

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
APRIL 10, 2002**

- MEMBERS PRESENT:** Chris Behn, Eric Brattstrom, David Markolf, Vice Chair; Lenord Robinson, Virginia Roth.
- OTHERS PRESENT:** Gunner McCain, U of T Consultant; Sheila Ware, U of T Attorney; Tim Williams, U of T Abutter and Applicant; Harriett & Richard King, U of T abutter; Bill Elliott, David Dion, Doug & Melanie Waters, Charles Black, Applicant; Tom Clark, Black Contractor; Anna Whiteside, Carolynn & Gregory Schipa, Applicants; Christy Ketchel, Lemmon Abutter; Anna Nelson, Lemmon Abutter; Margo Wade, DRB/PC Assistant.
- AGENDA:**
- 1) 6:30 p.m. Call to Order
  - 2) Public Hearing Continuation: University of Toronto 3-Lot Subdivision
  - 3) Public Hearing: Williams 2-Lot Subdivision
  - 4) Public Hearing: Lemmon/Schipa 2-Lot Subdivision
  - 5) Public Hearing: Robinson 2-Lot Subdivision Re-Approval
  - 6) Other Business:
    - a) Black – review of final structure plans
    - b) Schedule Youlden site visit
    - c) Signing of minutes

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**I. CALL TO ORDER**

Mr. Markolf called the meeting to order at 6:45 p.m.

**II. PUBLIC HEARING: UNIVERSITY OF TORONTO 3-LOT SUBDIVISION**

Application #2002-02-SD: submitted by the University of Toronto seeking approval of a three lot subdivision of 50 +/- acres creating Lot 1 (30.7 +/- acres), Lot 2 (18.2 +/- acres), and Lot 3 (2.0 +/- acres). The property is located off the northwest side of Cider Hill Road in the Rural Residential District. The applicant is also requesting a waiver of subdivision hearing requirements by way of combining the initial meeting and warned public hearing.

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

**STAFF REPORT**

Mr. Markolf explained that this was a continuation of the March 27, 2002 public hearing. He stated he was replacing Mr. Schoellkopf for the evening, he had read the previous meeting's minutes, listened to the meeting tapes, and conducted a site visit.

**DISCUSSION**

Mr. McCain submitted an updated site plan with revised building envelope indicating the areas with greater than 25% slope, areas with 15% - 25% slope, and areas less than 15% slope; grade for the E. Warren access, which is under the ownership of University of

Toronto; grade for the existing driveway; and grade, profile and alignment of the proposed driveway.

Development on slopes between 15% and 25% require an erosion control plan. Applicant has not developed such plan because the actual house site has not been identified, the building envelope is large and gives flexibility of structure placement, and there are areas within the building envelope with less than 15% slope that may be the chosen house site. The structure will not be located within the 25% or greater slope areas. Mr. McCain stated that an erosion control plan could be submitted later if it were necessary.

The slope plan for the existing driveway shows grades at every 10 feet. At the steeper sections grades range from 12% – 17%. The width of pavement is approximately 12 feet with a clearing width of approximately 16 feet. Mr. McCain does not encourage driveways with grades steeper than 15%.

The proposed driveway has a grade of less than 10% with minimal cut and fill necessary.

The East Warren Road access is owned by University of Toronto, is 50 feet wide, with grades ranging from approximately 12% – 24%. Due to the width of the strip of land, there is no ability of build in switchbacks or cut and fill to lessen the grades. This access borders meadowland, but is not located within the meadowland.

#### PUBLIC INPUT

Mr. King pointed out that the grade of the first portion of Cider Hill road is approximately 15%.

Ms. King stated that the proposed driveway is cutting through primary conservation area as defined under §7.3 and the regulations clearly protect such pieces of land. The subdivision regulations also require shared driveways where practical. This area of meadowland, including abutting properties from Cider Hill Road to the Haskin's property, encompasses approximately 70 acres, and some of the only unbroken meadowland left in East Warren. Her concern as an abutter and citizen of Warren are that the regulations protect such pieces of land and they should be applied. There are other sections of the regulations that refer to maintaining continuous tracts of land and preserving active agricultural lands. This land is actively used as pasture, mowed and fertilized regularly.

