

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
DECEMBER 17, 2003**

MEMBERS PRESENT: Peter Monte, Chair; David Markolf, Vice Chair; Eric Brattstrom, Chris Behn & Lenord Robinson.

OTHERS PRESENT: Jack Zimmerman; Jason Lisai & Margo Wade, Sugarbush Resort Representatives; Ron Zschaler, Miron Malboeuf, Shannon Hill, DRB/PC Assistant.

AGENDA:

- 1) 7:00 PM Call to Order
- 2) 7:00 Zimmerman Conditional Use for an Accessory Dwelling
- 3) 7:30 Sugarbush Lincoln Peak Lodge Permit Amendments
- 4) Signing of Minutes & Decisions

I. CALL TO ORDER

Mr. Monte called the meeting to order at 7:00 PM.

II. ZIMMERMAN CONDITIONAL USE

Application #2002-15-CU-AM submitted by John and Biagina Zimmerman requesting Conditional Use approval for an accessory dwelling on 46.2 +/- acres. The property is located on the Lincoln Gap Road in the Rural Residential District. The project requires review by the DRB under Article 5 – Development Review of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

STAFF REPORT

Mr. Monte read the legal warning which ran in the Vermont Journal on November 26, 2003.

A site visit was conducted on December 13, 2003. Present at the site visit were board members Dave Markolf and Chris Behn as well as DRB/PC Assistant Shannon Hill. During the site visit the board members discussed how the site plan differed from what was developed.

GENERAL DISCUSSION

Mr. Zimmerman came before the board to present the project. His son, who owns the property, moved up to Warren and built a house back in 2002. The parents requested the son include an in-law apartment in the house for their use on weekends and vacations. The initial building permit, #2002-15-ZP, was issued for a primary dwelling of 1,712 ft² and a barn. In October of 2003 a second building permit application was submitted for the accessory apartment, office, sunroom and decks. The total living space is 2,184ft².

Mr. Zimmerman testified that there are three bedrooms in the primary dwelling and one bedroom in the accessory dwelling with a utility room.

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Mr. Robinson, that the application is complete. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, that the proposed accessory dwelling is 550 ft² which is less than 40% of the 2,184 ft² of the primary dwelling. The total number of bedrooms is four which satisfies the health permit. Therefore the criteria in §4.1 of the Warren Land Use & Development Regulations are met. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §4.1(b)(4) that the apartment above the garage shall be used only as an accessory dwelling and shall be maintained in common ownership with the primary dwelling. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that the total number of bedrooms in the primary and accessory dwelling shall not exceed four unless the applicant amends the health permit to accommodate the change. VOTE: 4 to 1 (CB against); motion carried.

MOTION by Mr. Markolf, seconded by Mr. Markolf, pursuant to §5.3(A)(1) that the proposed development will have no adverse effect on the capacity of existing or planned community facilities. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, pursuant to §5.3(A)(2) thru (5) that the proposed development meets the criteria for character of the neighborhood or area affected, traffic on roads or highways in the vicinity, bylaws now in effect and the utilization of renewable energy resources. VOTE: 4 to 1 (CB against); motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3(B) to waive the specific standards. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, to grant conditional use approval, subject to the conditions contained herein, for the proposed development. VOTE: 4 to 1 (CB against); motion carried.

III. SUGARBUSH LODGE AT LINCOLN PEAK PERMIT AMENDMENT

Application #2002-01-CU-AM and #2002-14-PUD-AM submitted by Summit

Ventures NE, LLC (d/b/a Sugarbush Resort) requesting an amendment to a prior Conditional Use/Subdivision and Planned Unit Development decision for the Lodge at Lincoln Peak. The project requires review by the DRB under Article 5 – Development Review, Articles 6 & 7 – Subdivision Review and Articles 8 – Planned Unit Development Review of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

STAFF REPORT

Mr. Monte read the legal warning which ran in the Vermont Journal on November 26, 2003. Mr. Monte also noted that Mr. Blythe, Mountainside Condominium's Attorney, who could not make it to the meeting due to inclement weather conditions. He requested the board allow him two weeks in which to file written comments on the testimony and submittal material from tonight's hearing.

The new submittal material includes:

- Completed application #2002-14-PUD-AM
- Project narrative
- Proof of Notification to adjoining
- Square foot and parking spreadsheet (proposed)
- Square foot and parking spreadsheet (permitted versus proposed)
- Site grading, erosion control & storm water management plans, 10 pages
- Landscaping and lighting plans, 34 pages
- Architectural Plans, 24 pages

GENERAL DISCUSSION

Mr. Lisai and Mrs. Wade came before the board to present the proposed amendments to the Lodge at Lincoln Peak Permit. They requested the following:

- Permit Condition #5 – change to allow them to provide proof of financing by May 15, 2004
- Permit Condition #6 – allow them to complete the work done last fall without submitting a bond or irrevocable letter of credit
- Permit Condition #6 – provide a bond or irrevocable letter of credit by May 15, 2004 in the amount not to exceed or equal to the amount of work in progress that poses a threat to public health or \$3,000,000
- Amend building and site plan architectural, civil and landscaping

Mrs. Wade explained that the work that was completed last fall was owner financed and did not put the public health at risk. Sugarbush Resort completed approximately \$700,000 worth of work thus far.

