

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY AUGUST 22, 2007**

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

Others Present: Mark Bannon, Alice Olenick, Dave Olenick, Roland ?, Barry Naginsky, Jack Tulley, Harry Schwartz, Erin Post, Dick King, Kathleen Friedman, Kenneth Friedman, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order 7:00 pm.

- 1) Application, 2007-15-SD: Amendment to the KB Properties Subdivision Amendment, dated June 28, 2000, for two lots on West Hill Extension Rd. The applicants, Kathleen F & Kenneth C Friedman and Barbara W Price Trustee seek to modify the conditions of Subdivision Approval, regarding the width of West Hill Road Extension. The parcels identified as Lot 2, Id number 016003-902, 11.1 +/- acres and Lot 3, Id number 016003-903, 11.2 +/- acres, are located in the Rural Residential District. This application requires review under Article 2, Table 2.2, (Rural Residential District) Article 6, § 6.7, Revisions To An Approved Plat and Article 7, Subdivisions Standards of the Warren Land Use and Development Regulations.
- 2) Application, 2007-14-SD: Two Lot Subdivision Located in the Sugarbush Village Residential District, for Sketch Plan Review. The applicants, Allan Spector Retirement Trust and David Markolf seek sketch plan approval to subdivide a 1.35 ± acre parcel, Id # 221005-000, into two lots; Lot 1 being 9,270 s.f. and lot 2 being 36,760 s.f. This application requires review under Article, Table 2.4 , Sugarbush Village Residential District, Article 6, § 6.2 Sketch Plan Review and Article 7, Subdivisions Standards of the Warren Land Use and Development Regulations.
- 3) Applications, 2007-07-SD & 2007-07-CU (continued from July 18, 2007): Two Lot Subdivisions Partially Located in Meadowland Overlay District for Preliminary Plan Review/Final Plan Approval. The applicant, Bruce Fowler, seeks permission to subdivide a 4.9± acre parcel located at 258 Senor Road. The parcel, ID # 023009-000, is located in the Rural Residential District and partially located in the Meadowland Overlay District. This application requires review under Article 2 ,Table 2.2 (Rural Residential District), Article 2, Table 2.13, (Meadowland Overlay District), Article 5, Development Review and also under Article 6, Subdivision Review, § 6.3, Preliminary Plan Review, § 6.4, Final Plan Approval and Article 7, Subdivision Standards of the Warren Land Use and Development Regulations.
- 4) Other Business:
 - a. Review and approve Minutes August 8th, 2007
 - b. Decisions – Stewart Conditional
 - c. Mylar for Long Associates

The meeting was called to order at 7:08 pm by Mr. Markolf.

1. Applications, 2007-07-SD & 2007-07-CU (continued from July 18, 2007): Two Lot Subdivisions Partially Located in Meadowland Overlay District for Preliminary Plan Review/Final Plan Approval. The applicant, Bruce Fowler, seeks permission to subdivide a 4.9± acre parcel located at 258 Senor Road. The parcel, ID # 023009-000, is located in the Rural Residential District and partially located in the Meadowland Overlay District.

NOTE: Mr. Monte has recused himself from participating in this hearing as he is a neighbor of the applicant.

Mr. Markolf began the hearing by asking for an update of any revisions or changes. Mr. Bannon went over the revised site plan that showed the relocated stream, the 50-foot vegetated buffer area from the stream and the exclusion of the pond from the building envelopes. A brief discussion took place regarding the authority for moving the stream. Comment also was made that some of the members didn't even view it as a "stream", that even though it appeared on a map didn't mean it was correct; it didn't start anywhere and it didn't go anywhere, thus relocating it should not be an issue. Mr. King said that even though the stream didn't have a large drainage area did not mean it could just be moved. Mr. Schoellkopf said he did not see where it connected anywhere to the watershed and that in his opinion it was a ditch.

Mr. Markolf asked if there was an erosion control plan for the relocating of the stream. Mr. Bannon said that it was going to be a stone-lined cascading water course and erosion was not an issue. Mrs. Roth commented that the memorandum submitted by Mr. King was only received at the hearing and that the members have not had ample time to review. Mr. Markolf proceeded to bring up one of the issues in the memorandum, that of the frontage requirement. He asked the Board if they felt they had addressed that issue and they agreed it had been discussed to their satisfaction and were in agreement as to the interpretation. The rest of the memorandum addresses the stream, its relocation and the buffer. Mr. Olenick countered that though he had not fully digested the memorandum that he thought the proposed treatment of the stream was fully within the regulations and would also be an improvement over the current condition.

