

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
OCTOBER 1, 2003**

MEMBERS PRESENT: Peter Monte, David Markolf, Virginia Roth (departed from board at 9:00 and remained as a interested person), Jeff Schoellkopf (departed at 9:00), Chris Behn (arrived at 8:30), Eric Brattstrom (arrived at 8:30).

OTHERS PRESENT: Herb Williams, Matt Sargent, Rick Patterson, Laurie Patterson, Chisel Tooth Group Applicants; Mark Bannon, Chisel Tooth Group Engineer; Bob Gunn, Chris Barringer, Alice & Peter Tenbeau, Victoria Cooke, Harriet King, Dennis Lane, Lil Brewster, Bill Johnson, VT Journal; Shannon Hill, DRB/PC Assistant.

AGENDA: -Members: Peter, Dave, Gini & Jeff
1) 7:30 PM Call to Order
2) Chisel Tooth Group – 5-Lot PRD
3) Signing of Minutes & Decisions

-Members: Peter, Dave, Eric & Chris
1) 8:30 PM Call to Order
2) Roth 3-Lot Subdivision
3) Clapp Amendment to a prior Conditional Use Permit – Continuation
4) Signing of Minutes & Decisions
a) Review River Watch 2-Lot Subdivision PLAT

I. CALL TO ORDER

Mr. Monte called the meeting to order at 7:35 PM.

II. CHISEL TOOTH GROUP – 5 LOT PRD CONTINUATION

2003-01-PRD: submitted by Matt Sargent on behalf of the Chisel Tooth Group seeking approval of a 5-Lot PRD/Subdivision of 98 +/- acres. The property is located off Cider Hill Rd in the Forest Reserve District. The project requires review under Article 5, *Development Review*, Article 6, *Subdivision Review*, Article 7, *Subdivision Standards & Article 8, PRD/PUD*, of the *Warren Land Use & Development Regulations*. This hearing is a continuation of the August 13, 2003 meeting.

STAFF REPORT

Mr. Monte read the second warning which ran in the August 27, 2003 issue of the Vermont Journal.

The DRB received the following material since the last hearing:

- parcel map
- slope analysis

- road profile extent of clearing
- septic locations for each lot
- an erosion control plan.

GENERAL DISCUSSION

Ms. King requested the board give a brief overview of the items discussed at prior hearings.

The board determined that they had held six prior hearings regarding the Chisel Tooth Group. The two substantive hearings were held April 16, 2003 and July 16, 2003. The site visit was conducted on May 17, 2003. Mr. Schoellkopf conducted a site visit on October 1, 2003.

Mr. Monte noted the additional information requested during the August hearing as well as the new information the board received.

After inquiries from the public, Mr. Monte explained that the DRB couldn't discuss any information related to the violation due to the board's obligation to remain untainted should the violation be appealed.

Mr. Sargent explained that the Chisel Tooth Group thought that they had all applicable state and local approvals to develop the road. They have ceased development of the road until the situation gets straightened out.

Neighboring property owners expressed concern about:

- fire safety, specifically relating to the slope of the road
- public access to conservation areas
- deed restrictions protecting the character of the neighborhood

Mr. Sargent noted that the Fire Department has given the DRB a letter of support for the project outlining their fire safety requirements. He is opposed to the conservation area being accessible to the public because the Chisel Tooth Group paid a lot of money for the property and he thinks the owners of the 5-Lots should benefit from the land.

Mr. Markolf expressed concern that according to the plans submitted some of the building envelopes are within the steep slopes (>25%). Mr. Bannon explained that the slopes were extracted from the Digital Terrain Model. This method produces a gross scale and in actuality the building sites are located on flat shelves that do not show up in this scale of topography.

The DRB requested the applicant refine the slope analysis for the building envelopes and the road. They would also like meets and bounds on the building envelopes and the setback dimensions from the property boundaries. The setback distances do not apply to the leach field.

Mr. Markolf also noted that Lot #5 does not have the 200' of road frontage required in the Forest Reserve District. Mr. Bannon debated that the rational behind this regulation is to prohibit crowding of driveways on the road.

The DRB recommended the applicant extend the Right of Way to the conservation area and make it wide enough to accommodate the road frontage for Lot #5.

Mr. Schoellkopf noted that the distance from the building envelope to the stream on Lot #3 is not indicated on the map. Mr. Bannon stated that the leach field is at least 75' from the stream. The state requires the leach field to be at least 50' from a stream.

Discussion was had regarding the slope of the road. The road still requires blasting and some cut and fill to comply with the Fire Department requirements. Mr. Monte requested the steepest grade be noted on the plans. On the existing plans the steepest area is from 1150' to 1650' and it is approximately 15.6%. The Fire Department requires the slope to be less than 15%.

Since each owner of the proposed 5-Lot subdivision must come back before the DRB for a conditional use permit to develop within the Forest Reserve District, the clearing restrictions for each lot will be reviewed at that time. The only exceptions to this permit condition would be for the development of the road and the conservation land that is in the state current use program.

Ms. King feels that if a density bonus is approved for the conservation of 60% of the property that the public should benefit from it.

Mr. Sargent explained that the benefit to the public would be as follows:

- not fragmenting the forest
- cleaner headwater streams
- contiguous tract of animal habitat
- lower elevation clustered development.

The DRB would also like a more detailed road maintenance agreement to include guidelines for both the maintenance and financial responsibilities for each parcel owner. The Chisel Tooth Group will need to form a new association for the 5-lots separate from the Cider Hill Road Association.

The board also requested The Chisel Tooth Group document the size of the 98 +/- parcel. The Chisel Tooth Group are acquiring 2.3 acres from a property adjoiner to make up the 100+ acres.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Markolf, to continue the hearing to November 12, 2003 at 7:30 PM. VOTE: unanimous; motion carried.

