing settlement patterns, density and lot layout, establishment of a building envelope. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.2 (F), to require the applicant to submit for approval by the DRB a screening plan before cutting any trees on Lot 1. Only dead and diseased trees may be cut on Lot 1. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.2 (F), to require the applicant to maintain a 100' wide no cut zone on Lot 2 along the East Warren Road and the adjacent property currently owned by Hendershot and Zeleski. Only dead and diseased trees may be removed from this area. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.2 (F), to find that the project, as presented and subject to the conditions contained herein, conforms to the standards for Landscaping and Screening. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, to find that there may be no further subdivision of Lot 1 or Lot 2. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.2 (G) & (H), to find the proposed development satisfies the criteria for energy conservation and disclosure of subsequent development plans. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.3 (A) thru (C), to find that given the location of the proposed development and that minimizes the impact on the meadowland, that the criteria for protection of primary and secondary conservation resources have been met. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Ms. Roth, pursuant to §7.4 (A) thru (D), to find the proposed development is not applicable to the standards for open space and common land. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.5 (A) thru (J), to find the proposed development satisfies the criteria for stormwater**

management and erosion control. **VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.6 (B), to find that the final approval of the project will not become valid until the DRB has received a letter of support for the project, as modified, from the Warren Fire Department. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.6 (B), to find that the final Plat shall indicate a turn around area with a “Y” or a “T” configuration or a cul-de-sac with an inside turn radius of not less than 30 feet. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.6 (A) thru (C), to find that the project, as presented and subject to the conditions contained herein, conforms to the standards for community services and facilities. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.7 (A) thru (O), to find that the project, as presented and subject to the conditions contained herein, conforms to the standards for applicability of road standards, road design, road construction, intersections, drainage and stormwater, coordination with adjoining properties, access permits, access management, traffic and road capacity, road names and signs, driveways, modification of road standards, parking and transit stops, pedestrian access and legal requirements. VOTE: unanimous; motion carried.**

The DRB has been informed that the adjoining property owners, currently Jim Hendershot and Mary Zeleski, have deeded access to a spring that runs through Lot 2. The DRB has not seen said deed.

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, to find that the subdivision is conditioned on the receipt of all state and local permits as required including health & curb cut permits. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.8 (A) thru (F), to find that the project, as presented and subject to the conditions contained herein, conforms to the standards for water supply and wastewater disposal. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to 7.9 (A) to require all new utilities on both Lot 1 and Lot 2 to be underground. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.9 (A) & (B), to find that the project, as presented and subject to the conditions contained herein, conforms to the standards for utilities. VOTE: unanimous; motion**

carried.

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §7.10 (A), to find that the project is not applicable to the regulations for signs. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Ms. Roth, to find the application submitted by Holly Ward for a 2-Lot subdivision of 24.5 +/- acres to be approved subject to the conditions contained herein. VOTE: unanimous; motion carried.**

### **III. NEUBERGER CONDITIONAL USE**

#2003-11-ZP submitted by Robert Neuberger seeking approval for a residential addition. The property is located on Roxbury Gap Road in the Forest Reserve District. This project requires Conditional Use Review under Article 5 of the *Warren Land Use & Development Regulations*.

### **STAFF REPORT**

This is a continuation of the June 4, 2003 hearing.

### **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.

Mr. Neuberger reported that he has redesigned the house to minimize the visibility and further encroachment on the setbacks. He feels that, since he does not have a garage, he has an undue hardship. The colors of the house would be brown or dark gray to fit in with the surrounding forest.

### **GENERAL DISCUSSION**

Ms. Roth expressed concern about the public reaction, should the DRB approve this project.

Mr. Schoellkopf feels that the house is already there and the forest is not going to be further fragmented by this addition and finds no guidance on how much of an addition is reasonable in this district on small, preexisting lots.

The DRB would like the utilities, well, septic tank and locations of all proposed exterior light fixtures indicated on the Final Site Plan. During the hearing they were incorporated and the Site Plan was approved as complete.

The total acreage of the Neuberger's Lot, including the Town Right of Way, is 1.47 +/- acres. The Town of Warren Land Use and Development Regulations state that the Maximum Lot Coverage is 2% in the Forest Reserve District. The Lot Area, as defined, does not include the area that is allocated for the town right of way. Therefore, the total lot area is 1.17 +/- acres and the maximum lot coverage is approximately 1,010 ft<sup>2</sup>.

The DRB decided to consult legal council on the interpretation and enforcement of the maximum lot coverage issue.

**Motion by Mr. Shoellkopf, seconded by Mr. Brattstrom, to continue the hearing to July 23, 2003. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Ms. Roth, to find that that the application submitted by Mr. Neuberger requesting approval of a residential addition in the Forest Reserve District is complete. VOTE: unanimous; motion carried.**

DELIBERATION/DECISION

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §5.3 (A)(1) thru (5), to find the proposed development satisfies the criteria for the capacity of existing or planned community facilities and services, character of the neighborhood or area affected, traffic on roads and highways in the vicinity, bylaws now in effect, the utilization of renewable energy resources. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §5.3 (B), to require the roof, siding, windows and trim of any development to be muted earth tones. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §5.3 (B), to require that no portion of the new structure shall be taller than the existing structure. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §5.3 (B)(2) thru (5) to find that the proposed development is not applicable to the standards for traffic circulation and access, bicycles and pedestrian access, parking and service areas and outdoor storage and display. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §5.3 (B)(6), to require that all areas designated on the Site Plan as wooded areas shall be designated as no cut zones. The only trees that may be cut in this area are those that are dead or diseased or those within 15 feet of the proposed development to facilitate the construction. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, pursuant to §5.3 (B)(6), to require the applicant, before the commencement of construction, to plant 5-6' tall conifers along the right of way line for Roxbury Mountain Road. The trees must be planted and maintained in 25' intervals along the road to the southwest of the designated wooded areas. VOTE: unanimous; motion carried.**

No planting is required along the southeast of the driveway due to the shallow depth to bedrock making it an unsuitable site for trees.

**MOTION by Mr. Schoellkopf, seconded by Ms. Roth, pursuant to §5.6, 5.7, 5.8 & 5.9, to find that the project, as presented and subject to the conditions contained herein, conforms to the standards for landscaping and screening, protection of natural resources, erosion control and surface water protection. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Ms. Roth, pursuant to §3.9, to find that there may be no more than 2 lights on each of the North and West elevations of the house and that all outdoor lighting must comply with the standards in Section 3.9, *Outdoor Lighting*. VOTE: unanimous; motion carried.**

**MOTION by Mr. Schoellkopf, seconded by Mr. Brattstrom, to find that the project must comply with the standards set forth in Section 3.11, *Performance Standards*. VOTE: unanimous; motion carried.**

**IV. OTHER BUSINESS**

a) Approval of meeting minutes

**MOTION by Mr. Brattstrom, seconded by Mr. Roth, to approve the June 4, 2003 meeting minutes as submitted/corrected. VOTE: unanimous; motion carried.**

**MOTION by Ms. Roth, seconded by Mr. Brattstrom, to approve the Mill Brook Imports Inc Decision. VOTE: unanimous; motion carried.**

**V. ADJOURNMENT**

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

The meeting adjourned at 11:15 p.m.

Respectfully submitted,  
Shannon M. Hill  
DRB/PC Assistant

**DEVELOPMENT REVIEW BOARD**

\_\_\_\_\_  
Eric Brattstrom (date)

\_\_\_\_\_  
Virginia Roth (date)

\_\_\_\_\_  
Jeff Schoellkopf (date)