Mr. Schoellkopf attempted to gain clarification of the two issues. One being Mr. King's contention that to move the stream would be development in the buffer which is not allowed, and secondly that our ordinance was not clear about the calculation of frontage as the Board was interpreting it. Mr. Markolf once again noted that the Board seemed to be in agreement as to how they were interpreting the frontage issue. The Board then went forward on reviewing the specific criteria.

MOTION by Mr. Schoellkopf that the standards of Table 2.13 (E) (1) (a) have been met by the application due primarily to the fact that there is no development taking place within the designated Meadowland Overlay District. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that the standards of § 7.2 General Standards (A) through (H) have been satisfied. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Schoellkopf that § 7.3 Protection of Primary & Secondary Conservation Areas (in this case Primary being the Meadowland, there is no Secondary) have been satisfied under Table 2.13. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that § 7.4 Open Space & Common Land is satisfied subject to the covenants containing language that calls not only for the maintenance of the common road and meadowland area but also for the maintenance of the pond. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Robinson that § 7.5 Stormwater Management & Erosion Control is satisfied. **SECOND** by Mr. Schoellkopf. **DISCUSSION:** Mr. Schoellkopf asked what was "appropriate" as per Mr. Bannon's notes for this scale project. Mr. Bannon replied that under the State regulations

this would fall under the “low impact” or “yellow book” classification which is a contractor implemented erosion control process. If it were a “high” impact project or “blue book” classification, then the contractor would need the additional input and approval of a qualified engineer for any erosion control or stormwater measures. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that the standards of § 7.6 Community Services and Facilities are found to be satisfied or not applicable. **SECOND** by Mrs. Roth. **DISCUSSION:** It was noted that the fire Department was not asked to review this application and that the fire hydrant located on the applicant’s property is functioning as per Mr. Fowler. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that § 7.7 Roads & Pedestrian Access is satisfied. **SECOND** by Mr. Robinson. **DISCUSSION:** The applicant was reminded that they would need to request a modified road access permit from the Select Board. It was also mentioned by Mr. Schoellkopf that the applicant needed to be aware of the requirement that the intersection grade does not exceed 3% for a distance of 35 feet from the edge of the traveled lane. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that § 7.8 Water Supply & Wastewater disposal is satisfied subject to the acquisition of State permits. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that § 7.9 Utilities is satisfied. **SECOND** by Mr. Robinson. **DISCUSSION:** It was noted that any new installation of utilities would be underground which specifically refers to Lot 2. Lot 1 is an existing developed lot that has overhead utilities in place. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that § 7.10 Signs is not applicable. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Schoellkopf that § 3.13 Surface Water Protection (A) (1) through (4) is satisfied. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Schoellkopf that § 3.13 Surface Water Protection (B) (1) through (3) is satisfied recognizing that the Board will also have to review the application under the Conditional Use criteria. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Schoellkopf that § 5.3 Conditional Use Standards (A) General Standards items (1) through (5) are satisfied. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

It was discussed and determined by the Board members that (B) Specific Standards of § 5.3 were not applicable in this situation.

MOTION by Mr. Markolf that the Board approve the application for a two lot subdivision be approved based on the afore mentioned findings and conditions already voted on and subject to the following stipulations: 1) maintenance of the pond be included in the covenants 2) that the intersection grade does not exceed 3% for a distance of 35 feet from the edge of the traveled lane and 3) receipt of state health permits prior to any construction. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

2. Application, 2007-14-SD: Two Lot Subdivision Located in the Sugarbush Village Residential District, for Sketch Plan Review. The applicants, Allan Spector Retirement Trust and David Markolf seek sketch plan approval to subdivide a 1.35 ± acre parcel, Id # 221005-000, into two lots; Lot 1 being 9,270 s.f. and lot 2 being 36,760 s.f.

