

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
JULY 10, 2002**

- MEMBERS PRESENT:** Chris Behn, Eric Brattstrom, David Markolf, Vice Chair; Lenord Robinson, Jason Heroux.
- OTHERS PRESENT:** Kim Crosby, SB Assistant; Mac Rood, Ken Blair, Barry Simpson, Warren Selectboard; Don Phillips, Kevin Camara, FA&A; Anita Kellman, Project Coordinator; Dick King, Project Attorney; Sue Carter, Dorothy Tod, Alice Cheney, Rudy Elliott, Village residents and property owners; Michael Henzel, Ed French, MW Enterprises Representatives; Jim Caffry, LBO, LLC Representative; Robert & Elizabeth Hansen, Raston/Lerch Abutter; Pat Thompson, Raston/Lerch Representative; Margo Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
  - 2) Public Hearing: Village Wastewater System – Conditional Use Review application for the municipal wastewater system
  - 3) Public Hearing On Waiver Request: LBO, LLC & MW Enterprises (currently Rosita’s formerly Miguel’s) Review waiver requests for a proposed subdivision
  - 4) Public Hearing Continuation: Raston, VT/Lerch – Conditional Use Review - Second site visit to be conducted at approximately 10:00 P.M.
  - 5) Other Business:
    - a) Signing of minutes & Graves decisions

---

**I. CALL TO ORDER**

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

**II. PUBLIC HEARING: WARREN VILLAGE WASTEWATER SYSTEM**

Application #2002-39-ZP submitted by the Town of Warren seeking approval to amend Permit #1997-52-MM for the Warren Village Sewer System. The project is located in Warren Village in the Warren Village Commercial, Warren Village Historic Residential and Rural Residential Districts. The project requires Conditional Use Review for a wastewater treatment/collection facility under Articles 5- *Development Review*, of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

Mr. Phillips, Mr. Camara, Ms. Kellman, and Mr. King came before the board on behalf of the applicant.

**STAFF REPORT**

Mr. Markolf read the public notice, which ran in the June 18, 2002 issue of the Valley Reporter.

**APPLICANT COMMENTS**

Mr. Phillips delivered a brief overview of the project. The Town of Warren has been investigating solutions for village wastewater problems for the past 10 years. In 1999, the Town received a National On-Site Demonstration grant from the U.S. Environmental Protection Agency to evaluate decentralized and on-site systems solutions. After evaluation of the current village systems the project consultants recommended a combination of individual on-site systems, both conventional and innovative, along with a range of small to large cluster systems.

Mr. King added that need for the project was high since only 4 of the 95 village properties evaluated for the project had adequate systems. This number does not include the existing properties hooked up to the existing wastewater system. Mr. Phillips added that 16 water supplies showed sign of E.coli or nitrate contamination. Total capacity need is estimated using the State standards and the knowing current capacity of the existing structure and bedroom base.

Contract 1: Expansion of the Brooks Field disposal fields and connection of properties highlighted in yellow on the project site plan.

Contract 2: All village wastewater solutions that do not connect to Brooks Field. The solutions range from small cluster systems to individual on-site systems. These properties are highlighted in blue and pink on the project site plan.

The Elementary School wastewater system failed last year and was replaced with an innovative system, which is also funded through the grant.

Mr. Phillips estimates construction to begin in spring 2003 for Contract 1 and fall 2003 for Contract 2. He estimates construction for both contracts to be complete by late fall 2003.

The existing infrastructure is located along Main Street between Brook Road to the Fire Station, along Brook Road to the eastern Connell property, and forced main running from the Connell property to the Brooks Field, therefore these portions of roadway will not be under construction next year. The size of the existing forced main is large enough to accommodate the additional flows.

