

**TOWN OF WARREN  
PLANNING COMMISSION & DEVELOPMENT  
REVIEW BOARD  
MINUTES OF MEETING  
JULY 19, 2004**

**COMMISSION MEMBERS PRESENT:** Clayton Cormier, Chair; John Donaldson, Don La Haye, John Goss, Lisa Miserendino, Laura Crandell and Jim Sanford.

**BOARD MEMBERS PRESENT:** Eric Brattstrom, Virginia Roth, David Markolf

**OTHERS PRESENT:** John Corbitt, Vermont Journal, Miron Malbeouf, Zoning Administrator, Karen Van Gilder, DRB/PC Assistant.

**AGENDA:**

- 1) 7:30 PM Call to Order
- 2) Discuss proposed changes to the Land Use and Development Regulations to include in the Town Plan Update.

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**I. CALL TO ORDER**

Mr. Cormier called the meeting to order at 7:10PM.

**II. PROPOSED CHANGES TO LAND USE AND DEVELOPMENT REGULATIONS**

The Development Review Board (DRB) presented the Planning Commission (PC) with a list of possible changes to the Land Use and Development Regulations. The group went through the items. The group also discussed items not on the list brought to the table by both PC and DRB members. The suggestions and recommendations are as follows:

- 1) Accessory Dwellings – The DRB questioned the need for a maximum size for accessory dwellings and asked for clarification on whether non-habitable space should be included in the calculations. John Donaldson pointed out that the state statute regarding accessory dwellings will soon change. In those changes, it is clear that only habitable space should be included. The PC agreed to look into whether a maximum square footage was necessary to meet the goals of the town, how the state level changes would affect a maximum square footage, and to clarify the calculation to include only habitable space.
- 2) Duplexes in PRDs – The DRB pointed out that currently any multi-family dwelling, even duplexes, must be reviewed as a PRD. Mr. Markolf suggested that duplexes could be handled through conditional use review. The PC agreed to consider changing the level of review to conditional use and to add a definition of duplex.

- 3) Allow bus stops and dog houses in the setbacks – The DRB stated that there had been a situation in which a bus stop was built in the setback. Mr. Malbeouf stated that any structure under 100 square feet can be built anywhere. The PC and DRB decided that it would not be necessary to change anything in regard to the observation.
- 4) Coordinate pond development with Fire Department – The DRB suggested that it would be good to have all pond applications be forwarded to the Fire Department for comment. This would allow the Fire Department to be aware of the location of additional water sources and to request a stand pipe if necessary. Mr. Malbeouf stated that he usually recommends to applicants that they consult with the fire department. The PC agreed to consider fire department review of pond development.
- 5) Waive survey and mylar recording requirements in certain circumstances – The DRB observed that the language in the regulations states that the DRB may waive the requirement of a survey, but it does not state the circumstances. The DRB suggests that there are circumstances in which the requirement of a survey and mylar becomes an unnecessary expense for the property owner. The PC agreed to expand on the language for waiving the requirements after evaluating when that would be appropriate.
- 6) Allow “natural subdivisions” divided by Class 1,2, or 3 town roads – The DRB observed that the regulations specifically state that the division of land by right-of-way, including a town road, shall not render such land contiguous, but Steve Stizel, town attorney, has stated that a parcel of land divided by a Class 1,2 or 3 town road exists as two separate lots. The PC agreed to evaluate Mr. Stizel’s opinion and change the regulations as necessary.
- 7) Clarify what is allowed in primary and secondary conservation areas and how they are defined – The DRB pointed out that the regulations specify a 25% slope as a primary conservation area but do not specify over what distance that slope should be measured. The DRB also noted that the regulations are not clear on how to treat steep slopes created through development, whether it is okay to remove the steep slope, thereby removing the primary conservation area, and whether roads and driveways should be allowed in order to access appropriate building sites. In addition, the DRB asked whether the conservation areas should be counted in the calculation of lot size for subdivision purposes. The PC agreed to clarify the definition of the slopes, specify what kinds of activities are allowed with in the areas, and specify how to calculate lot size.
- 8) Clarify the lot coverage definition – The DRB pointed out that the lot coverage definition does not include gravel or other unpaved road/driveway surfaces. The PC acknowledged that it should and agreed to specify what constitutes development for lot coverage purposes.

