

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
JULY 30, 2003**

MEMBERS PRESENT: Eric Brattstrom, Chris Behn, and Lenord Robinson.

OTHERS PRESENT: James Garilli, Alan Solomon, John Keith, Mill Brook Imports Representatives; Deborah Kirshway, Property Abutter; Shannon Hill, DRB/PC Assistant.

AGENDA:

- 1) Call to Order
- 2) Mill Brook Imports Conditional Use Review
- 3) Signing of Minutes & Decisions

I. CALL TO ORDER

Mr. Behn called the meeting to order at 7:35 PM.

II. MILL BROOK IMPORTS CONDITIONAL USE

Application #2003-51-CU submitted by Mill Brook Imports Inc. seeking a Variance and 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

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

PUBLIC COMMENTS

Ms. Kirshway requested the board address the following in their deliberation:

- A condition stating that the land to be filled in cannot be further developed.
- Decide whether or not there is an issue with safety on Ellen Lane, since that is the basis for the Mill Brook Imports application.

GENERAL DISCUSSION

At the prior hearing the DRB had requested the following of the applicant:

- 1) Consult with the Town of Warren Road Crew about the quality of the fill and the town road Right of Way.
- 2) Prepare a landscape & erosion control plan

Mr. Keith and Ms. Hill consulted with Mr. Kathan, the Town of Warren Road Crew Foreman. Mr. Keith reported that Mr. Kathan felt that the proposed project would improve the safety of Ellen Lane and his only concern was that there be no stumps in the fill. Ms. Hill reported that Mr. Kathan did not feel that the quality of fill was an issue and had turned down the offer to attend the meeting and testify on the matter of the Town Right of Way.

Mr. Garilli and Mr. Solomon did not remember the board requesting a landscape and erosion control plan at the prior hearing.

The board decided to go through the Development Review criteria and make the final approval contingent upon the receipt and approval, by the DRB, of an erosion control and landscaping plan.

DELIBERATION/DECISION

MOTION by Mr. Robinson, seconded by Mr. Behn, that the application submitted by Mill Brook Imports is complete subject to the receipt and approval of a landscape and erosion control plan. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §9.6(A)(1), to find that the steep slopes, erosion and proximity to a town road create a unique physical circumstance. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §9.6(A)(2), to find that the unique physical circumstance prevents the property from being developed in strict conformity with the provisions of the zoning regulations. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §9.6(A)(2), to find that there shall be no further development of the property. VOTE: unanimous; motion carried.

MOTION by Mr. Robinson, seconded by Mr. Brattstrom, pursuant to §9.6(A)(3), to find that the hardship has not been created by the appellant. VOTE: unanimous; motion carried.

MOTION by Mr. Robinson, seconded by Mr. Brattstrom, pursuant to §9.6(A)(4), to find that the variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare. VOTE: unanimous; motion carried.

MOTION by Mr. Robinson, seconded by Mr. Behn pursuant to §9.6(A)(5), to find that the variance represents the minimum that will afford relief and will represent the least deviation possible from the Town of Warren Land Use & Development Regulations and the Town Plan. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Behn pursuant to §9.6(B), to find that the proposed development is not applicable to the standards for the flood hazard overlay district. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom pursuant to §9.6(C), to find

that the proposed development is not applicable to the standard. VOTE: unanimous; motion carried.

MOTION by Mr. Robinson, seconded by Mr. Behn pursuant to §9.6(D), to limit further development to what is indicated in the application and submittal material. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §5.3 (A)(1), to find the proposed development is not applicable to the criteria for the capacity of existing or planned community facilities or services. VOTE: unanimous; motion carried.

MOTION by Mr. Robinson, seconded by Mr. Brattstrom, pursuant to §5.3 (A)(2), to find the proposed development, subject to the conditions contained herein, satisfies the criteria for character of the neighborhood or affected area. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §5.3 (A)(3), to find the proposed development is not applicable to the criteria for traffic on roads and highways in the vicinity. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §5.3 (A)(4), to find the proposed development is satisfies, subject to the receipt of a zoning permit, the criteria for bylaws now in effect. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Robinson, pursuant to §5.3 (A)(5), to find the proposed development is not applicable to the standards for utilization of renewable energy. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson, pursuant to §5.3 (B)(1 thru 5) to find the proposed development is not applicable to the standards for building design, traffic circulation & access, bicycle & pedestrian access, parking & service area and outdoor storage and displays. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §5.3 (B)(6 thru 9), to find the proposed development satisfies the criteria for landscape and screening, subject to the receipt and approval of a landscape and screening plan. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §5.3 (B)(10), to find the proposed development is not applicable to the standards for lighting. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson, pursuant to §5.3 (B)(11), to find the proposed development satisfies, with the conditions contained herein, the performance standards. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Behn, pursuant to §5.3 (C) & (D), to find the proposed development is not applicable to the District Standards or the Flood Hazard Overlay District Standards. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson, to grant conditional use approval for the proposed development, subject to the receipt and approval by the DRB of a landscape and erosion control plan. VOTE: unanimous; motion carried.

III. OTHER BUSINESS

a) Approval of meeting minutes

MOTION by Mr. Behn, seconded by Mr. Brattstrom, to approve the July 16, 2003 meeting minutes as submitted/corrected. VOTE: unanimous; motion carried.

VI. ADJOURNMENT

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

The meeting adjourned at 9:03 p.m.

Respectfully submitted,
Shannon M. Hill
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Eric Brattstrom (date)

Chris Behn (date)

Lenord Robinson (date)