Mr. Markolf, recusing himself from participating as a Board member, is representing the Allan Spector Retirement Trust in requesting a two lot subdivision on Village Road in the Sugarbush

Village Residential District. This hearing is for Sketch Plan review. Mr. Markolf explained to the Board that this parcel, also known as BC 2, is a little over one acre and they are requesting it be divided into two building lots. One lot will be serviced by Mountain Waste Water Company and the other will have its own on-site system. There will be a well easement located on Lot 1 for Lot 2. The site plan shows secondary conservation area in the form of steep slopes, which is not being developed. Both lots have systems designed for a three bedroom single family dwellings. Discussion ensued regarding a letter from Sugarbush which had attached a letter from the State ANR from 2004. The correspondence relates that there is to be only one single family residence per lot, but does not consider the possible subdivision of any of the lots. As such, only one of the two proposed lots is being hooked up to the Mountain Wastewater system and a State permit will be requested for the other lot.

Mr. Monte asked for comments from the public. One individual asked about the location of the secondary wastewater system as he seemed to think that it was a relatively wet area. Mr. Markolf replied that it was wet as a result of road run-off from a culvert pipe. Since then the drainage has been diverted so as to eliminate the wet spot. Another comment was concern about the building designed as the white contemporary across the street was done by the same developer and not appreciated by everyone. Mr. Markolf replied that the entire Sugarbush Village was contemporary architecture when it was built but that nothing "contemporary" had been done for years. He continued that there were no particular building plans for the two lots that they may actually be offered for sale instead of being built on.

Mr. Markolf pointed out the proposed common drive on the site plan but asked the Board members to also address during the site visit as he would also be requesting additional parking since on street parking was prohibited. He noted that the Board has conditioned for such in previous similar situations in that area. It was discussed that the Board would like to see the following during the site visit: 1) area for pull-off, additional parking, 2) driveways, and 3) proposed house sites. It was also noted that the Clarion drive encroaches on the property line, though the property has not been surveyed.

MOTION by Mr. Monte that the Board finds the application complete and classify as a minor subdivision. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the hearing of this application be continued until Wednesday September 5, 2007 at 7:00 pm, with a site visit to be conducted at 6:00 pm prior to the hearing. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

3. Application, 2007-15-SD: Amendment to the KB Properties Subdivision Amendment, dated June 28, 2000, for two lots on West Hill Extension Rd. The applicants, Kathleen F & Kenneth C Friedman and Barbara W Price Trustee seek to modify the conditions of Subdivision Approval, regarding the width of West Hill Road Extension.

The applicant, Mr. Friedman, explained to the Board that he and the co-applicant were seeking to establish consistency between two subdivision permits that border on West Hill Road Extension. The older subdivision, KB Properties, called for West Hill Road Ext. to be widened to 16 feet. A newer subdivision, Lincoln Ridge, called for a width of 14 feet, which is what it currently is. Mr. Friedman also noted that the road is no longer a Town road but a private road. Mr. Monte noted that the KB Subdivision was approved by the previous Planning Commission whereas the Lincoln Ridge approval came from the Development Review Board. Mr. Monte asked about traffic and Mr. Friedman said that it was only him as the Prices have not built on their property and that the Lincoln Ridge folks were not using West Hill Extension as it was designated for emergency access only. Mr. Monte said that the 14 foot width was more than adequate for the current and expected use per the standards utilized by the Board [table 7.2 under Article 7 Subdivision Standards]

MOTION by Mr. Monte that the 14 foot width of West Hill Road extension is adequate based on the criteria found in Table 7.2 of the Warren Land Use & Development Regulations. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board grants the applicant's request and amends the KB Subdivision approval to require a 14 foot width to West Hill Road Extension. It is understood that any and all other findings and conditions of the subdivision approval remain in effect. **SECOND** by Mr. Robinson. **DISCUSSION:** Underground utilities? When Lincoln Ridge improved the road to its current 14 foot width it was done on the right side thus not interfering with the underground utilities. **VOTE:** all in favor, the motion passed.

4. In other business the Board reviewed and approved the minutes of August 8th, 2007, the Stewart Conditional Use decision and the Mylar for Long Associates.

The meeting adjourned at 9:02 pm. The next scheduled meeting of the DRB is for Wednesday September 5, 2007 at 7:00 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte date

David Markolf date

Lenord Robinson date

Jeff Schoellkopf date

Virginia Roth date