- 9) Clarify Meadowland Overlay District (MOD) clearing restrictions – The DRB stated that it uses standard tree-cutting language in its decisions and suggested that this be included in the regulations. The DRB also requested more guidance on when to impose the clearing restrictions. In addition, the DRB pointed out that on occasion they restrict cutting on land that is in the MOD (and presumably should be cleared to meet the definition) when the trees are used as a screen. They pointed out that owners could clear meadowland if they were not building a house. The PC agreed to work to clarify the MOD requirements and to consider including the clearing restrictions in the regulations.
- 10) Clarify outdoor lighting requirements – The DRB stated that the regulations specify 75 watt light bulbs but not the type of bulb. The PC agreed to clarify what types of bulbs are allowed.
- 11) Expand receiving area for transfer of development rights (TDR) – The DRB suggested that it could expand options for developers if zones other than the Forest Reserve District could serve as TDR receiving areas. The DRB suggested retaining the requirement that a certain percentage of the project be affordable housing. The PC agreed to consider expanding the TDR receiving areas and to discuss the impact this might have with Karen Winchell.
- 12) Remove any references to “verbal” permission from the DRB – The DRB suggested that all permission or waivers from the DRB should be done in writing. The PC agreed to remove references to verbal permission.
- 13) Provide a mechanism for review for solar panels – The DRB stated that there is no reference to the review of solar panels in the regulations and asked whether they should be considered a conditional use or as public facilities. Mr. Malbouef, Zoning Administrator, stated that any review process would probably be circumvented by the Public Services Board because applicants can apply to install them without any input from the town. The DRB requested that the PC investigate ways to incorporate town review into the regulations and process. The PC agreed to contact the Central Vermont Regional Planning District to see if any other communities have found solutions and to add the appropriate language to the ordinance.
- 14) Review the boundaries of the Meadowland Overlay District (MOD) - Members of the DRB and PC brought up the question of whether the MOD boundaries should be adjusted to reflect changes on the land since they were first drawn. The general consensus was that this might encourage people not to mow, so their property would eventually be taken out of the district. Mr. Markolf stated that for better or for worse the district preserves views and limits development. The PC agreed to reevaluate the boundaries.
- 15) Increase Rural Residential District (RRD) minimum lot size – Mr. Markolf suggested that a one acre minimum lot size may be too small to meet the goals of the RR. He

suggested that he suspects that the minimum was set with the expectation that few one acre lots would be made because of septic constraints. He suggested that the PC evaluate the minimum and the limits in Table 2.2 (E)(1). The PC agreed to consider increasing the minimum lot size for the RRD.

- 16) Lower the minimum lot size for the Warren Village Historic Residential District (WVHRD) – Ms. Roth suggested that decreasing the minimum lot size in the WVHRD from one acre could encourage more focused development in the village. Mr. La Haye stated that the PC had originally thought .25 acre would be appropriate but put .50 acres in the regulations during the last regulation update. He stated that the village residents did not support .50 acres as the minimum, and it was removed from the regulations. The PC agreed that a lower minimum would fit the goals of the town plan better and to raise the question again.
- 17) Fine tune the Planned Residential Development (PRD) and Planned Unit Development (PUD) requirements – Specifically, Mr. Markolf commented that the design types outlined in the PRD requirements are constraining for many projects. He suggested that the PC take a look at them and the PUD and clarify what the DRB needs to require. The PC agreed to evaluate the PRD and PUD requirements.
- 18) Ensure that all materials submitted at the hearing and in the application are part of the findings in DRB decisions – Mr. Markolf suggested that making sure that all materials submitted were part of the findings and that applicants understood that would be good. The PC agreed.
- 19) Increase the DRB’s ability to make trail connectivity a condition of development – Mr. Markolf stated that there are occasionally opportunities for additions to the trail system during project review but that it is not clear that the DRB has the authority to require design that would accommodate the trails either as part of the initial construction or in the future. The PC agreed to investigate options for incorporating trails into development review.
- 20) General clarification of regulations – Mr. Cormier asked whether any of the existing districts should be changed and whether there were any lot size and setback issues other than those that had already been discussed. The consensus was that there were no further problems. Mr. Cormier asked if there were other definitions that needed updating. Ms. Roth suggested that the definitions for “bar” and “restaurant” could use clarification. It was also suggested that the definition of “land development” should include roads and driveways.
- 21) Evaluate Town’s involvement in Environmental Court proceedings – Mr. Markolf suggested that the Town might want to consider take a more active role in Environmental Court proceedings because some applicants have caught on the fact that the Town will not pursue their interests and that all of the negotiations done at the local

level will be ignored. The PC agreed to consider the Town's options to back the DRB's decisions in Environmental Court.

Mr. Cormier asked for any further suggestions and seeing none, closed the discussion.

**VII. ADJOURNMENT**

**MOTION by Mr. Monte, seconded by Mr. Le Haye, to adjourn the meeting.**

**VOTE: unanimous; motion carried.**

The meeting adjourned at 9:15 PM.

Respectfully submitted,  
Karen Van Gilder  
DRB/PC Assistant

**PLANNING COMMISSION**

**DEVELOPMENT REVIEW BOARD**

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Clayton Cormier, Chair (date)

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David Markolf (date)

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John Donaldson (date)

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Eric Brattstrom (date)

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Lisa Miserendino (date)

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Vriginia Roth (date)

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Jim Sanford (date)

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Laura Crandell (date)

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Don La Haye (date)

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