

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY MARCH 7, 2007**

Members Present: Peter Monte, David Markolf, Virginia Roth and Chris Behn (arr. 7:35).
Others Present: Don Marsh, Mike Krongel, Erin Post, Chris Peltier, Cindy Carr, Miron Malboeuf and Ruth Robbins.
Agenda: Call meeting to order, 7:00 pm.

- 1) Election of Officers
- 2) **Application 2006-15-SD**, (continued from January 31st 2007) **LBO LLC**, Nine Lot Subdivision, off Sugarbush Access Road The applicant, LBO LLC, seeks Final Plan Approval, Article 6, §6.3 for a Major Subdivision, 9 lots off the Sugarbush Access Road. This application, located in the Vacation Residential Districts, requires review under Article 2, *Zoning Districts & District Standards, Table 2.5, Vacation Residential District*, Article 6, *Subdivision Review* § 6.1, 6.4 *Final Plan Approval* & Article 7, *Subdivision Standard* of the Warren Land Use and Development Regulations
- 3) Applications: **2007-03-SD & 2007-03-CU**, Revisions to an approved Subdivision and Approval of Structures on a parcel located partially in the Forest Reserve District. The applicants, Chris & Heather **Peltier**, seek permission to modify the existing approved plat for lots 10 & 11 of the Lincoln Ridge Subdivision, to allow for an extension of the roadway to a 40± acre, adjacent parcel (id# 06004-102). The applicants propose to construct a *Single Family Residence* and *Accessory Structures* on the portion of the parcel located in the *Rural Residential District*, Article 2 (Table 2.2), below the *Forest Reserve District*, Article 2 (Table 2.1). The driveway to the proposed house site cross slopes defined as a *Secondary Conservation Area*, Article 3 §3.4, *Erosion Control & Development on Steep Slopes* and requires. Conditional Use Approval under Article 5, *Development Review* This Application also requires review under Article 6, *Subdivision Review*, and Article 7, *Subdivision Standards* of the Warren Land Use and Development Regulation
- 4) Other Business:
 - a) Review and approve Minutes from January 31, 2007
 - b) Review & sign decisions,

Mr. Monte called the meeting to order at 7:15 pm.

- 1- **Application 2006-15-SD**, (continued from January 31st 2007) **LBO LLC**, Nine Lot Subdivision, off Sugarbush Access Road

The Board began by reviewing the submittals by the applicant that addressed the “punch list” of items from the last hearing. Those items included the extension of the right-of-way on the site plan, notice to homeowners of the necessity for State permits (included in the covenant declarations), easement for a walkway along the Access Road noted on the site plan, request for setback relief for lot 4, and road profiles.

Mr. Marsh explained that in adding the walkway to the site plan that since the road is a four-rod road (66 feet) they used the road side of the right-of-way versus the property side of the right-of-way that would result in saving a number of trees. He continued to say that if it had been a 50-foot right-of-way then it would have made sense to place the walkway on their land. Mr. Malboeuf noted that there already was a flat grassed area along side the road that would be a natural location for a potential walkway.

MOTION by Mr. Monte that the Board finds that the location a 10-foot pedestrian easement located within the 4-rod right-of-way of the Sugarbush Access Road is satisfactory as the location is appropriate and avoids the cutting of trees that would otherwise be required. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that the Board grant the applicant's request for front setback relief for Lot #4 up to the maximum of 30% as allowed under Section 3.6 (C) (1). **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

Mr. Monte noted that the road names selected by the applicant were Colony Road and Colony Road Extension.

MOTION by Mr. Monte that the Board grants Preliminary Plan approval. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the application is in conformance with the standards under Sections 7.2 through 7.9 and that Section 7.10 is not applicable. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

Discussion ensued regarding the conditions/recommendations outlined in the letter from the Warren Fire Department dated December 20, 2006. Mr. Monte asked that the minutes reflect that the Fire Dept. recommends that wood-burning sources be used only for back up heat and constructed with masonry chimneys (item # 4 in letter). He also noted for the record that items #3 and #5 in the Fire Dept. letter have been reflected on the site plan submitted by the applicant.

