

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MARCH 19, 2003**

- MEMBERS PRESENT:** Peter Monte, Chair; David Markolf, Vice Chair; Eric Brattstrom, Lenord Robinson, Virginia Roth, Jeff Schoellkopf.
- OTHERS PRESENT:** Gunnar McCain and Nicole Fitch, Ritchie Consultant; Don Ritchie, Barry Simpson, Julie Iffland and Carolyn Kelly, TPL Representative; Heli Heitzler, TPL Abutter; Shannon Hill, DRB/PC Assistant.
- AGENDA:**
- 1) 7:30 p.m. Call to Order
 - 2) Subdivision Hearing Continuations – Ritchie 6-Lot Subdivision
 - 3) Subdivision Hearing Continuations - Trust for Public Land 2-Lot Subdivision (1 hour)
 - 4) Other Business: Signing of minutes and decision

I. CALL TO ORDER

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

II. RITCHIE 6-LOT SUBDIVISION CONTINUATION

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 has been classified a major subdivision and will be reviewed under Article 6 – *Subdivision Review* and Article 7 – *Subdivision Standards* of the WARREN LAND USE & DEVELOPMENT

Don Ritchie, Gunner McCain and Nicole Fitch came before the board on behalf of the applicant.

STAFF COMMENTS

The Warren Fire Department submitted a letter in support of the revised site plan dated 2/23/03 showing one access serving six lots.

APPLICANT COMMENTS

Mr. McCain submitted an updated site plan, including amendments to address the Warren Fire Department and Mr. Edgecomb's concerns.

To address the Fire Departments concerns, the applicant have reduced the access to the six Lot's to one road off of the Airport Road. The road has less of a grade and is wider than originally designed.

The DRB decided it was not practical to extend the project roadway to other adjoining properties to establish an integrated roadway system. Only the Bennett property not fully developed, and that property is restricted from future subdivision.

The applicant has agreed to honor Mr. Edgecomb's request that the Ritchie's deed a 30-foot right of way on the Southern portion of their property to the Town of Warren. This would enable the town to straighten and increase the visibility on the Dump Road by moving the road under the power lines.

The 30-foot buffer on the southern edge of Lot 2 will temporarily be maintained on the applicant's -side of the Dump Road. If and when the Dump Road is moved, the 30-foot

buffer is to be planted in the current location of the Dump Road. Once the buffer has moved, the owner of the Edgecomb house will be responsible for maintaining the buffer and will be allowed to plant grass, shrubs and trees. The Ritchie's will maintain a buffer directly across from Mr. Edgecomb's driveway to include no less than three coniferous trees to shield the headlights from the Edgecomb driveway.

Mr. Monte has recommended the language in the quitclaim document to read as follows:

1) Before the first sale of the subdivided lots, the developer will tender to the Town of Warren an easement, by quitclaim, for the land located within the temporary buffer at the southerly corner of Lot 2 for highway purposes. The applicant may withdraw the tender if the town has not accepted and recorded the deed within one year of the tender.

2) Upon the town's acceptance of the highway deed, the applicant will tender to Mr. Edgecomb an easement for the purpose of maintaining a vegetative buffer, by quitclaim, to plant trees, shrubs and grass on the entire portion of Lot 2 the applicant has granted an easement to relocate The Dump Road.

3) Upon relocation, the temporary 30-foot buffer on the Ritchie's property need no longer be maintained as a buffer except for the area located directly opposite the intersection of the Edgecomb driveway and the Dump Road. The remaining buffer shall include no fewer than three coniferous trees.

There is no buffer indicated on the site plan on the East side of Lot 2 because the applicant feels, and the board agrees, that the intersection of the Dump Road and the Airport Road is safer without vegetation due to sight distance.

Although the applicant had to make numerous compromises with the DRB and interested parties, the applicant has a better project because of the changes that were made.

The Selectboard has tabled the applicants' curb cut permit until the DRB approves the subdivision.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Markolf, that the conditions as offered, with the change in the number of trees instead of the 50 x 30 foot buffer, be adopted as conditions should the board grant the permit. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom pursuant to §7.2(A) thru §7.2(C) to find that the proposed project is suitable for subdivision, is adjacent to similar residential subdivisions and is in conformance with the town plan and existing development patterns. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf pursuant to §7.2(D) thru §7.2(F), to find that the proposed subdivision satisfies the criteria for density and lot layout, establishment of a building envelope and landscape and screening. VOTE: unanimous; motion carried.

The density is less than the zoning allowance and the building envelopes buffer zones and other screening requirements are satisfactory.

MOTION by Mr. Markolf, seconded by Mr. Monte pursuant to §7.2(G) thru §7.2(H) and §7.3, to find that the proposed subdivision either meets, or the criteria is not applicable, to the standards for energy conservation, disclosure of subsequent development plans and protection of primary or secondary conservation areas. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Monte pursuant to §7.4 that the proposed subdivision does not require designated open space or common land because of the low-density development that creates open space. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom pursuant to §7.5, to find that the stormwater management and erosion control are met as outlined in the application. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf pursuant to §7.6 and §7.7, to find that the proposed subdivision meets the standards, or the criteria is not applicable to, community services and facilities. VOTE: unanimous; motion carried.

The fire department and the intersection improvement prospects concerns have been satisfied.

MOTION by Mr. Monte, seconded by Mr. Markolf pursuant to §7.8, to find that the proposed subdivision meets the standards for water supply and wastewater disposal as the state has approved the applicants septic and water permits. VOTE: unanimous; motion carried.

Applicant will need a local health permit.

