

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

MEMBERS PRESENT: Peter Monte, Chair, David Markolf, Vice Chair, Eric Brattstrom & Chris Behn.

OTHERS PRESENT: Jay Kempf, Val Pinney, Jim Edgecomb, James Hickey, Shannon Hill, Karen Van Gilder, DRB/PC Assistant.

AGENDA:

- 1) Call meeting to Order 7:00 PM
- 2) **2004-02-CU Kempf** – Conditional Use for new primary and accessory dwelling in the Forest Reserve District
- 3) **2004-02-SD Roth** – 6 Lot subdivision of 113+/- in the Rural Residential District on Plunkton Road
- 4) **2004-05-CU Hickey** – Accessory Dwelling on Elliott Farm Road
- 5) Other Business

I. CALL TO ORDER

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

II. 2004-02-CU KEMPF – CONDITIONAL USE FOR NEW PRIMARY AND ACCESSORY DWELLING IN THE FOREST RESERVE DISTRICT

#2004-02-CU submitted by Jay and Jennifer Kempf seeking conditional use approval to develop a primary and accessory dwelling within the Forest Reserve District. The property is located on Roxbury Mountain Road in the Forest Reserve District. This project requires Conditional Use Review under Article 5, *Development Review* of the Town of Warren Land Use and Development Regulations.

STAFF REPORT

Ms. Van Gilder reported that there was a site visit earlier in the evening at 6:00 pm. Mr. Monte, Mr. Behn, Mr. Markolf, Mr. Kempf, and Ms. Van Gilder attended the site visit where they reviewed the site of the planned development. Ms. Van Gilder reported that two letters of support were submitted from adjoining neighbors. Mr. Monte read the legal warning which ran in the Valley Reporter on June 18, 2004.

GENERAL DISCUSSION

Mr. Monte stated that there had been a permit for a single family residence on this lot that had expired. He also stated that the septic system is off-site and some distance from the home site and that the owner had informed the board at the site visit that he would prefer to move the site of the home from the previously approved location to the southeast to improve the septic design.

Mr. Monte asked the applicant if he planned any additional clearing of the parcel that was not directly necessary for construction of the structures or utilities. Mr. Kempf stated that he did not but that he did plan to maintain the clearing that had taken place before he purchased the property. Mr. Monte asked what the areas marked “restricted cut area” on the plans referred to. Mr. Kempf stated that he believed it referred to restrictions found in the deed.

Ms. Van Gilder produced the language approved for inclusion in the deeds for the lots created in application 1997-07-SD from which this is Lot #1. For Lot #1, the document reads that “there shall be no cutting of trees within 150 feet of the edge of the traveled way of Town Highway #1 (Roxbury Mountain Road) or within 100 feet of any other boundary line of the Property except such cutting and clearing as is reasonably necessary for the installation of a driveway, well, sewage disposal system and cutting incidental to the construction of a dwelling house in the approved location which cutting shall be limited to the footprint of the structure and an area within 50 feet of the structure...” Mr. Monte stated that he did not think the areas marked “restricted cutting area” corresponded to the deed and asked Mr. Kempf to have them removed from the plans.

The board requested a new site plan showing the following:

- 1) the “restricted cut area” language eliminated,
- 2) an accurate representation of the area that is currently clear and will be maintained measured from known boundary pins,
- 3) an accurate representation of the 50 foot building envelope where cutting will be allowed to accommodate construction measured from structure corners and boundary pins,
- 4) the location of the proposed utility pole.

Mr. Monte asked if the area of the unfinished garages and basements were included in the calculations for the square footage of the primary and accessory dwellings shown in the application. Mr. Kempf stated that they were not. After consulting the zoning bylaws and a discussion with the board, Mr. Monte stated that those areas should not be included and that the proposal does comply with the accessory dwelling standards.

Mr. Monte stated that the proposal does not comply with the Forest Reserve District setback requirements (150 feet from all boundaries) but that these can be waived. Mr. Monte stated that the physical constraints of the parcel and desirability of the proposed house site would be sufficient reason to waive the requirements.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Markolf, that the proposed accessory dwelling is not more than 750 sq ft of habitable space, exclusive of garage. The garage is unfinished and excluded from the calculation. The main house is 2400 sq ft, exclusive of garage. The area of the accessory dwelling is less than 40 % of that of the main house and less than 1000 sq ft. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, to impose a condition of approval that any clearing be limited to the building envelope/free-clearing area not to exceed 50 feet from the structure that must be depicted on the site plan approved by the board.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, to approve a restricted cutting area in the northwest area of the building site in which nothing exceeding 4 inches in diameter at chest height may be cut. This area must be accurately located on the site plan to be approved by the board. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn, that there shall be no cutting of trees on the remainder of the property except as necessary for the construction of the driveway and septic line as shown on the approval plan. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to waive the minimum setback requirements in Table 2.1 as allowed by Section 2.1(F)(5) of the Warren Land Use and Development Regulations to the dimensions of the building envelope/free cutting area depicted on the site plan to be approved by the board. The building envelope and placement will be in keeping with the proposal before the board. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn, that the proposed project satisfies the criteria found in §5.3 (A) (1) concerning the capacity of existing or planned community facilities or services. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, that the proposed project satisfies the criteria found in §5.3(A)(2), (3), (4) and (5) regarding the character of the neighborhood, traffic on roads or highways, the bylaws now in effect, and the utilization of renewable energy resources. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to impose a specific standard under §5.3(A)(1) that the building design will conform to the plans filed submitted with the application and dated April 19, 2004 and that the roof will be dark green metal and the walls dark, muted earth tones. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, that the lighting plan shall meet the standards of §3.9(B). VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to approve application #2004-02-CU subject the approval of the amended site plan and subject to the conditions stated. VOTE: unanimous; motion carried.