Construction for Contract 1 will take place along Main Street from the Post Office south to the Dawson property, along Main Street from the intersection of Brook Road north to the Hubbard property, along Brook Road east to the Berman property, along Flat Iron from Main Street to Brook Road, along Covered Bridge Road from the Butler property to the Sharry property, and on School Road across from the Town Garage. The existing storage tank located at the Pitcher Inn parking lot will be replaced with a larger tank to accommodate capacities estimated for emergency power outages up to 4 hours as required by the State.

Construction for Contract 2 will take place along Trout Hollow Road, the northern end of Main Street between the Mad River and Rt. 100, the eastern end of West Hill Road between

Rt. 100 and the intersection of Ellen Lane, and along the southern end of Main Street between the Peters, Dettor and Newcomb properties.

Mr. Behn asked for clarification about the directional boring under the river and whether possible removal of the dam and change in topography of the riverbed had been taken into consideration. Mr. Phillips explained that DuBois & King are studying the dam situation and estimate the riverbed may be 5 feet lower in the event the dam is removed. FA&A has doubled that depth therefore the boring will be 10 feet below the current bed level. The actual 2" low-pressure sewer pipe will be sleeved within a second 4" steel pipe for additional protection.

Mr. Markolf asked for description of the above ground visual entities of the project. Mr. Phillips responded that those entities would include:

- Flat Iron Road pump station, electrical control panel, and pedestal
- Enlarge the electrical control panel, an additional vent pipe and antae at the Brooks Field
- The sewer pipe will be attached to the Brook Road Bridge #7 along the downstream side of the steel girder
- Step system control panels and septic tank access covers, which will be flush with the ground
- Antennae located off Brooks Field and Pitcher Inn utility poles
- Utility shed at the Town Garage

System designs for Contract 2 have not been finalized to date.

During the anticipated May 2003 to November 2003 construction period along the roadways the following measures will be take:

- Flaggers to direct traffic
- One lane will always be kept open, except during any blasting
- In addition, more details specified in the construction contract

The construction contract is in the drafting phase and review process and will be released shortly. Included in the contract are 100% performance and payment bonds along with a number of similar insurances and requirements stipulated with the State and Federal grant monies.

Radio telemetry will be employed to monitor the system rather that hard wiring the system. This method was chosen partially based on cost and close proximity of project.

Mr. Markolf asked if the system is being designed to accommodate future expansion of the village. Mr. King explained the system would accommodate the existing demand within the village, whether or not the properties have signed on to the project to date. It is not being designed to accommodate future growth. The system being permitted by the State as a "best fix" based on the existing structures and bedroom base.

The forced main and expanded Pitcher Inn holding tank can handle some additional flow.

Mr. Markolf asked if fire hydrant line would be installed at the same time as the sewer pipes. Mr. Phillips stated that he was aware of a question regarding accommodation of a water line running in the jack and bore under the river and stated that those discussions will have to go before the Selectboard for final determination. There was discussion of a pond at the Town gravel pit and running a water line down to the village.

Mr. Heroux asked why all users are not going to Brooks Field. Mr. Phillips briefly explained the feasibility study method, which included identifying potential sites for offsite clusters and pointed out that this is an on-site demonstration project not a project to determine the total capacity of Brooks Field. More properties are going to Brooks Field that originally anticipated in the preliminary design phases of the project.

#### PUBLIC INPUT

Mr. Elliott had questions regarding considerable ledge found at the Brooks Field, use of the gravel pit for a disposal area rather than as a source of gravel for the Town, and funding for the system. Mr. Phillips responded that some ledge was found at Brooks Field at the 80'-90' depth and more geologic field data would be reviewed next week. Mr. Simpson responded that the remaining gravel in the pit does not have sufficient value as road material. The project will cost approximately 4 million of which 83K will be paid by the Town (approved at Town Meeting 02) with the remaining 3.17 million funded through State and federal grants.

In response to Mr. Elliott's questions Mr. Phillips responded that the delays would not cost the Town more money and that low interest loans are in the planning stage for all Town property owners who wish to participate in the program for septic system replacement.