The regulations also require shared drives where practical, therefore the viability of the two other accesses must be addressed. The alternatives must be looked at. She feels there is no reason why the existing drive could not be improved to accommodate additional traffic for one more house. The applicant has the obligation of demonstrating that the road cannot be improved and is impractical as an access to the proposed lot. If emergency vehicle access is the primary concern, has the Fire Department been consulted? Mr. Markolf pointed out that the Fire Department had been consulted for the prior 5-lot subdivision application, which would entail adding three developable lots, but this application has not been reviewed by the Fire Department. For the 5-Lot subdivision, the Fire Department preferred the new access to service the three new lots. Mr. McCain pointed out that using the existing

road to access the new lot is not practical for many reasons. Currently the property owners have a 50-foot wide strip bisecting a meadow accessing Cider Hill, where they have a right to develop an agricultural access. If this application is granted that access would move to run along a row of trees, which will impact the meadow less than the existing access and give continuity to the Williams properties.

Ms. Ware stated that §7.3 (B) must be read as a whole, which clearly contemplates driveways and roads being placed in the meadowland, but minimizing their impacts. This opens up the debate of what is “practical.”

Ms. King added that Table 2.13 requires the visual impact to be minimized, and though this section of meadowland is not terribly visible from Cider Hill Road it is used by many people to hike, snow shoe and ski though. Placing a driveway through the middle of the meadow will not retain the maximum meadowland for potential agricultural use. Sharing the existing driveway will utilize the least productive land and protect the primary agricultural soils. She stated that she supports the land swap between U of T and Williams to combine the meadows, but feels there are ways to minimize the impact of the proposed driveway.

Mr. King added an historical meadowland tid-bit, which required development outside of the meadow if lands were located outside of the meadowland, but did allow access through the meadow if that access minimized the impact to the meadowland.

Ms. Ware suggested the board review the application under Table 2.13 and then Article 7.

Mr. Markolf asked if further review by the Fire Department was warranted to reconsider shared access along the existing driveway or further consideration of the East Warren access. Mr. McCain stated that the East Warren access is impractical because it exceeds 20% in places and there is no way to reduce that to something that is reasonable. Ms. Ware asked the board to press forward with the review and not go back to the Fire Department. At the last meeting, the board gave the applicant a list of information to submit, which they have provided.

Ms. King stated that she does not feel the applicant has met the burden that shared access is impractical unless they provide analysis from the Fire Department.

#### DELIBERATION/DECISION

*Table 2.13 – Meadowland Overlay District*

**MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to Table 2.13 (1)(a), to find the property contains developable land, which is not designated as meadowland. VOTE: unanimous; motion carried.**

**MOTION by Mr. Robinson, seconded by Mr. Behn, pursuant to §(1)(a)(i)-(iii), to find the proposed development minimizes the disruption of scenic quality, retains the maximum possible meadowland, and utilizes the least productive land**

because it eliminates the existing 50 foot access bisecting meadow, re-aligns the Cider Hill Road access along a row of trees, ultimately combines the Williams properties and the proposed drive is located in the least productive agricultural lands. VOTE: 3 ayes, 2 nays (EB, DM); motion carried.

Article 7. – *Subdivision Standards*

MOTION by Mr. Behn, seconded by Mr. Robinson, pursuant to §7.2 (A), to find the proposed development is in keeping with the character of the land. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §7.2 (B), to find the proposed development is in conformance with the Town Plan and other regulations. VOTE: unanimous; motion carried.

MOTION by Mr. Robinson, seconded by Mr. Behn, pursuant to §7.2 (C) 1-3, to find the proposed development is compatible with existing settlement patterns by re-aligning the access and combining the Williams properties. VOTE: 3 ayes, 2 nays (EB, DM); motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §7.2 (D) 1-6, to find the proposed development conforms to density and lot layout standards for the district. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §7.2 (E), to find the proposed development with updated site plan establishes a building envelope with the identification of necessary features. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Ms. Roth, pursuant to §7.2 (F) 1-7, to find the proposed development satisfies the landscaping and screening requirements with the following conditions: 1) one acre clear cut maximum is allowed on Lot 2 for the development of the house site; 2) a 75-foot no cut buffer is established along the eastern property boundary of Lot 2; 3) a 75-foot no cut buffer is established along the northern property boundary of Lot 2; and 4) a selective cut area is established along the western property boundary with no cutting of trees measuring 18 inches, diameter at breast height, and above. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to find §7.2 (G) – *Energy Conservation* not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.2 (H), to find disclosure of subsequent development plans satisfied because no further subdivision of Lot 1 or Lot 2 will be a condition. VOTE: 4 ayes, 1 nay (CB); motion carried.

