

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
JULY 16, 2003**

MEMBERS PRESENT: Dave Markolf, Chris Behn, Eric Brattstrom, Lenord Robinson & Virginia Roth.

OTHERS PRESENT: Richard Pignatello, Mill Brook Imports Property Abuttor; Alan Solomon, James Garilli, John Keith, Mill Brook Imports Representatives; Mark Bannon, Rick Patterson, Laurie Patterson, Matt Sargent, The Chisel Tooth Representatives; Shannon Hill, DRB/PC Assistant.

AGENDA:

- 1) Call to Order
- 2) 7:30 Mill Brook Imports Inc. Conditional Use Review
- 3) 8:20 Blair 3-Lot Subdivision
- 4) 8:30 Chisel Tooth Group 5-Lot PRD
- 5) Signing of Minutes & Decisions

I. CALL TO ORDER

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

II. MILL BROOK IMPORTS INC. - CONDITIONAL USE REVIEW

Application #2003-51-CU submitted by Mill Brook Imports Inc. seeking Conditional Use approval for development on steep slopes. The property is located on Ellen Lane in the Rural Residential District. This project requires review under Articles 5, Development Review of the *Warren Land Use & Development Regulations*.

STAFF REPORT

Mr. Markolf read the legal warning which ran in the Vermont Journal on June 25, 2003.

A site visit was conducted on July 16, 2003 at 7:00 PM. Present were DRB board members David Markolf, Chris Behn and Eric Brattstrom. Lenord Robinson conducted a site visit on his own. Others present were Alan Solomon, James Garilli, John Keith and Shannon Hill, DRB/PC Assistant. During the site visit the surface water drainage, bank slope, vegetation and the history of the property were all discussed. During the Site Visit it was explained that Mill Brook Imports Inc. owns the property in question and Mr. and Ms. Garilli own the adjoining parcel with the house. The property boundary between the two lots is approximately the Western side of the driveway.

APPLICANT COMMENTS

Mr. Solomon and Mr. Garilli presented the project to the board. The applicant proposes to fill in the area along their driveway and Ellen Lane to create a more gradual slope, stabilize the slope and prevent further erosion.

Mr. Garilli explained that he had purchased the property in question in 1997 with the intention of preventing further development. He testified that when Ellen Lane was paved

the drainage patters changed and began directing water down their driveway. This caused the bank along the West side of their driveway to erode.

GENERAL DISCUSSION:

The DRB would like to consult with the Warren Road Foreman, Wayne Kathan, and get his input on the quality of the fill and the effect on Ellen Lane.

Richard Pignatello, the abutting property owner, has no objection to the proposed project. He feels that Ellen Lane is unsafe and that filling in and vegetating the property adjoining Ellen Lane would increase the safety.

Mr. Keith, the Garilli's contractor, thinks the soil they used in the past is sufficient. He stated that they would use that quality fill or better for future filling.

The DRB approved Mr. Keith as the Garilli's "qualified professional" to consult on the project.

The DRB requested the following from the applicant:

- Consult with the Town of Warren Road Crew
- Landscape Plan
- Erosion Control Plan

MOTION by Mr. Markolf, seconded by Mr. Behn, to continue the Garilli hearing to July 30, 2003 at 7:30 PM. 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

This hearing is a continuation of the July 2, 2003 meeting.

Mr. Blair contacted Ms. Hill and requested the DRB complete the final approval of the 3-Lot Subdivision. He was unsuccessful in finding proof that the Town owns either Plunkton Road or Fuller Hill Road.

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Mr. Behn, to approve the Blair 3-Lot Subdivision. VOTE: unanimous; motion carried.

Mr. Brattstrom abstained from the vote since he was not involved in the initial hearing or

site visit.

Mr. Behn & Mr. Brattstrom adjourned at 8:20 PM.

Ms. Roth arrived at 8:40 PM.

III. CHISEL TOOTH GROUP 5-LOT PRD

The Chisel Tooth Group seeks approval of a 5-Lot Planned Residential Development / Subdivision of 98 +/- acres. The property is located off Cider Mountain Road in the Forest Reserve District. The project requires Conditional Use Review under Article 5, *Development Review*, of the Warren Land Use & Development Regulations.

STAFF REPORT

This hearing is a continuation of the April 16, 2003 meeting.

APPLICANT COMMENTS

Mark Bannon, Rick & Laurie Patterson & Matt Sargent presented the project to the board. Mr. Bannon produced a new map indicting the proposed boundaries and location of septic system for each lot. He plans to use the Digital Terrain Model to produce a longitudinal profile of the road. By state standards the road cannot be more than 15% grade. Some portion of the road may need some cut and fill in order to stay below the 15% grade. The applicant is still looking into a pond site and considering sprinklers in the homes for fire safety.

The Chisel Tooth Group has an agreement with Jane Saltsman to trade the development of the shared road up to the river in exchange for approximately 2.6 acres of her land. These 2.6 acres will complete the Chisel Tooth Group's 100 acres they need for a 5-Lot PRD.

Regarding Development of adjoining properties Mr. Sargent stated the following:

- The property to the North is owned by Jane Saltzman who plans to built one home on her lot. She will have shared access with the Chisel Tooth Group.
- The property to the Northeast, owned by Austin, is landlocked.
- Garson Fields land, located to the South, has a rough in access from the South. He may want to purchase a right of way from the chisel Tooth Group at some time down the line to gain better access to his lot.
- The property to the East, owned by Lydecker, would likely gain access to their property from the Roxbury Gap Road.

Mr. Sargent reported that the land could "strictly conform" to the Warren Land Use & Development Regulations by subdividing the land into four narrow lots parallel to the length of the property. However, the Chisel Tooth Group would like to concentrate the development at the lower elevations and conserve most of the property.

GENERAL DISCUSSION

The board requested the following additional information:

- clearing restrictions (Especially for Lot #1);
- building envelopes;

- bylaws of the subdivision - Deed Restrictions outlining the access to common land, pond, road maintenance;
- Indicate slopes in excess of 15% & 25% on the Site Plan.

The Chisel Tooth Group must amend their Act 250 permit.

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Ms. Roth, to continue The Chisel Tooth Group hearing on August 13, 2003. VOTE: unanimous; motion carried.

IV. OTHER BUSINESS

a) Approval of meeting minutes

MOTION by Mr. Robinson, seconded by Mr. Markolf, to approve the July 2, 2003 meeting minutes as submitted/corrected. VOTE: unanimous; motion carried.

b) Sugarbush Act 250 Hearing:

Mr. Markolf informed the board that he would be attending the second Act 250 hearing regarding the Lodge at Lincoln Peak on Monday, July 21, 2003 as the Warren DRB representative.

V. ADJOURNMENT

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

The meeting adjourned at 10:05 p.m.

Respectfully submitted,
Shannon M. Hill
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Eric Brattstrom (date)

Virginia Roth (date)

Chris Behn (date)

Dave Markolf (date)

Lenord Robinson (date)