In response to Mr. Elliott's questions Mr. Phillips responded that the anticipate life of Brook Field should last longer than 25 years because the State requires 200% capacity.

Ms. Cheney pointed out her property on the map and asked why it was white. Mr. Phillips responded that that was because she has chosen not to participate in the project. Ms. Cheney asked what the time frame was if she wanted to participate and what was the benefit to her participation since she is designated as an innovative individual on-site system. She also noted that there seemed to be a lot of bureaucracy associated with the project. Mr. Phillips responded that she had time to make her decision. Mr. Phillips agreed with Ms. Cheney and stated that in his 30 years of municipal wastewater engineering in VT he had never spend so much effort in waste water solutions as these decentralized on-site projects require. She asked if she wanted to hook onto the Brooks Field system, would she be allowed to. Mr. Phillips responded that the Wastewater Advisory Board would have to consider her request.

Mr. Markolf requested that all questions focused on zoning related issues associated with the project.

Ms. Carter raised concern with her water line and what precautions would be taken to prevent damage during the construction phase of the project. Mr. Phillips stated that they

were aware of the location of the water line on the east side of the Mad River, but when Contract 2 is begun they will need her assistance in locating the line on the west side of the river. Ms. Carter requested prior notification of any digging that is taking place near her waterline. Mr. Phillips stated that they would be willing to notify her and that other property owners have made similar requests. Most property owners will be notified in some manner when construction is taking place in their general vicinity.

Ms. Carter asked how far away from her property line the Brooks Field disposal field would be. Mr. Camara responded that the setback is 60 feet. The State requires 25-foot setback.

Ms. Tod stated that her waterline is located on the west side of Rt. 100 and runs to her residence on Hazel Brown Road. She asked where the sewer line would be running on her road. Mr. Phillips responded that they are trying to stay off the traveled portion of the road. Ms. Tod raised concern with elm trees located on her property along the road and the river and what precautions would be taken to protect the trees. Mr. Phillips responded that he did not believe the line would be running near the trees, and precautions would be taken.

#### DELIBERATION/DECISION

Mr. Heroux read the applicant's responses to the 5.3 – *Conditional Use Review Standards*.

**MOTION by Mr. Behn, seconded by Mr. Heroux, pursuant to §5.3(A)(1), to find the proposed village wastewater project will not adversely affect the capacity of existing or planned community facilities of services because the project is designed to serve the needs of existing housing and business/municipal stock only. There is no allowance for growth under the current project, so there would be no anticipated increase in demand upon community facilities or services such as schools, emergency services, recreational facilities, etc. Annual costs will be assumed by those property owners served by the wastewater system improvements through an operation and maintenance fee. VOTE: unanimous; motion carried.**

Mr. Behn asked if any of the recreation field would be available for recreation use during the construction phase and when the whole field would be available for use after construction. Mr. Phillips responded that a portion of the field would be available for use and showed that available area on the site plan map. Fencing would be placed along the areas under construction for safety purposes and to define the available area. With regard to when use of the whole field would be available, he stated it was not his decision, but cautioned against use if turf had not been fully re-established.

**MOTION by Mr. Behn, seconded by Mr. Heroux, pursuant to §5.3(A)(2), to find the proposed village wastewater project will not adversely affect the character of the neighborhood or area affected because the project is designed to serve the needs of the existing housing and business/municipal stock in the village; growth within the village is not anticipated as a result of this project at this time; and the above ground structures are minimal. VOTE: unanimous; motion carried.**

Mr. Markolf asked if the applicant would be willing to have the DRB review and approve the construction contract. Mr. Phillips and Mr. King generally agreed with the request.