**MOTION by Mr. Behn, seconded by Ms. Roth, to find the updated Lot 2 building envelope satisfies §7.3 (B) (1). VOTE: unanimous; motion carried.**

**MOTION by Mr. Brattstrom, seconded by Mr. Robinson, to find the proposed lot configuration and infrastructure satisfies §7.3 (B) (2). VOTE: 4 ayes, 1 nay (DM); motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Robinson, to find the proposed driveway configuration and utility corridor satisfies §7.3 (B) (3) with the following condition: 1) the utilities will run overhead through the wooded area, or underground through the meadowland; and 2) surface of the proposed driveway will remain gravel. VOTE: 3 ayes, 2 nays (EB, DM); motion carried.**

**MOTION by Mr. Robinson, seconded by Mr. Behn, to find the proposed development satisfies §7.3 (B) (4) because all development, other than the proposed driveway, is located outside the meadowland. VOTE: unanimous; motion carried.**

There was some discussion about how to maintain meadowland, such as requiring management plans, but this option was not exercised. Mr. Williams noted that they plan to place the bulk of their property under a conservation easement once their properties are combined.

**MOTION by Mr. Markolf, seconded by Ms. Roth to find the proposed development satisfies §7.3 (C) 1-4 – *Secondary Conservation Areas*. VOTE: unanimous; motion carried.**

There was some discussion regarding wildlife use of the property. The current natural resources map identifies “good agricultural” soils, but no wildlife habitat on the property. Neighbors have seen both black bear and deer on the property and in the area. A recent visit to the property by Sue Morse, from Keeping Track, did not identify Lot 2 as a primary feeding area for black bear, though a mature beech stand was evident.

**MOTION by Mr. Behn, seconded by Mr. Robinson to find the proposed development satisfies §7.4 (A) because no further subdivision of Lots 1 or 2 are allowed. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Brattstrom to find §7.4 (B) (1)-(6)– *Preservation of Open Space* not applicable. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Ms. Roth to §7.4 (C) – *Creation of Common Land* not applicable. VOTE: unanimous; carried.**

**MOTION by Mr. Behn, seconded by Ms. Roth to §7.4 (D) – *Legal Requirements* satisfied, further the board requests the current or future property owners**

consider allowing pedestrian access should a public path in the area formalize in the future. VOTE: unanimous; carried.

MOTION by Mr. Markolf, seconded by Ms. Roth, pursuant to §7.5 (A)-(C), to find the proposed development satisfied the criteria with the following conditions: 1) an erosion control plan will be submitted to the DRB for approval if the Lot 2 house is sited within the 15%-25% sloped area, and 2) customary erosion control measures will be employed where necessary. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Ms. Roth to find §7.5 (D)-(H) not applicable to the application. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson to find §7.5 (I) and (J) will be followed therefore satisfied. VOTE: unanimous; motion carried.

MOTION by Ms. Roth, seconded by Mr. Brattstrom, pursuant to §7.6 (A), to find the proposed development will not create undue burden on municipal facilities and services. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom to find §7.6 (B) – *Fire Protection Facilities* satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom to find §7.6 (C) – *Park and Playgrounds* not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Roth to find the proposed development satisfies §7.7 – *Roads and Pedestrian Access*. VOTE: unanimous; motion carried.

Applicant understands a curb cut permit is required from the Selectboard prior to construction of the proposed driveway.

MOTION by Mr. Behn, seconded by Mr. Brattstrom to find the proposed development satisfies §7.8 – *Water Supply & Wastewater Disposal*. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson to find the proposed development satisfies §7.9 – *Utilities* as conditioned above and that the utility easement will be indicated on the final plat. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom to find §7.10 – *Signs* not applicable to the application. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Robinson to approve the subdivision University of Toronto 3-Lot Subdivision subject to review and final approval of the pending Williams' subdivision and merger of Lot A with Lot 2, and to conditions contained herein. VOTE; 4 ayes, 1 nay (DM); motion carried.