MOTION by Mr. Markolf, seconded by Mr. Monte pursuant to §7.9, to find that the proposed subdivision meets the criteria for utilities as detailed in the application. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Monte pursuant to §7.10, to find that the signs standards are not applicable to the proposed subdivision. VOTE: unanimous; motion carried.

In order to accommodate Mr. Messner's concerns that prospective buyers know there is an airport nearby, the board felt it was appropriate to mention it in the minutes and the finding of fact.

MOTION by Mr. Robinson, seconded by Mr. Markolf, to approve the applicants revised subdivision plan and supporting documentation. VOTE: unanimous; motion carried. VOTE: unanimous; motion carried.

Mr. Brattstrom departed at 8:25. Ms. Roth arrived at 8:30 and Mr. Schoellkopf arrived at 8:45.

III. TRUST FOR PUBLIC LAND 2-LOT SUBDIVISION INFORMAL MEETING

The Trust for Public Lands (TPL) has requested a continuation of the informal hearing to discuss the proposed a 2-lot subdivision of 7.52+/- acres consisting of Parcel A-1 (5.01+/- acres) and Parcel A-2 (2.51+/- acres). The property is located off the east side of Plunkton Road and west of Blueberry Lake Road in the Rural Residential District. This project requires subdivision review under Articles 6&7 of the *Warren Land Use & Development Regulations*.

STAFF REPORT

The Trust for Public Lands (TPL) has requested a continuation of the informal hearing that began on March 5, 2003. At the March 5, 2003 meeting the application was found to be incomplete due to the wetlands not being indicated on the site plan and a prior finding stating there could be no further subdivision on the lot.

GENERAL DISCUSSION

Mr. Schoellkopf suggested having additional board members for the next hearing. The board decided that, since they were present during this hearing, Mr. Monte and Mr. Robinson would be included on the board at the next hearing.

Ms. Iffland and Ms. Kelly came before the board as the representation for the TPL. They presented an updated site plan indicating the locations of the wetlands. The source of the wetlands data was the National Wetlands Inventory maps as well as the wetlands previously delineated by DuBois and King. Ms. Iffland presented a note from the soils scientist who conducted the wetlands delineation.

The TPL purchased the property in 1999 with an agreement that they would hold the land for 12-18 months at which time the USFS would purchase the land. After the TPL purchased the land the USFS determined they could not take on the liability of the house, and requested the TPL attempt to get rid of the house or subdivide the land and sell the house on a smaller lot. Although the TPL has received inquiries about disassembling the house, they have only received offers for the house on the land. The TPL has now held the land for 27 months, way longer than they had originally anticipated. They would like to accommodate the desires of the USFS and the Town of Warren.

The board determined that the previous issues of meadowlands and wetlands have been resolved and as far as they can see the application is complete.

Mr. Robinson does not understand how the land could not have been meadowlands.

The board decided that, since this was not a formally warned meeting, they would make no motions. They would conduct sketch plan review.

Ms. Iffland explained the land must be developable in order for the TPL to recoup some of the money they have spent. There is someone scheduled to purchase the house and is

willing to buy it with a smaller parcel or the entire Lot of 7.52 acres. However, the TPL would like at least part of the property, especially the land directly surrounding the lake, to go into public hands.

Mr. Simpson agrees that the TPL has made the “best” decision considering their alternatives. He believes they have put a lot of time and money into trying to get rid of the house, and would like to have contiguous public access around the lake.

The Town of Warren has requested a temporary easement from the TPL for use of Parcel A-2 during the construction of the Blueberry Lake dam. Mr. Monte would like the easement language written into the permit, if one should be furnished.

Mr. Heitzler, an abutting property owner, is concerned because the septic location for the existing house is swampy. He also notes there is a “waste dump” on the proposed Lot A-2 that should be cleaned up.

The board expressed concern as to whether the proposed project conformed to the town plan. Although there are no outright restrictions on the proposed development in the Town Plan, the board did discuss some sections that referenced the Blueberry Lake area. They feel that any development on the proposed Parcel A-1 would be too prominent because the lot is dominated by fields.

Although the TPL intends to transfer the proposed Parcel A-1, the board has no guarantee that the transfer will go through and therefore must consider the worst case scenario. If the TPL could furnish an agreement with the USFS the board would feel better about approving the subdivision request.

The board also requested a proposal of a more defined building envelope as defined in §7.2(E) and of potential conditions placed on any future development on proposed Lot A-1.

Mr. Monte requested the TPL include an easement on proposed Parcel A-1 that would assure public access to the perimeter of Blueberry Lake in the case the transfer to the USFS does not go through. Ms. Iffland thinks such an easement would change the value of the property and the USFS would need to reappraise the land which could take up to four months.

The board discussed including a stipulation in the subdivision permit, if one is issued, that no structure may be erected on Parcel A-1 until the applicant came before the DRB for the determination of conditions imposed on the development. The possibility of limiting any development to a three-bedroom home to prevent a “trophy house” from being built on the site was also discussed.

The TPL feels that they have put their reputation on the line going for a subdivision because the perception is that they are trying to develop it. They would prefer to take a

chance and subdivide the land with the potential of a transfer to the USFS than sell the lot off as is and not preserve any of it.

Mr. Markolf suggested the DRB hold a duly warned public hearing on April 16, 2003 at 7:30 p.m. at the Warren Municipal Building.

VI. ADJOURNMENT

MOTION by Mr. Markolf, seconded by Ms. Roth, to adjourn the meeting. VOTE: unanimous; motion carried.

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Shannon M. Hill
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Eric Brattstrom (date)

Lenord Robinson (date)

David Markolf (date)

Peter Monte (date)

Virginia Roth (date)

Jeff Schoellkopf (date)

Cc: Applicant
MRVPD
Town Clerk
Consultant
Interested parties
Applicant File
Post