**MOTION by Mr. Markolf, seconded by Mr. Heroux, pursuant to §5.3(A)(3), to find the proposed village wastewater project will not adversely affect the traffic on roads and highways in the vicinity pursuant to conditions contained herein. VOTE: unanimous; motion carried.**

**MOTION by Mr. Heroux, seconded by Mr. Behn, pursuant to §5.3(A)(4), to find the proposed village wastewater project complies with all municipal bylaws now in effect. VOTE: unanimous; motion carried.**

**MOTION by Mr. Heroux, seconded by Mr. Brattstrom to find §5.3(A)(5), utilization of renewable energy resources, is not applicable. VOTE: unanimous; motion carried.**

Mr. Behn cautioned against locating an antenna on the utility pole near the softball field. Mr. Camara responded that the antenna would be pointed away from the playing fields and is somewhat protected by the pole. Mr. Camara also noted that in the event that the antenna was taken out a signal would be sent to the operator that communication had been broken.

Mr. Phillips noted that the existing storage shed at the Brooks Field may be adequate to house project equipment.

**MOTION by Mr. Heroux, seconded by Mr. Behn, pursuant to §5.3(B)(1), to find the proposed visible structures associated with the project will be compatible with the village. VOTE: unanimous; motion carried.**

In response to Mr. Markolf's questions, Mr. Camara responded that there would be no construction in front of the Fire Station because the Fire Station and Municipal Building are already hooked up to the existing system.

**MOTION by Mr. Behn, seconded by Mr. Heroux to find §5.3(B)(2)-(4) satisfied with conditions contained herein. VOTE: unanimous; motion carried.**

Mr. Behn asked where project associated material and equipments will be stored. Mr. Phillips stated that after the construction contract is awarded this location would be finalized with Town officials.

**MOTION by Mr. Behn, seconded by Mr. Heroux to amend the previous motion to included §5.3(B)(5). VOTE: unanimous; motion carried.**

Mr. Markolf asked what hours of construction would be. Mr. Phillips responded that construction contract will specify a window of time, such as Monday – Friday from 7 a.m. to

5 p.m. occasionally setbacks occur when construction continues past 5 p.m., but precautions would be taken to minimize the occurrence.

**MOTION by Mr. Heroux, seconded by Mr. Brattstrom to find §5.3(B)(6)-(10) satisfied with conditions contained herein. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Heroux, pursuant §5.3(B)(11), to find the performance standards will be satisfied in the long term. VOTE: unanimous; motion carried.**

**MOTION by Mr. Heroux, seconded by Mr. Behn to find §5.3(C) – *District Standards* and §5.3(D) – *Flood Hazard Overlay District Standards* satisfied. VOTE: unanimous; motion carried.**

Mr. Elliott asked if the location of the equipment shed takes into consideration the possibility of construction of a new Town Garage. Mr. Simpson stated that the shed would be located at the edge of the property next to the truck barn, and takes into consideration reconstruction of the town garage.

**MOTION by Mr. Markolf, seconded by Mr. Heroux to grant conditional use approval for the village wastewater project subject to the following conditions:**  
**1) The DRB will review and approve the construction contract before it is awarded.**  
**2) The applicant must meet all Local, State and Federal requirements related to the project. VOTE: unanimous; motion carried.**

### **III. PUBLIC HEARING: LBO, LLC & MW ENTERPRISES – SUBDIVISION**

LBO, LLC seeks approval to convey 0.61 acres of land containing an existing leach field to MW Enterprises, Inc., which is the owner of the adjoining parcel containing a restaurant (formerly known as Miguel's) served by the leach field. The landowner and applicant request the DRB to waive: 1) the sketch plan review requirements pursuant to §9.8(C), 2) the public hearing requirements of § 6.4(B), 3) the notice requirements of § 9.8(C), and 4) the portions of the Plat Mapping Requirements of Table 6.2(B). The boundary line adjustment requires under Articles 6&7 – *Subdivision Review & Standards*, of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

Mr. Henzel, Mr. French and Mr. Caffry came before the board on behalf of the applicants and property owners.