MOTION by Mr. Monte that the Board grants Final Plan approval subject to the usual Subdivision conditions and items #1, #2 and #6 from the Warren Fire Dept. letter as follows:

- All feeder roads should be 16 feet width plowed in winter. All drives to be 14 feet plowed in winter. The Fire Dept. endorses the current discussions of the Warren Select Board, the Development Review Board and the Planning Commission concerning the creation of a secondary access to Sugarbush Village to serve future growth of the resort area. Such a road might benefit responding fire apparatus in several circumstances. To facilitate this planning, the extension of the applicant's road right-of-way to the west property line is recommended, as well as upgrading the feeder road to town road specifications.
- Drives to be no less than 30 foot inside radius, both directions.
- Houses greater than 3,000 square feet shall be constructed with 13D sprinkler systems meeting NFPA standards.

SECOND by Mr. Markolf. **VOTE:** YEA: Mr. Monte, Mr. Markolf, Mr. Behn; NAY: Mrs. Roth. The motion passed three to one.

- 2- Applications: **2007-03-SD & 2007-03-CU** submitted by Chris and Heather Peltier requesting revisions to an approved Subdivision and Approval of Structures on a parcel located partially in the Forest Reserve District.

Applicants Chris and Heather Peltier bought the former Mirabal property consisting of approx. 40 acres that is adjacent to the Lincoln Ridge Subdivision. Access to the property is via a right-of-way across the main development road of the Lincoln Ridge subdevelopment and across lots 10 and 11. A Road Maintenance agreement with Lincoln Ridge LLC on behalf of the Lincoln Ridge Homeowner's Association and the Peltiers has been executed. In addition, a right-of way easement has been recorded for the access through Lincoln Ridge to the Peltier's property.

Ms. Carr explained that the Peltier's were seeking a Conditional use permit to build a house on their parcel that is partially located in the Forest Reserve District. The actual development

however will take place in that area of the parcel that is designated Rural Residential. The Board members reviewed the site plan that showed the building envelope located in an area of less than 15% slope and below the 2,000-foot elevation mark that designates the Forest Reserve District. Ms. Carr pointed out to the members that a turnout was indicated on the access road from Lot 10 to the Peltier property at approx. the 400-foot mark just over the Lincoln Ridge/Peltier property line. She also added that the intention was that at the curve in the drive up to the house it would be designed to be wide enough to accommodate emergency vehicles.

Mr. Markolf asked if the applicant would be open to the condition of having his structure sprinkled if it was over 4,000 sq. feet which is a condition of the Lincoln Ridge properties and the answer was yes, it was ok. Mr. Behn asked about the probability of additional development beyond the one house and Ms. Carr told the Board that the right-of-way granted to the applicant from Lincoln Ridge limits that access to one house with an accessory dwelling. The house is also expected to be no larger than a five-bedroom house in keeping with the wastewater system design allowing such.

MOTION by Mr. Monte that the applicant's property, parcel id # 016004-102, are and will remain subject to the Road Maintenance agreement with Lincoln Ridge LLC dated 2/28/07 and recorded in Book ____ and Page ____ of the Warren land records. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board prohibit the cutting of trees except those that are diseased or dead located at or above the 2000 foot elevation and that the maintenance of a minimum density of 25 trees per acre as outlined in the Lincoln Ridge Subdevelopment Covenants be applicable to this property except for within the building envelope which has no clearing restrictions. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the requirements of Table 2.1 have been found to satisfied as all proposed development is situated below the 2000 foot elevation and therefore not within the Forest Reserve District boundary. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the Conditional Use application as per Article 5 Development Review, Section 5.3 Conditional Use Standards subject to the conditions already voted on. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

The Board turned their attention to a set of revised mylars that Ms. Carr had brought in for the Lincoln Ridge LLC Subdivision. The revisions were added "pins" for boundary lines, and the right-of-way/easement for the Peltiers.

MOTION by Mr. Monte that the Board finds the relocated access and utility easement that affects lots 10 and 11 satisfies all applicable requirements of Article 6 Subdivision Review and Article 7 Subdivision Standards. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

3- Election of Officers

Nomination by Mr. Markolf that Mr. Monte is Chairman of the DRB. Seconded by Mrs. Roth. All members in favor, Mr. Monte continues as Chairman.

Nomination by Mr. Monte that Mr. Markolf is Vice Chairman of the DRB. Seconded by Mr. Behn. All in members in favor, Mr. Markolf continues as Vice Chairman.

Nomination by Mr. Monte of Ms. Robbins as Secretary of the DRB. Seconded by Mr. Behn. All members in favor, Ms. Robbins continues as Secretary of the DRB.

