

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
JANUARY 7, 2004**

MEMBERS PRESENT: Peter Monte, David Markolf, Eric Brattstrom & Chris Behn.
OTHERS PRESENT: Jason Heroux, Mark Bannon, Victoria Gadd and Paul Eardensohn,
Kirsten and Terry Reilly, Shannon Hill, DRB/PC Assistant.

AGENDA:

- 1) 7:00 Call to Order
- 2) 7PM - Riverwatch Real Estate 2-Lot Subdivision on Senor Road in the Rural Residential District
- 3) 8PM - Eardensohn 4-Lot Subdivision on the corner of German Flats Road and Sugarbush Woods Road in the Vacation Residential District
- 4) 9PM - Reilly Conditional Use for development within the district setbacks on Main Street in the Warren Village Historic Residential District
- 5) 9:30PM - Richardson Conditional Use for development within the Meadowland Overlay District on Roth Road in the Rural Residential District
- 6) Signing of Minutes & Decisions

I. CALL TO ORDER

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

II. RIVER WATCH REAL ESTATE 2 LOT SUBDIVISION

Application #2003-09-SD submitted by Riverwatch Real Estate seeking approval of a 2-Lot subdivision of 12.6 +/- acres into Lot 1(8.5 +/-) and Lot 2 (4.3 +/-). The property is located on Senor Road in the Rural Residential District with a portion of the property in the Meadowland Overlay District. The subdivision requires review under Article 6, *Subdivision Review*, & Article 7, *Subdivision Standards*, of the *Warren Land Use & Development Regulations*.

STAFF REPORT

Mr. Monte read the legal warning which ran in the VT Journal on December 10, 2003.

A site visit was conducted on January 3, 2004 at 10AM. Present at the site visit were board members Dave Markolf and Chris Behn as well as Shannon Hill, DRB/PC Assistant. During the site visit the board discussed looking into whether there is meadowland on the property as well as the location of the road and the steep grade down to the river.

Ms. Hill printed out a map indicating that proposed Lot #1B does contain meadowland.

The board decided they wanted the hearing re-warned since the meadowland was not mentioned in the original warning. Mr. Heroux will re-notify all of the property adjoiners.

PUBLIC INPUT

Howard Whittle, a property adjoiner, attended the meeting. He had no problem with the subdivision and only attended the hearing for informational purposes.

GENERAL DISCUSSION

Mr. Heroux came before the board to present the two lot subdivision. He noted that the house site on Lot #1B is flexible and the driveway will be located on one side of the existing sugar shack.

The board was concerned that if the driveway is located south of the sugar shack that the sight line would be obstructed by the shack. The board cautioned Mr. Heroux that he may need a curb cut from the Warren Selectboard.

The sugar shack may be torn down depending on who purchases the property. All new utilities will be underground. The applicant stated that he had already received a state and local wastewater permit. Mr. Heroux has no plans to further subdivide the property.

The board requested the building envelope, meadowland and driveway all be located on the Mylar Plat.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Behn, that the building envelope cannot be located within 100' of the stream or contain any designated Meadowland. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §7.3, that the project satisfies the criteria for protection of primary and secondary conservation areas. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §7.4, that the project is not applicable to the criteria for open space and common land. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §7.5, that the development of the driveway and site improvements will use appropriate erosion control methods. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, pursuant to §7.5, that the project satisfies, subject to the conditions contained herein, the criteria for stormwater management and erosion control. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, that the applicant must obtain all applicable state and local permits. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §7.6 and §7.7, that the project satisfies, subject to the conditions contained herein, the criteria for community services and facilities and roads and pedestrian access. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §7.8, that the project

satisfies, subject to the conditions contained herein, the criteria for water supply and wastewater disposal. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §7.9, that all new utilities must be underground. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn, pursuant to §7.10, to find that the project is not applicable to the criteria for signs. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, that Lot #1A and #1B will remain subject to all of the conditions of the prior subdivision, #2003-07-SD. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, to warn the next hearing in the VT Journal and specifically note that there is some meadowland on the property. VOTE: 4 yes, 1 no (PM); motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, to continue the hearing to February 4, 2004 at 7PM. VOTE: unanimous; motion carried.

III. EARDENSOHN 4-LOT SUBDIVISION

Application #2003-09-SD submitted by Victoria Gadd Eardensohn requesting approval of a four lot subdivision of 16.6 +/- acres into Lot 1 (2.2 +/-), Lot 2 (3.0 +/-), Lot 3 (5.1 +/-) and Lot 4 (6.3 +/- acres). The property is located on the corner of German Flats and Sugarbush Woods Road in the Vacation Residential District. The subdivision requires review under Article 6, Subdivision Review, & Article 7, Subdivision Standards, of the Warren Land Use & Development Regulations.

STAFF REPORT

Mr. Monte read the legal warning which ran in the VT Journal on December 10, 2003.

A site visit was conducted on January 3, 2004 at 9AM. Present at the site visit were board members Dave Markolf and Chris Behn as well as Mark Bannon, Paul Eardensohn and Shannon Hill, DRB/PC Assistant. During the site visit the board discussed moving the house site on Lot #2 further back from the road, the steep slopes of all four lots, access to the lots and clearing restrictions.

PUBLIC INPUT

Ms. Hill noted that she received a letter from Roberta Bren, an adjoining property owner. Ms. Bren lives in Virginia and was unable to attend the hearing. In her letter Ms. Bren brought up the following issues:

- Emergency access
- On street parking
- Water supply
- Road drainage causing flooding in homes

Ms. Hill spoke with Ms. Bren and explained that because the application is for a subdivision the board would hold at least two hearings.