### **APPLICANT COMMENTS**

Mr. Caffry and Mr. French explained the project. The parcel containing the restaurant now owned by MW Enterprises, Inc. (parcel #005009-600) and parcel containing the leach field now owned by LBO, LLC (parcel #005008-301), were in common ownership under Snowridge, Inc until 1995. The original leach field for the restaurant failed and the current leach field was constructed pursuant to Water Supply and Wastewater Disposal Permit #WW-5-0269-1, issued by ANR on July 21, 1994. The properties went through multiple

ownership changes and an easement or subdivision was never formalized for the restaurant's leach field. The restaurant is again under contract. During the title search conducted by the new buyer, it was discovered that the parcel containing the leach field serving the restaurant is under different ownership. The property owners and applicants are requesting that the DRB act expeditiously to help straighten out the problem.

Mr. Heroux noted that no new lots are being created. This is basically a lot line adjustment. Mr. Caffry concurred.

#### PUBLIC INPUT

There was no public input.

#### DELIBERATION/DECISION

**MOTION by Mr. Markolf, seconded Mr. Robinson to find the application material complete, and grant waiver of the items requested. VOTE: unanimous; motion carried.**

**MOTION by Mr. Heroux, seconded by Mr. Behn to find LBO, LLC and MW Enterprises seek to achieve a boundary line adjustment of approximately 0.61 acres transferring from LBO, LLC to MW Enterprises pursuant to the sketch as provided by the applicants. VOTE: unanimous; motion carried.**

**MOTION by Mr. Heroux, seconded by Mr. Behn to grant approval of the boundary line adjustment as presented. VOTE: unanimous; motion carried.**

Mr. Heroux departed at 9:30 p.m.

### **III. PUBLIC HEARING CONTINUATION: RASTON, VT/LERCH – COND. 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. Markolf read the letter submitted by Bill Carpenter.

At 10:00 p.m. the meeting move to the Lerch property to conduct a second site visit. Chris Behn, Eric Brattstrom, David Markolf, Lenord Robinson, Michael Lerch, Robert & Elizabeth Hansen, Pat Thompson, and Margo Wade attended.

The group inspected the pole fixture configuration with lighting described as follows:

- Poles 1 & 4 have 75 watt /  $\leq$  1000 lumen incandescent bulbs
- Poles 2 & 5 have 75 watt /  $\leq$  1000 lumen florescent bulbs
- Pole 3 has 65 watt /  $\leq$  1000 lumen halogen bulb

The bulbs that were previously in the fixtures were 70 watt / 3850 lumen metal halide bulbs. The fixtures were re-fitted with regular sockets to accommodate non-spec bulbs.

The flagpole light has been disconnected until an alternative light fixture can be found that conforms to the standards.

**MOTION by Mr. Behn, seconded by Mr. Robinson to continue the Raston/Lerch hearing to evening of July 24, 2002 for deliberative session. VOTE: unanimous; motion carried.**

**IV. OTHER BUSINESS**

a) Signing of minutes & Graves decisions

**MOTION by Mr. Behn, seconded by Mr. Robinson to approve the June 26, 2002 meeting minutes. VOTE: unanimous motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Robinson to approve the June 26, 2002 invoice from Rosalie Laquerre for \$25.00 for services rendered. VOTE: unanimous motion carried.**

b) Granite T-Hangar – discussion of proposed stipulated agreement

Mr. Markolf reviewed the proposed stipulation along with Mr. Monte's written comments. The board agreed to follow the Selectboard lead with regard to signing the document.

**V. ADJOURNMENT**

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

The meeting adjourned at 10:24 p.m.

Respectfully submitted,  
Margo B. Wade  
DRB/PC Assistant

**DEVELOPMENT REVIEW BOARD**

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

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

\_\_\_\_\_  
Lenord Robinson (date)

\_\_\_\_\_  
David Markolf, Vice Chair (date)

\_\_\_\_\_  
Jason Heroux (date)