

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
WEDNESDAY SEPTEMBER 21, 2005

---

000699

**Members Present:** Peter Monte, David Markolf, Virginia Roth, Eric Brattstrom, and Lenord Robinson

**Others Present:** Michael Bransfield, Larry & Karol Auer, Rick Gehlert, Joe Kasper, Lauren Slater, Barbara Murphy, Julie Johnson, Melinda Meyer, Glenn Johnson, Dexter Lafavour, Catherine Moore, Miron Malboeuf, and Ruth Robbins

**Agenda:**

1. Call meeting to Order 7:00 pm
  2. **Application #2005-11-SD for Preliminary and Final Plan Review(6.3) and Final Approval(6.4), two-lot minor subdivision, submitted by Geoff & Lauren Slater, for parcel id #028003-700, 11 Acres off Beaver Lane Road in the Rural Residential District.** The applicant would like to subdivide the property into Lot 1(3.25+/- acres) and Lot 2 (7.75 +/- acres). This project requires Review under Article 6, *Subdivision Review*, Article 7, *Subdivision Standards and Article 2, Table 2.2, Rural Residential Districts*, of the WARREN LAND USE AND DEVELOPMENT
  3. **Application #2005-09-CU submitted by Lawrence C. and Karol A. Auer, seeking conditional use approval to develop a primary dwelling within the Forest Reserve District.** The property 9.2+/- acres, parcel Id# 001011-710, is located on Roxbury Mountain Road in the Forest Reserve District. This project requires Conditional Use Review under *Article 5 and Article 2, Table 2.1, Forest Reserve District*, of the Town of Warren Land Use and Development Regulations.
  4. **OTHER BUSINESS**
    - a. Review and approve Minutes from September 7<sup>th</sup>, 2005
    - b. Review and sign Findings of fact & Notice of Decisions:
      - i. For application #2005-01-PRD Amendment to Summit Ventures LLC permits.
      - ii. For application #2003-37-PRD, Board Approval of Condominium Declaration.
    - c. Receive Act 117 Changes to Warren Land Use & Development Regulations
- 1- Mr. Monte called the meeting to order at 7:08 pm.
  - 2- Before commencing with the agenda, Mr. Monte asked Mr. Markolf to give a summary of the two site visits that had taken place prior to the meeting. The first site visit was to the Slater proposed 2-lot subdivision off of Beaver Lane. The members in attendance were Mr. Markolf, Mr. Brattstrom and Mr. Robinson. Also at the site visit were Lauren Slater (applicant), Dexter Lafavour (applicant's engineer), Miron Malboeuf (staff), Joe Kasper, and Glenn Johnson (abutter). Mr.

Markolf stated that they viewed both proposed building sites and the wetlands on the property do not appear to be problematical. Where the driveway crosses the wetland on Lot #1, an eighteen inch culvert is proposed which appears to be adequate. Mr. Markolf did note that the board may want to consider some tree cutting restrictions on the side of the parcel that faces Blueberry Lake.

The other site visit conducted that evening was to the Cozzi/Blair Subdivision request located at 1761 Brook Road. Again, members Markolf, Brattstrom and Robinson were in attendance as well as Mr. Malboeuf (staff), Peter & Erin Cozzi (applicants), and Win Smith and Dan Reicher (both abutters). Mr. Markolf stated that they started out down the proposed driveway into Lot #3, taking note of the stream that runs through the parcel and pondered whether or not some sort of crossing would be feasible, thus requiring only one access to the property instead of two. The members also walked along the second drive, which seems to follow the edge of the meadowland. Mr. Malboeuf added that in discussions with the engineer of the project, that the engineer felt it would be unlikely that the State would want a bridge over that waterway. Mr. Markolf also mentioned that the Select Board's position on the proposed curb cuts was not known.

**3- Application #2005-11-SD for Preliminary and Final Plan Review(6.3) and Final Approval(6.4), two-lot minor subdivision, submitted by Geoff & Lauren Slater, located off of Beaver Lane.**

The applicants submitted a letter requesting that the DRB consider both the Preliminary Plan approval and Final Plan Approval at this hearing. Also submitted was the notice to abutters and certificate of mailing.

**MOTION** by Mr. Markolf that as per the requirements under Article 6 that the Board deem the application complete, that it be classified as a Minor Subdivision, and that they consider the application for both Preliminary and Final Plan Approval. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

Mr. Monte asked for a brief summary of the project. Mr. Lafavour, engineer for the applicants, outlined what was planned. He pointed out the two changes since the previous meeting: the northern end of the building envelope for Lot 2 had been pulled back, and the proposed 18" culvert for crossing the wetland area for the driveway for Lot #1 was now noted on the site plan. Mr. Markolf asked if the building envelope for Lot #2 couldn't and shouldn't be reduced further as it currently encompassed the area designated for the wastewater system. Mr. Lafavour said he would redraw the building envelope boundaries.

The discussion then focused on tree cutting restrictions.

**MOTION** by Mr. Monte to restrict cutting as follows: Both lots are prohibited from cutting trees or brush in the designated wet land areas; Lot #1 is prohibited from cutting any brush or trees outside of the building envelope to the North and West (area of the property facing Blueberry Lake), and for the balance of the area outside of the building envelope limited to cutting only those trees of 6" in diameter or less, dead or dying, and those necessary for the installation of the driveway, septic and well; Lot #2 is not only restricted to no cutting in the

wetlands but also the area east of the wetlands to the property line, and the balance of the property outside of the "to be revised" building envelope is limited to only those trees of 6" in diameter or less, dead or dying, and those necessary for the installation of the driveway, septic and well. **SECOND** by Mr. Markolf.  
**VOTE:** all in favor, the motion passed

The neighbors to the proposed subdivision were asked for comment, and had no concerns over the tree cutting restrictions but did want to discuss the roadway into the house sites. Mr. Monte asked if there was any input from the fire department and the answer was that the applicant was not asked to meet with the fire department. Mr. Robinson said that the site was relatively level and that there was a fire hydrant, fed by Blueberry Lake, not far from the entrance to the lots. Mr. Markolf noted that the Fire Department standard for roads was 16' wide and maintained to 14' with 30' turning radiuses.

