

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY AUGUST 6, 2008**

Members Present: Peter Monte, David Markolf, Lenord Robinson and Virginia Roth.

Other Present: Phil and Mireille Clapp, Peter and Susan MacLaren, Graham Hewison, Maxine Longmuir, Miron Malboeuf and Ruth Robbins.

Agenda: Call the meeting to order, 7:00 pm.

- 1) Application, **2008-06-CU**: Conditional Use: Accessory Structure, Garage, in the Forest Reserve District located at 2189 Roxbury Mountain Road. The applicants, Philip C. & Mireille T. **Clapp**, seek permission to construct an accessory structure, residential garage, on their property located in the forest reserve district. (Parcel Id 001013-400) This application requires review under Article 2, Zoning Districts & District Standards, Table 2.1, Forest Reserve District(©-2, Accessory Use Structure): Article 10,((§10.2, Definitions, Accessory Structure) and Article 5, Development Review, of the Warren Land Use and Development Regulations.
- 2) Application, **2008-07-CU**: Conditional Use: Mixed Use, Restaurant, to an existing use, inn, in the Vacation Residential District at 2440 Sugarbush Access Road The applicants, Graham **Hewison**, Maxine **Longmuir & Palimar LLC**, request permission for a mixed use to add a restaurant use to the existing **Sugar Tree Inn** (Parcel Id 005-009-500). This application requires review under Article 2, Zoning Districts & District Standards (table 2.5, Vacation Residential, ©-19, Restaurant); Article 3, (§3.10, Parking, Loading & Service Area Requirements);: Article 4, Specific Use Standards(§4.11, Mixed Use) , Article 10, (§10.2, Definitions Inn and Restaurant), and Article 5, Development Review, of the Warren Land Use and Development Regulations
- 3) Other Business
 - Review & Sign Minutes from July 23rd, 2008 and Lloyd Decision ;
 - Scheduling

Mr. Monte called the meeting to order at 7:03 pm.

- 1- Application, **2008-06-CU**: Conditional Use: Accessory Structure, Garage, in the Forest Reserve District located at 2189 Roxbury Mountain Road. The applicants, Philip C. & Mireille T. **Clapp**, seek permission to construct an accessory structure, residential garage, on their property located in the forest reserve district. (Parcel Id 001013-400)

Mr. and Mrs. Clapp have applied for a renewal of their Conditional Use permit to construct a garage in the Forest Reserve District. Included with their application was a letter from one of their neighbors, Monteverde Corp. stating their support of the application. Mr. Clapp also stated that they had received several emails from other neighbor's expressing their support as well. Mr. Clapp told the Board that the only trees that would be cut would be those located within the 25'x29' footprint. He also stated that the application was essentially the same as the original. The siding will be cedar with a brown standing seam roof in keeping with the same appearance of the house. When asked about the setbacks, Mr. Clapp said that the proposed garage was 104'8" from the property line [with the Luce's]. The distance between the house and the garage is 150 feet. It was also noted that the location of the proposed garage does not appear to be in a conservation area and that trees have been added in recent years.

MOTION by Mr. Monte that the Board finds that the relevant facts and conclusions arrived at in the 2002 decision have not materially changed and that the Board approves the application

as submitted. **SECOND** by Mr. Robinson. **DISCUSSION:** Mr. Monte added the clarification that the approval is subject to the original conditions. Mr. Clapp did note that the only change from the original application was that the footprint was slightly larger: 25'x29' now versus 24'x28' previously. Mr. Monte said the new application would encompass that change. **VOTE:** all in favor, the motion passed.

- 2- Application, **2008-07-CU:** Conditional Use: Mixed Use, Restaurant, to an existing use, inn, in the Vacation Residential District at 2440 Sugarbush Access Road The applicants, Graham **Hewison**, Maxine **Longmuir & Palimar LLC**, request permission for a mixed use to add a restaurant use to the existing **Sugar Tree Inn** (Parcel Id 005-009-500).

The applicants had received a Conditional Use permit in 2004 [#2004-03-CU] which called for the relocation of the curb cut and the reconfiguration of the parking for additional spaces. The applicants have finally taken care of the parking issue but in the meantime the approval had expired.

The applicants explained that though they were able to comply with providing the additional parking, they were unable to relocate the curb cut [though they received approval from the Select Board to do so] due to the location of the Sugarbush snowmaking line. Alternatives were looked at, but there was not way around the problem explained Mr. Hewison. Mr. Malboeuf pointed out the restaurant use was very limited in its scope, being an afternoon tea operation. A brief discussion took place regarding the status of an easement given by the applicant for a pre-existing drive accessing the former Rositas property. Currently, nothing seems to be happening with that parcel and the likelihood of that easement being exercised is unknown at this time.

The concern was that with traffic and lack of visibility, with increased patronage of the Inn the situation would only be made worse. It was noted that even the required relocation of the entrance only improved the situation minimally. Mr. Markolf asked if a right turn only exit had been considered. Several commented that that may help and the applicant had no problem with complying with such a request should the Board decide to do so. The Board asked if there was the possibility that down the line the applicant might want to expand their food service to a full time restaurant. They answered emphatically “no” and said they knew their limitations and wanted only to be able to offer afternoon “tea”. They also told the Board that they planned on limiting the hours from 2pm to 5:30 pm and that it would not be every day, typically just on weekends and holidays. Mr. Monte said that though this would not make a bad situation that much worse, it still was not making it better. Mr. Robinson added that he thought by adding the limitation of a right hand turn only to the exit would help mitigate the situation. It was also suggested that any approval be conditioned with a time limit after which the applicant would be required to reapply so that the DRB could reevaluate the effect, if any, on traffic in the area.

MOTION by Mr. Monte that any approval granted a) be limited to two (2) years to allow the DRB to consider traffic safety on the actual operation and b) to allow the applicants to continue their efforts to relocate their entrance/exit to the southwest corner should there be possible changes in the neighborhood land use. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that the applicant is required to install a right turn only sign, utilizing required sign standards, on the exit from the parking lot. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the approved use does not include the acquisition of a liquor license. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the hours of operation shall be from 2:00 pm to 5:30 pm in the afternoon. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf to approve the application subject to the original permit conditions plus those conditions voted on with this application with the exception of condition #5 and condition #6 in the original permit [#2004-03-CU]. **SECOND** by Mr. Robinson **VOTE:** all in favor, the motion passed.

3- Other Business

The members reviewed and signed the minutes from the previous meeting (7/23/08) and the decision for Lloyd, a revised site plan. The next meeting of the DRB is scheduled for Wednesday September 3, 2008 at 7 pm.

Mr. Monte adjourned the meeting at 8:00 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte date

David Markolf date

Virginia Roth date

Lenord Robinson date