

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
DECEMBER 4, 2002**

- MEMBERS PRESENT:** Chris Behn (arrived at 8:40), Eric Brattstrom, David Markolf, Peter Monte, Chair; Lenord Robinson.
- OTHERS PRESENT:** Don Ritchie, Gunner McCain, Ritchie Representatives, Peter Ruelke, Deb Brink, Susan Simms, Mark Bennett, Bob Messner, Ritchie abutters; Todd Hill, Mike Brodeur, Garaffo Representatives; Margo Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
 - 2) Public Hearing: Ritchie 6-Lot Subdivision Subdivision Review
 - 3) Public Hearing: Garaffo Subdivision Amendment Subdivision Review
 - 4) Other Business:
 - a) Signing of minutes
 - b) Sugarbush memo

I. CALL TO ORDER

Mr. Monte called the meeting to order at 7:30 p.m.

II. PUBLIC HEARING – RITCHIE 6-LOT SUBDIVISION

Shirley M. Ritchie seeks approval of a 6-lot subdivision of 28 +/- acres 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.

Mr. Ritchie and Mr. McCain came before the board on behalf of the applicant.

STAFF REPORT

Mr. Monte read the public notice, which ran in the November 14, 2002 issue of the Valley Reporter.

Mr. Markolf relayed information about the site visit, which took place at 9:30 a.m. on Saturday, November 30th. Gunner McCain, David Markolf, Chris Behn, Lenord Robinson, and Eric Brattstrom attended. At the site visit the group walked the site viewing the proposed house sites and septic locations; curb cut locations and driveway alignments; abutting structures; and abutting Bennett driveway and dwelling.

APPLICANT COMMENTS

Per the board's request from the October meeting, Mr. McCain submitted the following information:

- Updated site plan including: existing driveways on Dump and/or Airport Roads in the vicinity of the project, dimension of and modification to buffers, approximate abutting property lines on the easterly boundary, and updated location for the curb cut off Dump Road for Lots 5&6 access

- The applicant has met with the Fire Department and recommendations are expected shortly
- Proof of abutter notification of the hearing and site visit dates and times, mailed November 13
- Draft language addressing road construction, power installation and covenants, and road maintenance, repair and capital improvement agreement
- Slope plan indicating areas with slopes greater than 25%
- Driveway profiles for all lots

The applicant still needs to contact Elaine Fuller, the E911 coordinator for Warren, to discuss road names. Curb cut permits still needs to be submitted to the Selectboard for review and approval.

There was some discussion about internally connecting the two proposed roads. Mr. McCain feels the proposal does not warrant interconnecting the roads because the project is not considering the maximum allowable build out for the district and the proposed numbers of lots is small and manageable. Mr. Markolf also feels the number of dwellings served by the proposed driveways is small and will not pose significant emergency vehicle access issues.

Mr. McCain stated the subdivision is in keeping with the character of the area, especially considering the Old Orchard Way and LaFlame Road developments.

The road maintenance and deed language is only in draft form at this stage. Ms. Ritchie will rough in the driveways. Final grading and graveling will be the responsibility of each individual lot owner. The current language does not consider reimbursement of costs incurred by the owner who develops the first lot and implements the infrastructure. Long-term maintenance of the roads is addressed in the draft language. The board raised concern with the proposed language due to historic problems the Town has seen with shared driveways and unclear responsibilities. The board asked the applicant to expand the draft language for better clarification of responsibilities.

Ms. Ritchie would like to name the proposed roads Mike's Path and Shirley's Lane. These names have not been confirmed with the E911 coordinator.

PUBLIC INPUT

Mr. Ruelke and Ms. Brink supported the project and the proposed number of lots. They raised concern with the proposed location of the Lot 4 house site and requested relocation and/or increased buffer. They also questioned the location of the Lot 4 well shield and stated that their leach field was very close to or in the area located on the site plan.

Mr. McCain pointed out that the proposed buffer is greater than the setback required in this district (proposed 30' buffer vs. required 25' setback). He did not think the well shield overlapped the leach field, but would confirm the leach field location.

Ms. Simms raised concern with the location of the Lot 5 house site and the width of the proposed buffer between Lot 5 and the Simms property. Her leach field is located on the

edge of her property abutting Ritchie and therefore is cleared to the edge of the lot. Within the last few years her septic system failed and the current location of the leach field was the only permissible location. She does not wish to see the Lot 5 dwelling. She also raised concern with the well locations.

Mr. McCain assured Ms. Simms and the board that all water and wastewater systems would comply with current local and state regulations.

Ms. Simms stated that the area is good wildlife habitat and she has seen both deer and turkey feeding and bedding in the area.

Mr. Bennett feels that the proposed density of the project and the resulting lot sizes is not in keeping with the character of the neighborhood. He estimated the development would increase the level of traffic on the Dump Road by 50%. The new lot owners will most likely use Dump Road as their primary access to and from town. The Selectboard have posted the Dump Road not a through street. Mr. Behn pointed out that the posting was done to appease some existing Dump Road residents and to slow the vehicle speeds. It is still a public road.