To have something more specific to discuss, Mr. Monte made the following motion:

**MOTION** by Mr. Monte that the access road for the subdivision, the commonly shared portion of approx 200', be a minimum of 16' in width and maintained (plowed) to a minimum of 14'; the individual driveways be maintained to a minimum of 10', the turning radius into the driveways not to be less than 30', and at the terminus of the driveways nearest the dwelling there be a hammerhead with a turning radius of not less than 30'. **SECOND** by Mr. Markolf.

**DISCUSSION:** A resident of Beaver Lane asked how the road requirements for the subdivision would affect Beaver Lane since it obviously was not in compliance with the Fire Department requirements. Mr. Monte responded by saying that the DRB did not have the authority to go back and correct the inadequacies to Beaver Lane, thus the new road would be an "island of compliance". The neighbors were especially concerned about any widening of Beaver Lane or a large apron on to Beaver Lane that would decrease the vegetation and their screening. Mrs. Roth asked if there wasn't some way to make the new road more compatible with Beaver Lane so that it wouldn't stand out. Mr. Monte understood the concern but stated that life safety, the ability for the access of emergency vehicles, overrode the desire for aesthetics. He went on to say that if this were a large subdivision of several lots, then the DRB might be compelled to require them to make improvements to Beaver Lane. However, with this being only two lots, it was not a justifiable request.

Mr. Monte asked if the placement of the first part of the road might be oriented such as to lessen the impact. Mr. Lafavour commented that he thought there would be few if any trees that would be cut to accommodate the 16' requirement. Mr. Monte added the following **ADDENDUM** to his motion: that the first approximate 200' of the access road off of Beaver Lane be situated as far to the West within the right of way as possible. **VOTE:** all in favor, the motion passed.

**Article 7 Subdivision Standards**

**MOTION** by Mr. Monte that § 7.2 *General Standards* is satisfied by the applicant with the conditions we have laid out. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that § 7.3 *Protection of Primary & Secondary Conservation Areas* is satisfied. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that § 7.4 *Open Space & Common Land* is not applicable for this application. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that § 7.5 *Stormwater Management & Erosion Control*, § 7.6 *Community Services & Facilities*, § 7.8 *Water Supply & Wastewater Disposal*, § 7.9 *Utilities* and § 7.10 *Signs* are all found to be satisfied. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that on or before the filing of the final site plan that the applicant provide evidence to the Zoning Administrator that they have secured an approved road name and have made the request to purchase the 911 approved road sign. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that § 7.7 *Roads & Pedestrian Access* is found to be satisfied along with the previous condition. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the DRB approve the application as submitted subject to the changes in the building envelope and conditions voted on this evening. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

**4- Application #2005-09-CU submitted by Lawrence C. and Karol A. Auer, seeking conditional use approval to develop a primary dwelling within the Forest Reserve District.**

Mr. And Mrs. Auer came before the Board requesting a permit to build a single family dwelling on approximately 9.2 acres in the Forest Reserve District. Mr. Auer explained that the plan was for an approximate 2,000 sq. ft. cape style home with 2-car garage at the end of a 900 foot driveway, situated on a flat area in front of a ledge outcropping. Mr. Monte told the applicant to be aware that any windows that could be visible off of the property would need to be either of non-reflective glass or screened year round to minimize any reflection.

Mr. Monte asked if anyone had done a site visit that he may have missed. Mr. Malboeuf said that a site visit had not been conducted since the application seemed straight forward enough that one might not be necessary. He did add

though that he had scheduled another hearing date should the Board want to do a site visit. Mr. Monte felt that due to the sensitivity of the Forest Reserve District that a site visit should always be done. The rest of the Board agreed.

Mr. Monte told the applicant that they also typically required a limitation on tree cutting, not to make the place invisible, but to break up the lines of the structure, a vegetative screening, and balance that with view opportunities that the property might have. Mr. Auer did note that there were a couple of large trees in the front of the house that they did plan on maintaining and that there was already a natural view without having to do much if any additional clearing. Mr. Monte also said that they would most likely want to see some sort of erosion control plan due to the steepness of the area. He suggested that whoever would be doing the site work might have a standard plan the applicant could get.

The board determined that a site visit would be conducted at 6 pm on Wednesday October 5<sup>th</sup>. **MOTION** by Mr. Markolf that the Board continue this hearing until Wednesday October 5, 2005. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

- 5- The Board reviewed and signed the minutes of September 7, 2005, and the Findings of Fact & Notice of Decision for both Summit Ventures (#2005-01-PRD) and The Maples (#2003-37-PRD).

The meeting was adjourned at 8:50 pm.

Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

Development Review Board

TOWN OF WARREN, VT

Received for Record 10/6 2005  
at 12:12 o'clock P M and Received in  
Vol 177 Page 699-703  
Robinson  
TOWN CLERK

Peter Monte date  
10/5/05  
David Markolf date  
10/5/05  
Virginia Roth date

Eric Brattstrom date  
5 Oct 05  
Lenord Robinson date  
Oct 5 05

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998

10/10/1998