### III. PUBLIC HEARING: WILLIAMS 2-LOT SUBDIVISION

Application #2002-03-SD submitted by Mary and Thomas Williams seeking approval of a two lot subdivision of 2.83 +/- acres creating Lot-A (0.26 +/- acres) and Lot-B (2.57 +/- acres). The property is located off the west side of Cider Hill Road in the Rural Residential District. Applicant also requests waiver of subdivision hearing requirements by combining the initial meeting with the warned public hearing.

Mr. Williams came before the board.

#### STAFF REPORT

Mr. Markolf read the public notice, which ran in the March 21, 2202 issue of the Valley Reporter.

A site visit was conducted at 9:00 a.m. on February 25, 2002. Gunner McCain, David Dion, Chris Behn, Lenord Robinson, Eric Brattstrom, and Margo Wade attended. At the site visit the group walked the location of the proposed access and viewed the existing access to the abutting University of Toronto property. Mr. Markolf conducted an individual site visit.

#### APPLICANT COMMENTS

Mr. Williams explained the project, which includes subdivision of 2.83 +/- acres creating Lot-A (0.26 +/- acres) and Lot-B (2.57 +/- acres). Lot-A will be transferred to the University of Toronto and merged with Lot-2, of the U of T subdivision, to provide access to Cider Hill Road. The University of Toronto in turn will transfer Lot-3, of the U of T subdivision, to the Williams to be merged with Lot-B and other contiguous lands of Williams. These subdivisions and subsequent mergers will allow the Williams to return approximately 23 acres to single ownership. It also allows better alignment of the U of T Cider Hill Road access, which currently bisects designated meadowland. The proposed access (Lot-A) will follow an existing row of trees. It is the Williams intentions to place the bulk of their property, approximately 18 acres, under a conservation easement once the properties have been brought back together.

There was discussion about possible conditions prohibiting development on Lot-B and restricting further subdivision of the lots. Mr. Dion suggested that if these conditions were placed on the property it would lower its developable value therefore lowering its tax deduction benefits to Mr. Williams when he donates the conservation easement. Mr. Williams asked that these restrictions not be placed on the land.

#### PUBLIC INPUT

There was no public input.

#### DELIBERATION/DECISION

Table 2.13 – *Meadowland Overlay District*

**MOTION by Mr. Behn, seconded by Mr. Robinson, pursuant to Table 2.13 (E) (b) (i)-(iii), to find the proposed development is situated entirely on a lot containing no developable land other than meadowland; the lot was created before January 1984; the proposed development will not conflict with existing agricultural uses;**

and minimizes the disruption of scenic quality, retains the maximum possible meadowland, and utilizes the least productive land. VOTE: unanimous; motion carried.

Article 7 – Subdivision Review

MOTION by Mr. Behn, seconded by Mr. Brattstrom to deem the proposed development request a minor subdivision, application complete, and grant the request to waive the initial meeting. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson to find the proposed development satisfies §7.2 – *General Standards (A)-(D)*. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson to find the proposed development satisfies §7.2 (E) – *Establishment of Building Envelopes*, given the intent to merge the lots with abutting properties. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson to find the proposed development satisfies §7.2 (F) – *Landscaping & Screening*. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom to find §7.2 (G) – *Energy Conservation*, not applicable to the proposed development. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn to find the proposed development satisfies §7.2 (H) – *Disclosure of Subsequent Development Plans*. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom to find the proposed development satisfies §7.3 – *Protection of Primary and Secondary Conservation Areas (A) and (B)*. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn to find §7.3 – *Protection of Primary & Secondary Conservation Areas (C)* is not applicable to the proposed development. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson to find the proposed development satisfies §7.4 – *Open Space & Common Land (A) and (B)*. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson to find §7.4 – *Open Space & Common Land (C) and (D)* not applicable to the proposed development. VOTE: unanimous; motion carried.

**MOTION by Mr. Robinson, seconded by Mr. Behn to find §7.5 – *Stormwater Management & Erosion Control* not applicable to the proposed development. VOTE: unanimous; motion carried.**

**MOTION by Mr. Robinson, seconded by Mr. Behn to find the proposed development satisfies §7.6 – *Community Services & Facilities*. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Robinson to find the proposed development satisfies §7.7 – *Roads & Pedestrian Access*, with the conditions that the surface of the proposed driveway will remain gravel. VOTE; unanimous; motion carried.**

Again, applicant understands a curb cut permit is required from the Selectboard prior to construction of the proposed road.