III. ROTH 3-LOT SUBDIVISION

#2003-08-SD submitted by John Roth seeking approval of a 3-Lot subdivision of 123 +/- acres into Lot 1 (4.6 +/- acres), Lot 2 (2.8 +/- acres) & Lot 3 (115 +/- acres). The property is located on the West side of Plunkton Road in the Rural Residential District. The applicant has requested a waiver of the initial sketch plan review and wishes to proceed directly to the final plat approval.

STAFF REPORT

The Legal Warning ran in the Vermont Journal on September 10, 2003. A site visit was conducted on September 27, 2003 at 9AM. Present at the site visit was board member David Markolf. Others present were John Roth, applicant, and Shannon Hill, DRB/PC Assistant. During the site visit the location of the pond and hydrant, distance from the replacement leach field to the brook on lot #2, curb cuts and access to the undeveloped land were all discussed.

GENERAL DISCUSSION

Mr. Roth testified that he would be building a pond and installing a fire hydrant.

The DRB would like the dimensions of the building envelopes on the final PLAT.

The setback from the brook to the replacement leach field is >100'. The state requires the setback to be at least 50'. The DRB requested the distance from the replacement system to the brook be indicated on the final PLAT.

Mr. Roth plans to develop the remaining land. He estimates he will come back to the board within the next 5 years for another subdivision.

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Mr. Behn, to categorize the subdivision as minor, grant the waivers requested and deem the application complete.

VOTE: unanimous; motion carried.

Motion by Mr. Monte, seconded by Mr. Behn, to impose the following conditions on the subdivision:

1) Incorporate into the permit the Fire Department recommendations 1 thru 7 with the exception of the 2nd sentence of the condition #1 be omitted referencing the width of the feeder road.

2) The proposed pond and other fire department improvements must be built before the house on Lot #2 is occupied. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §7.2 (A) thru (D) to find that the proposed development satisfies the criteria for character of the land, conformance with the Town Plan and other regulations, compatibility with existing settlement patterns and density and lot layout. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.2 (E) to find that the applicant must indicate the location and dimensions of the building envelopes for both Lot #1 and Lot #2 as well as the distance from the replacement leach field on Lot #2 to the brook on the final PLAT. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.2 (E) to find that the proposed development, subject to the conditions contained herein, satisfies the criteria for establishment of a building envelope. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §7.2 (F) thru (H) to find that the proposed development satisfies the criteria for landscape and screening, energy conservation and disclosure of subsequent development plans. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §7.3 to find that the proposed development satisfies the criteria for protection of primary and secondary conservation areas. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §7.4 to find that the proposed development satisfies the criteria for open space and common land and will be given further consideration when Lot #3 is developed. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, to find that there shall be no development on Lot #3 without further approval of the Development Review board. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §7.5 to find that the applicant will use appropriate erosion control measures for all development including the pond. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §7.6 and §7.7 to find that the proposed development is not applicable to the criteria for community services and facilities and roads and pedestrian access. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Monte, pursuant to §7.8 to find that the applicant will obtain all necessary state and local permits. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Monte, pursuant to §7.9 to find that the all utilities will be underground from Plunkton Road to the development on Lot #2. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, pursuant to §7.10 to find that the proposed development is not applicable to the criteria for signs. VOTE: unanimous; motion carried.

IV. CLAPP AMENDMENT TO A CONDITIONAL USE PERMIT CONTINUATION

Application #2001-109-MM submitted by Philip Clapp requesting an amendment to a prior Conditional Use Review Decision. The property is located on the Roxbury Gap Road in the Forest Reserve District. This hearing was continued from September 3, 2003.

The DRB members had an opportunity to view the Clapp house from multiple vantage points throughout the valley since the last hearing September 3, 2003.

Mr. Markolf stated that applicants' not complying with their permit conditions and after the fact requesting an amendment undermines the decisions made by the DRB.

Mr. Behn feels that the drawing submitted after the last hearing dated September 6, 2003 is over simplified. He testified that the sun is not always due west and changes throughout the year. He also feels that you can see the house from the north and south.

Ms. Roth stated that she was on the original DRB that reviewed the development and voted against imposing the condition. She feels this is an unfair burden to place on any development and that building in Warren has become too restrictive.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, to deny the request to waive the condition from the original conditional use permit #2001-109-MM stating " the two upper banks of windows, fixed and working, on the western façade will have year round screening or low reflective glass, such as Evergreen, or other low reflective glass as approved by the DRB". VOTE: unanimous; motion carried.

V. SIGNING OF MINUTES AND DECISIONS

a) Approval of meeting minutes

MOTION by Mr. Markolf, seconded by Mr. Behn, to approve the minutes from September 17, 2003 as corrected/amended. VOTE: unanimous; motion carried.

b) Review River Watch Real Estate 2-Lot Subdivision PLAT

The board reviewed the PLAT received from Jason Heroux of River Watch Real Estate. The DRB had requested the spring be located on the PLAT. Since Dexter Lefavour, the engineer, had not located the spring on the Mylar, Mr. Heroux drew it in with a blue pen.

The DRB feels that the mylar PLAT should be reproduced since the spring line was located on the mylar after Mr. Lefavour certified it. Ms. Hill will contact Mr. Heroux and request a new mylar PLAT.

VI. ADJOURNMENT

MOTION by Mr. Brattstrom, seconded by Mr. Behn, to adjourn the meeting.

VOTE: unanimous; motion carried.

The meeting adjourned at 10:35 PM.

Respectfully submitted,
Shannon M. Hill
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte (date)

David Markolf (date)

Chris Behn (date)

Eric Brattstrom (date)

Virginia Roth (date)

Jeff Schoellkopf (date)