GENERAL DISCUSSION

Mark Bannon, Paul Eardensohn and Victoria Gadd Eardensohn came before the board to present the project. Mr. Bannon explained that the driveway leading to Lots #3 & #4 was originally used as a logging road. The driveway is 670' long and < 15% grade. As discussed during the site visit, the applicant explained that they would like to move the house site on Lot #2 further away from German Flats Road. The property line between Lot #2 and #3 might need to be adjusted to accommodate the relocated house site. In response to Ms. Bren's concern about water supply, Mr. Bannon explained that each of the four house sites will have their own drilled well.

Mr. Monte and Mr. Brattstrom noted that this area of town does have water issues.

The board explained to the applicant that they must contact the Warren Fire Department to obtain a letter of support for the project and get a curb cut from the Selectboard for the lower driveway. The DRB approved of the lower driveway location. The board will consider the Warren Fire Departments recommendations for emergency access to the proposed house sites.

The board requested the applicant revise the site plan as follows:

- none of the building envelopes contain slopes greater than 25%
- more detailed slope analysis within the building envelopes
- covenants for road and septic
- setback distance from German Flats Rd on lot #2
- meets and bounds on the building envelopes
- curb cut permit for the lower driveway

Mr. Bannon explained that the replacement leach field on Lot #2 will not be cleared and that the primary leach field is over 100' from German Flats Road. He also noted that they have received approval from the state for the wastewater system.

Mr. Monte requested the applicants consider giving the town an easement along German Flats Road to extend the anticipated pedestrian path from the Lodge at Lincoln Peak. The applicants explained that the path would need to go through a wetland and over a steep hill on the property boundary with Peppers Inn and Restaurant. They believe the opposite side of German Flats Road is more appropriate for a pedestrian path. The board requested Ms. Hill look into the proposed Lodge path location and see if it could be extended onto this property.

The applicant also noted that a portion of Peppers driveway is on their property.

DELIBERATION/DECISION

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, to classify the application as a minor subdivision. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to continue the hearing to

February 18, 2004 at 7PM. VOTE: unanimous; motion carried.

IV. REILLY CONDITIONAL USE

The Warren Development Review Board has scheduled a public hearing at 7:30 PM, Wednesday January 7, 2004 at the Warren Municipal Building to consider application #2003-102-CU submitted by Kirsten & Terry Reilly seeking conditional use approval to build a garage within the district setbacks on Main Street in the Warren Village Historic Residential District. This project requires Conditional Use Review.

STAFF REPORT

Mr. Monte read the legal warning which ran in the December 10, 2003 edition of the Vermont Journal.

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 Terry Reilly, applicant, and Shannon Hill, DRB/PC Assistant. During the site visit the board reviewed the footprint of the proposed building as well as the setbacks from the property boundaries and the river. Mr. Reilly explained that the proposed building is less than 50 from the stream.

GENERAL DISCUSSION

Kirsten and Terry Reilly presented the proposed project which includes a 20' by 20' garage across Main St from their house. They explained that since the last hearing they determined the proposed garage is less than 50' from the river. Their architect had estimated the distance to be greater than 50', but did not consider the 14' setback from Main St. Ms. Reilly presented schematics of all four sides of the proposed garage as well as the proposed colors for the garage.

The applicants explained that they have very little storage room in their house due to no attic and their basement is frequently wet. The one car they keep across the street has been vandalized in the past.

The board discussed the stream setback and after reviewing §3.13, surface water protection, they realized that they did not have the authority to approve any development closer than 50' to the river as a conditional use. They explained to the applicant that the proposed development would require a variance.

The board discussed other options for expanding the Reilly's house. After some discussion the board recommended the Reilly's review the Warren zoning regulations and consult with an architect to try to come up with a more feasible plan. The Reilly's explained that it is important to them to maintain the character of the house and with the preexisting small lot and stream setbacks their option are very limited.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Markolf, to deny the application because the proposed building location is in conflict with §3.13, surface water protection, and exceeds the ability of the DRB to reduce the stream setback as stated in §3.13(B).

VOTE: unanimous; motion carried.

V. RICHARDSON CONDITIONAL USE FOR DEVELOPMENT IN THE MEADOWLAND OVERLAY DISTRICT

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, to continue the Richardson hearing to February 18, 2004 at 7PM. VOTE: unanimous; motion carried.

VI. OTHER BUSINESS

a) Approval of meeting minutes

MOTION by Mr. Monte, seconded by Mr. Behn, to approve the minutes from December 17, 2003 as corrected/amended. VOTE: unanimous; motion carried.

b) Chisel Tooth Group Appeal to the VT Environmental Court

Ms. Hill noted that she received and appeal to the Chisel Tooth Group decision from Dick and Harriet King. The board feels that the town has no direct interest in the decision and that the applicant and the appellant should work out their issues with the environmental court.

MOTION by Mr. Monte, seconded by Ms. Markolf, that the town of Warren has no direct interest and the appeal does not merit the town expending funds to participate
VOTE: unanimous; motion carried. Mr. Brattstrom and Mr. Behn abstained from the vote because they did not participate in the hearings.

VII. ADJOURNMENT

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, 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

David Markolf (date)

Peter Monte (date)

Eric Brattstrom (date)

Chris Behn (date)