**MOTION by Mr. Behn, seconded by Mr. Robinson to find §7.8 – *Water Supply & Wastewater Disposal*, not applicable to the application. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Robinson to find the proposed development satisfies §7.9 – *Utilities*, with the following conditions 1) the utilities will run underground through the meadowland, and 2) the utility easement will be indicated on the final plat. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Markolf to find §7.10 – *Signs*, not applicable to the application. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Brattstrom to approve the Williams 2-Lot Subdivision with the following conditions: 1) require merger of Lot-A with the University of Toronto Lot-2, 2) require merger of the University of Toronto Lot-3, Lot-B and the Williams main parcel, 3) the existing row of trees along the south boundary of Lot-A will remain intact and be maintained in perpetuity, and 4) subject to final approval of the University of Toronto 3-Lot Subdivision. VOTE; unanimous; motion carried.**

#### **IV. PUBLIC HEARING: LEMMON/SCHIPA 2-LOT SUBDIVISION**

Application #2002-05-SD submitted by Daniel & Amy Lemmon and Gregory Schipa seeking approval of a two lot subdivision of 3.18 +/- acres creating Lot-I (1.5 +/- acres) and Lot-II (1.5 +/- acres). The property is located off the south side of Fuller Hill Road in the Warren Village Historic Residential District. Applicant also requests waiver of subdivision hearing requirements by combining the initial meeting with the warned public hearing.

#### **STAFF REPORT**

Mr. Markolf read the public notice, which ran in the March 21, 2002 issue of the Valley Reporter.

A site visit was conducted at 6:00 p.m. prior to this meeting. Chris Behn, Eric Brattstrom, David Markolf, Lenord Robinson, Virginia Roth, Anna Whiteside, Carolynn & Gregory Schipa, Applicants; Michael Ketchel, Anna Nelson and Margo Wade attended. At the site visit the group inspected the existing conditions, proposed house site, proposed driveway, and existing and proposed disposal system areas.

#### APPLICANT COMMENTS

Mr. Schipa explained the project, which includes subdivision of 3.18 +/- acres creating Lot-I (1.5 +/- acres) and Lot-II (1.5 +/- acres). Lot-I has the existing driveway and dwelling, which will eventually be replaced. Applicant proposes period dwellings and outbuilding, dwellings will be oriented towards the road and would reflect the historic nature and siting of Warren Village. Construction will take place over a two years period.

The dwellings will share the existing well and will have individual primary and replacement septic disposal areas. The primary septic disposal area for Lot-I is existing.

Initial plans indicate individual driveways, but have been amended on the McCain plan to be shared. Existing and proposed utilities to the property will be buried.

Applicant intends to save all valuable/major trees on the property, maintain the hedgerow along the eastern boundary, and remove scrub brush and scrub trees.

#### PUBLIC INPUT

Mr. Markolf read the letter submitted by Michael Ketchel, which generally supported that application, but requested the driveways be combined, and utilities be buried.

Ms. Nelson raised a concern about rental of the existing dwelling and requested screening between her residence and the existing dwelling. Mr. Schipa replied that appropriate landscaping will be employed once designs for reconstruction of the existing dwelling is begun. The board was hesitant to require landscaping prior to plans being finalized for reconstruction of the existing dwelling.

#### DELIBERATION/DECISION

**MOTION by Mr. Robinson, seconded by Mr. Roth to grant the request to waive the initial meeting. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Behn to deem the submittal material complete and the application a minor subdivision. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Ms. Roth to find the proposed development satisfies §7.2 – *General Standards* (A)-(H). VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Ms. Roth to find §7.3 – *Protection of Primary and Secondary Conservation Areas* not applicable to the proposed development. VOTE: unanimous; motion carried.**

