

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
OCTOBER 30, 2002**

- MEMBERS PRESENT:** Eric Brattstrom, David Markolf, Peter Monte, Chair; Lenord Robinson.
- OTHERS PRESENT:** Steve & Patricia Fowler, Applicants; Frank Partsch; Abutter; Don & Kevin Ritchie; Applicants Representative; Gunner McCain, Ritchie Consultant; Christopher Seiler, Margo Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
 - 2) Public Hearing: Rosita's Mexican Restaurant/Steven & Patricia Fowler – Conditional Use Review for additions, renovations, and (ex)change of use
 - 3) Sketch Plan Meeting: Ritchie – 6 Lot Subdivision
 - 4) Other Business:
 - a) Signing of minutes
 - b) DRB schedule – update
 - c) Village wastewater project – construction document

I. CALL TO ORDER

Mr. Monte called the meeting to order at 7:35 p.m.

II. PUBLIC HEARING: ROSITA'S MEXICAN RESTAURANT

Steven & Patricia Fowler and Rosita's Mexican Restaurant seeks approval for main entry enlargement, interior renovations, outside deck addition, enclosed storage addition, and exchange of existing lodging beds for equivalent water/wastewater capacity of restaurant seats. The project is located on 2.99 +/- acres off the northwest side of the Sugarbush Access Road in the Vacation Residential District and requires review under Article 5 – *Development Review* of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

Mr. and Mrs. Fowler came before the board.

STAFF REPORT

Mr. Monte read the public notice, which ran in the October 10, 2002 issue of the Valley Reporter.

Individual site visits were conducted by board members.

APPLICANT COMMENTS

Mr. Fowler explained the purposes of the additions/renovations are to improve customer and service flow within the building. Currently the building has two entries, which are confusing and have poor configuration. The waiting area is inadequate and the applicant seeks to create better interior spaces. The project will be divided in to phases. Phase 1 will include expanding and enlarging the main entry and interior renovations. Phase 2 will include the new outside deck, kitchen addition, landscaping and exterior lighting.

The project proposes to exchange existing lodging rooms for restaurant seating based on the existing septic capacity. The applicant is currently not planning to increase the allowable septic flows.

The parking is adequate to accommodate the proposed number of seats, employees and lodging room. The regulations require 1 space/employee on the largest shift, 1 space/per every four dinning seats, and 1 space/lodging room. Mr. Fowler estimates the parking areas can accommodate between 40 and 50 vehicles.

The parking needed for the proposal is a total of 34 spaces. The individual needs break out as follows:

- 89 restaurant seats – 23 spaces
- 10 employees – 10 spaces
- 1 lodging room – 1 space

The current owners do not rent out the lodging rooms. Employees may use the studio/caretakers unit and it is also an office space for the restaurant.

The deck will be used during the warmer months. The total seating, including the deck, will not exceed 89 seats.

The applicant is amending the water/wastewater permit with the State. Mr. Monte reminded the applicant that the Town health permit may also need to be amended.

The board requested submittal of a site plan including the following information:

- existing and proposed footprint and setbacks
- parking layout
- exterior lighting plan

Mr. Fowler stated that the lighting will be low-level exterior lighting along the pathway, entry and parking area.

PUBLIC INPUT

Mr. Partsch stated that he and Mr. Fowler had agreed to limit to length of service on the deck. No new orders will be taken after 9 pm and the deck will be cleared by 10 pm. Mr. Fowler agreed.

DELIBERATION/DECISION

Article 5 – *Development Review*

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3(A)(1), to find the proposed project will not adversely affect the capacity of existing or planned community facilities or services. VOTE; unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom to impose the following conditions:

- 1) an updated site plan will be submitted for DRB approval;**
- 2) a lighting plan will be submitted for DRB approval**
- 3) No orders will be taken from the out door spaces after 9 p.m. and patrons must not use the outside spaces after 10 p.m. VOTE: unanimous; motion carried.**

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3(A)(2), to find the proposed project will not adversely affect character of the neighborhood or area affected. VOTE: unanimous; motion carried.

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

Mr. Monte cautioned that the applicant may need to update the town health permit.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3(A)(4) and (5), to find the proposed project will conform to bylaws now in effect and will not adversely affect the utilization of renewable energy resources. VOTE: unanimous; motion carried.

The exterior colors will be somber earth tones in a southwestern look. Roof material will remain asphalt shingles. The applicant will be updating the sign and will be submitting an application shortly.

MOTION by Mr. Markolf, seconded by Mr. Robinson to find that the exterior finish will be mute earth tones. VOTE: unanimous; motion carried.

Landscaping and lighting will be part of the second phase of the project and the applicant will not have those plans finalized until later in the project. The board was comfortable with later submittal of the landscaping and lighting plan, but required that the updated site plan be submitted prior to signing of the decision.