Mr. Bennett also raised concern with the location of the Lots 5&6 access road in relationship to his property and the location of the Lot 6 house site in relationship to his dwelling.

Mr. McCain pointed out that all of the house site locations are conceptual. The plans include identified building envelopes. The dwellings could be located anywhere within the building envelope depending on the individual lot owners wishes.

Mr. Messner, representing Granite Intersections Inc. owner of the airport, raise no objection to the project and submitted a letter requesting notification to potential buyers that the property is "adjacent to the Airport Commercial District and that typical and normal aircraft operations and other permitted airport activities do take place at the airport during much of the year."

Mr. McCain was hesitant to accept a condition requiring notification, but would accept a finding in the decision regarding the proximity and function of the airport.

DISCUSSION

The board discussed the proposed house site locations, buffers and the abutters requests to increase these distances considering the abutters have already cleared their properties to their property lines, understanding that some clearing was out of the property owner's control. As is the case with the Simms property and the placement of the leach field.

There was discussion about how to phase the project in order not to over burden the school system. Mr. McCain again stated that this project was part of Ms. Ritchie estate planning and the lots would eventually be transfers to her six children. Adding that she is in good health. Sale of the lots is not considered at this time. In the event that lots are sold, he suggested allowing alternating sale of the lots to minimize the impact on the schools - such

that no more than two lots would be sold on an even year and only one lot would be sold on an odd year.

After discussion of the buffers, Mr. McCain and Mr. Ritchie proposed increasing the buffer on Lot 3 between the Simms property to 50 feet and increasing the building envelope setback to 65 feet. Also to allow the abutters of Lots 3, 4, 5, and 6, at the abutters expense, to plant trees within the vegetative buffers on the Ritchie parcel to increase the screening potential of those buffers.

The board suggested that the applicant and the neighbors had negotiating to do to come to some sort of agreement and present the results to the board.

MOTION by Mr. Monte, seconded by Mr. Behn to continue the preliminary plan review and schedule the final plan review hearing for January 22, 2003 at 7:30 p.m. VOTE: unanimous; motion carried.

III. PUBLIC HEARING – GARAFFO SUBDIVISION AMENDMENT

Ellen and Richard Garaffo seek approval to amend a previously approved subdivision by relocating the building envelope on Lot 3 of the Garaffo 4-Lot Subdivision. The project is located on the north side of Roxbury Mountain Road off Sunset Drive in the Forest Reserve District. The project requires review under Articles 6 – *Subdivision Review* and Article 7 – *Subdivision Standards* of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

Todd Hill and Mike Brodeur came before the board on behalf of the applicants.

STAFF REPORT

Mr. Monte read the public notice, which ran in the November 14, 2002 issue of the Valley Reporter.

APPLICANT COMMENTS

Mr. Hill submitted an updated site plan in response to the abutters concerns. The updated plan relocates the proposed house site, building envelope and driveway away from the Monteverde property line. The updated site plan also provides an alternate building envelope, in the event these buyers fall through.

Mr. Hill explained that the Garaffos had subdivided the land in 1997 and have a prospective buyer for Lot 3 who wishes to relocate the approved house site. Prior to adoption of the Interim Forest Reserve (and the subsequent adoption of the Land Use and Development Regulations, permanently lowering the FR district boundary and changing the development standards) that Garaffos applied for and received a building permit for a three bedroom dwelling on Lot 3. Some time after the adoption of the new Forest Reserve District zoning clearing had taken place on Lot 3 that does not conform to conditions contained in the 1997 Planning Commission decision approving the 4-lot subdivision.

The current setback in the FR district is 150 feet. The 1997 Planning Commission decision established 100-foot buffers along all lot boundaries.

PUBLIC INPUT

The board acknowledged receipt of letter submitted by Melvin Frankel, on behalf of Monteverde First Corp, abutting property owner, dated November 25 stating that the proposed re-location of the house site “would cause significant and sever negative impact to the property of Monteverde First Corp.”

DISCUSSION

The board requested a site visit in order to better understand the request. The site visit was scheduled at 8:00 a.m. on Tuesday, January 21, 2003.

MOTION by Mr. Monte, seconded by Mr. Markolf to continue the hearing to January 22, 2003 at 7:30 p.m. VOTE: unanimous; motion carried.

IV. OTHER BUSINESS

a) Signing of minutes

MOTION by Mr. Monte, seconded by Mr. Markolf to approve November 27, 2002 meeting minutes with corrections. VOTE: unanimous; motion carried.

b) Sugarbush memo

The board discussed and scheduled dates for the hotel review and setting up the alternate DRB members to review all other applications until the Hotel review process is complete, at which time the regular members will take over the review of new non-hotel applications. The board will ask the Selectboard to appoint one more alternate to bring that number to four and a better number of members to review permits during this busy period.

VI. ADJOURNMENT

MOTION by Mr. Monte, seconded by Mr. Markolf, to adjourn. VOTE: unanimous; motion carried.

The meeting adjourned at 11:00 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)