III. 2004-02-SD ROTH – 6 LOT SUBDIVISION OF 113+/- IN THE RURAL RESIDENTIAL DISTRICT ON PLUNKTON ROAD

#2004-02-SD submitted by John Roth seeking approval for a 6 Lot Subdivision of 115 +/- acres on the Plunkton Road in the Rural Residential District. The applicant also requests waiver of the preliminary and initial meeting and wishes to proceed directly to final plan approval. The applicant would like to subdivide the property into Lot 1(3.3 +/- acres), Lot 2 (3.5 +/- acres), Lot 3 (4.1 +/- acres), Lot 4 (8.0+/- acres), Lot 5 (7.0 +/- acres) and Lot 6 (88 +/- acres). This project requires Review under Article 6, *Subdivision Review* and Article 7, *Subdivision Standards* of the WARREN LAND USE AND DEVELOPMENT REGULATIONS.

The applicant was not present when the item was called.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to continue the public hearing of 2004-02-SD Roth to August 18, 2004. VOTE:unanimous, motion carried.

IV. 2004-05-CU HICKEY – ACCESSORY DWELLING ON ELLIOT FARM ROAD

#2004-05-CU submitted by Jim Hickey seeking conditional use approval to develop an accessory dwelling. The property is located on Elliott Farm Road in the Rural Residential District. This project requires Conditional Use Review under Article 5, *Development Review* of the Town of Warren Land Use and Development Regulations.

STAFF REPORT

Ms. Van Gilder reported that there was a site visit earlier in the evening at 6:30 pm. Mr. Monte, Mr. Behn, Mr. Markolf, Mr. Edgecomb, and Ms. Van Gilder attended the site visit where they reviewed the site of the planned development. Mr. Monte read the legal warning which ran in the Valley Reporter on June 18, 2004. Mr. Monte stated the approximately 2/3 of the site is in the Meadowland Overlay District. Mr. Monte stated that since the item was not warned in the paper as Meadowland Overlay District, no decision would be made tonight and a courtesy warning would run in the paper the following week with the additional information.

GENERAL DISCUSSION

Mr. Edgecomb, architect for the project, stated that the main and carriage house had been sited to take advantage of the meadow area. He also stated that the proposed house and carriage house are located within the developable area indicated on the site plan from the original subdivision #1989-04-PB.

Ms. Van Gilder produced the Mylar for #1989-04-PB. Mr. Monte stated that he could see that the proposed main house is near the house site approved in 1989 and would feel comfortable letting stand the original decision to place the house in that location. Mr. Monte stated that it was not clear that the carriage house was within the original house site. Mr. Behn voiced his concern that the carriage house was not only outside the original house site, but was also a conditional use being proposed for the restricted Meadowland Overlay District. Mr. Monte asked Mr. Hickey if he planned any agricultural use for the carriage house. Mr. Hickey replied in the negative.

Mr. Edgecomb stated that the proposed location was the best location because the remainder of the lot is wet and therefore not developable. Mr. Monte stated that he would like to make a second site visit to confirm the wetness of the site.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Markolf, to continue the public hearing to July 21, 2004 and take a site visit that night at 6:30 pm. VOTE: unanimous; motion carried.

V. OTHER BUSINESS

a) Approval of meeting minutes

MOTION by Mr. Monte, seconded by Mr. Brattstrom, to approve the minutes from June 23, 2004 as corrected/amended. VOTE: unanimous; motion carried.

b) Approval of Roth Parking Plan for 242 Main Street

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to approve the parking plan submitted for application #2004-01-CU. VOTE: unanimous; motion carried.

VI. ADJOURNMENT

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to adjourn the meeting. VOTE:

unanimous; motion carried.

The meeting adjourned at 9:15 PM.

Respectfully submitted,
Karen Van Gilder
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte (date)

David Markolf (date)

Chris Behn (date)

Eric Brattstrom (date)