MOTION by Mr. Monte, seconded by Mr. Robinson to approve the project with conditions as contained herein. VOTE: unanimous; motion carried.

III. INITIAL MEETING

Shirley M. Ritchie seeks approval of a 6-lot subdivision of 28 +/- acre parcel is located off the northwest corner of Airport and Dump Roads in the Rural Residential District. The project requires review under Articles 6 – *Subdivision Review* and Article 7 – *Subdivision Standards* of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

Don Ritchie, Kevin Ritchie and Gunner McCain came before the board on behalf of the applicant.

DISCUSSION

The project involves the subdivision of 28 +/- acres into Lot-1 (3.74 +/- acres), Lot-2 (4.7 +/- acres), Lot-3 (5.8 +/- acres), Lot-4 (5.5 +/- acres), Lot-5 (5.3 +/- acres), Lot-6 (4.5 +/- acres). Two private roads are proposed. The first with access off Dump Road servicing Lots 5 and 6. The second with access off Airport Road servicing Lots 1 through 4. Road right-of-ways will be created as needed. All lots will have individual on-site water and wastewater systems. Lots 5 and 6 will share a disposal area and an easement will be created to accommodate those systems. Some buffer areas have been proposed. Utilities will be buried on site. The project is contiguous to similar subdivisions.

The parcel has no mapped wetlands, though there is an area that is wet and would be unsuitable for development.

The project proposes minimal cutting restrictions. The corner lot has no cutting restriction to allow the property owner to mimic historic settlement patterns. The lots could achieve good southern exposure and some views if the lots are allowed to be cleared. Mr. Markolf supported the clear cutting of the corner lot to improve the line of site and safety at the intersection.

Mr. Markolf asked if the two driveways will be connected. Mr. McCain stated that the lot did not lend itself to connecting the driveways, it would affect the privacy of the lots and would decrease the value of the lots.

There was some discussion about who would be responsible for development of the infrastructure. Mr. Ritchie stated that they had not contemplated the issue yet. Mr. Monte suggested that road agreement(s) and covenant language would need to be developed.

There was discussion about the traffic associated with the subdivision and whether the roads could handle the increase. Current statistics anticipate 10 vehicle trips per household per day. CVRPC may have data about existing traffic on the roads. Mr. McCain added that these are feeder roads and that six lots will not be adding significant traffic to the area.

Mr. Ritchie stated the project is contemplated as an estate planning effort on the part of Shirley Ritchie, who will be distributing the six lots to her six children. Other than this subdivision, the children have no plans to develop the lots at this time.

There are some slopes greater than 15%, but they have not been identified as developable areas. An Erosion control plan has been developed for the project. The lot does not appear to have areas that could be identified as primary and/or secondary conservation areas.

The applicant needs to address the following items for the next meeting:

- Updated site plan including:
 - existing driveways on Dump and/or Airport Roads in the near vicinity
 - dimension and modification of buffers on the site plan
- Fire Department review of the project
- Curb Cut permit from the Selectboard

- Abutter notification of the hearing and site visit dates and times
- Infrastructure Provisions:
 - road maintenance agreement and deed covenants
- Road names
- Waiver to combine the Preliminary and final hearings
- Site visit
- Driveway profiles on Lots 5 and 6

MOTION by Mr. Monte, seconded by Mr. Markolf to classify the project a major subdivision; to find the plan generally conforms with the Article 7 standards and the Town Plan; grant the applicant's request to notify the abutters for the preliminary hearing; and require submittal of an updated site plan and address other items identified tonight. VOTE: unanimous; motion carried.

A preliminary hearing will be warned for the evening of December 4th. A site visit was scheduled for November 30th at 9:30 p.m. For the site visit, the curb cut locations will be staked.

IV. OTHER BUSINESS

a) Signing of minutes

MOTION by Mr. Markolf, seconded by Mr. Brattstrom to approve the October 16, 2002 meeting minutes and Behn decision with corrections. VOTE: unanimous; motion carried.

b) DRB schedule – update

Ms. Wade relayed the Sugarbush initial meeting has been moved to November 20th.

c) Village wastewater project – construction document

Mr. Markolf reported he had reviewed the Contract 1 construction documents and reported that they satisfied the boards concerns. He asked Ms. Wade to clarify how old septic tanks will be abandoned. Ms. Wade will contact Forcier and Aldrich to get the answer to that question.

MOTION by Mr. Markolf, seconded by Mr. Robinson to find the Contract 1 construction documents satisfy the condition imposed on the conditional use permit. VOTE: unanimous; motion carried.

At the next meeting, the board will finalize the DRB Rules of Procedures. Ms. Wade will redistribute the document to all DRB members.

V. ADJOURNMENT

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

The meeting adjourned at 10:00 p.m.

Respectfully submitted,
Margo B. Wade
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Chris Behn (date)

Eric Brattstrom (date)

Lenord Robinson (date)

David Markolf (date)

Peter Monte, Chair (date)