Mr. Monte explained that the public health may have been in danger if the construction was not completed property. However since the work was already completed the board would like to move forward. Mr. Malboeuf explained that he

could have sited the applicant with a zoning violation, but decided it was more productive to send the applicant back to the DRB to discuss the bond issue.

The board requested that Mr. Malboeuf meet with Sugarbush Resort and work out the bond schedule and amounts. Mr. Lisai explained that their consultant, Pizzagalli, had prepared detailed cost estimates for each task of the construction. Sugarbush would prefer to keep the construction estimates confidential. However, they agreed to review the document with Mr. Malboeuf in private so he would have some idea of the cost of construction.

Mr. Zschaler mentioned that one of the light posts in the Village Parking Lot was not working. He was also disturbed that Sugarbush had removed the directional sign to the Sugarbush Village from the larger sign at the corner of the Access Road and Sugarbush Village Road. The DRB would like the applicant and Mr. Zschaler to work out the signage and parking lot issue.

Mr. Lisai explained that the revisions to the Lodge design were prompted by the advice of their new architects. The applicant testified that the new design is a much more efficient use of space. They have 95% construction documentation with very accurate price estimates. The change in the commercial space is greater than 10%, as allowed for by the original permit without an amendment.

The significant changes to the project include:

- footprint of the building has shrunk (elevation has not changed)
- number of exterior trees has been reduced
- smaller atrium
- loading dock has been reconfigured and moved slightly
- the skating rink has been replaced by a year round heated outdoor pool
- amount of trees on the inside and outside of the Lodge has decreased
- the allocation of commercial space in the lodge has increased
- added a real estate sales office to sell the Lodge units
- enlarged the spa
- reduced common area
- rearranged the kitchen/dining areas
- underground parking area has been reduced – the number of cars the underground parking can accommodate remains unchanged (139)
- underground parking will be valet only
- minor modifications to the design of the storm water system due to their state permit
- sidewalk has been added from the underground parking to the front entrance
- added two outdoor hot tubs on the west side of Building C
- increase in total square feet of the lodge from 303,526 ft² to 329,626 ft²

Lots E & F will be used for overflow valet parking.

Mrs. Wade will get back to the DRB about the new Owners Club Room square footage.

Mr. Malboeuf mentioned that during the prior hearings the applicant testified that the unit owners would not have special parking privileges when they are not staying at the Lodge. The DRB does not think that special parking privileges will have any impact on the parking, since the public will be at the Lodge anyway.

Sugarbush will need to amend their Act 250 permit as well.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Robinson, to define the triggering event for a letter of credit or bond to be breaking ground or other commencement of construction on any item to be covered by the bond or letter of credit. The applicant must submit to the ZA at least 21 days in advance of breaking ground the documentation and form of the Letter of Credit or bond. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, to amend condition #5 in the original Lodge at Lincoln Peak PRD/SD permit to require the applicant to submit proof of financing prior to the commencement of construction in the spring of 2004. Minor mobilization to prepare for construction such as temporary trailers or tree clearing do not constitute the commencement of construction. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that the request from Sugarbush to amend Condition #6 of the original Lodge at Lincoln Peak PRD/SD permit to allow for work to be completed during the fall of 2003 without a bond or irrevocable letter of credit is moot and the DRB does not need to discuss it. VOTE: unanimous; motion carried.

The fall of 2003 work has already been completed and any violation of the zoning bylaw would be cured.

MOTION by Mr. Behn, seconded by Mr. Robinson, to approve the amendments proposed for the Lodge at Lincoln Peak. The DRB will not sign the decision until they have received the following:

- Updated parking plan
- Square footage revisions (specifically the owners club area)
- New bound document containing all of the Lodge at Lincoln Peak final submittal material

VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, to continue the hearing to January 21, 2004 at 7:30PM. VOTE: unanimous; motion carried.

IV. OTHER BUSINESS

a) Approval of meeting minutes

MOTION by Mr. Markolf, seconded by Mr. Robinson, to approve the minutes from November 26, 2003 as corrected/amended. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn, to approve the minutes from December 3, 2003 as corrected/amended. VOTE: unanimous; motion carried.

V. ADJOURNMENT

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

The meeting adjourned at 10:00 PM.

Respectfully submitted,
Shannon M. Hill
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte (date)

Chris Behn (date)

David Markolf (date)

Lenord Robinson (date)

Eric Brattstrom (date)