MOTION by Mr. Behn, seconded by Mr. Brattstrom to find the proposed development satisfies §7.4 – *Open Space & Common Land* (A) and (B) and to further find §7.4 (C) and (D) not applicable to the proposed development. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson to require proper erosion controlled measure be employed to comply with and satisfy §7.5 – *Stormwater Management & Erosion Control*. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom to find the proposed development satisfies §7.6 – *Community Services & Facilities* (A) and (B), and to further find (C) not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Ms. Roth to find the proposed development satisfies §7.7 Roads & Pedestrian Access with the conditions that the surface of the proposed driveways will remain gravel. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson to find §7.8 – *Water Supply & Wastewater Disposal* satisfied with the following conditions: 1) State approvals received as required; 2) Town Health permits received as required, 3) and rights to the shared well for each lot will be define in the deeds. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom to find the proposed development satisfies §7.9 – *Utilities* with the following condition the utilities will be provided underground. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Behn to find §7.10 – *Signs* not applicable to the application. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson to approve the Lemmon/Schipa 2-Lot Subdivision with the requirement that an updated site plan be submitted including identification of replacement septic disposal area for the existing dwelling, and conditions as stated above. VOTE: unanimous; motion carried.

**V. PUBLIC HEARING: ROBINSON 2-LOT SUBDIVISION RE-APPROVAL**

Application #2002-04-SD submitted by Susan Robinson seeking re-approval of a 2-lot subdivision of 10.1 +/- acres consisting of Lot 10-A (8.9 +/- acres) and Lot 10-B (1.2 +/- acres). The property is located off the south side of Robinson Road in the Rural Residential District. Applicant also requests waiver of subdivision hearing requirements by combining the initial meeting with the warned public hearing. Due to a filing defect, namely the final mylar was not timely filed, re-approval is necessary.

Mr. Robinson recused himself from the board and came before the board on behalf of the applicant.

#### STAFF REPORT

Mr. Markolf read the public notice, which ran in the March 21, 2002 issue of the Valley Reporter.

Ms. Wade reported that the mylar had not been filed with in 90 days of the previous approval. No changes have been made to the application except the original application (#2001-06-SD) was reviewed under the Permanent Subdivision Regulations and the re-approval requires review under the Land Use & Development Regulations.

#### APPLICANT COMMENTS

Mr. Robinson concurred with Ms. Wades report.

#### PUBLIC INPUT

There was no public input.

#### DELIBERATION/DECISION

**MOTION by Mr. Behn, seconded by Mr. Brattstrom to grant the request to waive the initial meeting, deem the submittal material complete, classify the subdivision a minor, to find there have been no changes form the original application, which was issued under the Warren Permanent Subdivision Regulations and conforms with the current criteria under Articles 6 and 7 of the Land Use & Development Regulations, and to specifically incorporates all Findings of Fact and Conclusions of Law as stated in Permit #2001-06-SD. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Brattstrom to grant re-approval of the Robinson 2-Lot Subdivision. VOTE: unanimous; motion carried.**

The draft decision was approved and signed. The mylar was also approved and signed.

#### **VI. OTHER BUSINESS**

With regard to the Williams subdivision, Ms. Roth stated that she was uncomfortable with Mr. Dion's comments about decreased value of the property if conditions were placed on the approval restricting some developments. She feels the board should not have taken Mr. Dion's argument into consideration since Mr. Williams stated in his application he had no intentions to develop that land.

##### a) Black – review of final structure plans

Charles Black and Tom Clark came before the board to present the final structure plans including:

- final design plans & dimensions
- exterior finish – cedar clapboards
- exterior color – gray with white trim
- roof finish – standing seem metal, matt gray
- site location – as submitted 11/20/01 and approved 11/29/01

- notification of final plans to Bennett (Mr. & Mrs. Bennett were present at the meeting)

**MOTION by Mr. Behn, seconded by Mr. Brattstrom to accept and approve the final plans for the Black dwelling as submitted. VOTE: unanimous; motion carried.**

b) Schedule Youlden site visit

A site visit was scheduled on April 13, 2002 at 9:00 a.m. for the Youlden application.

c) Signing of minutes

**MOTION by Mr. Behn, seconded by Mr. Brattstrom to approve the March 27, 2002 meeting minutes as submitted. VOTE: unanimous; motion carried.**

**VII. ADJOURNMENT**

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

The meeting adjourned at 10:30 p.m.

Respectfully submitted,  
Margo B. Wade  
DRB/PC Assistant

**DEVELOPMENT REVIEW BOARD**

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Chris Behn (date)

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Eric Brattstrom (date)

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Lenord Robinson (date)

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David Markolf, Vice Chair (date)

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Virginia Roth (date)