

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
OCTOBER 13, 2004**

**MEMBERS PRESENT:** Peter Monte, Chair, Eric Brattstrom, Lenord Robinson, Chris Behn, David Markolf.

**OTHERS PRESENT:** Trafton Crandall, Laura Crandall, Peter Lazorchak, Virginia Roth, John Roth, Matt Sargent, Ron Zschaler, Bob Ackland, Jason Lisai, Karen Van Gilder, DRB/PC Assistant.

**AGENDA:**

- 1) Call meeting to Order 7:00 PM
- 2) **2004-02-SD Roth** – 6-lot subdivision on Plunkton Road
- 3) **2004-09-SD Colpitts** – 3-lot subdivision on West Hill Road
- 4) **2004-06-SD Sargent** – 2-lot subdivision on Lake and Plunkton Roads
- 5) Summit Ventures – Informal Discussion Project on Lincoln Peak
- 6) Other Business
  - a) Review Minutes from September 29, 2004
  - b) Review 2004-60-CU Connell Decision

---

**I. CALL TO ORDER**

Chair Peter Monte called the meeting to order at 7:10 PM.

**II. 2004-02-SD ROTH – 6-LOT SUBDIVISION 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*.

**STAFF REPORT**

Ms. Van Gilder reported that the public warning ran in the Valley Reporter on June 3, 2004 and that this hearing is continued from July 7, 2004 and August 18, 2004. Robinson, Brattstrom, Markolf, Van Gilder, and the Roths attended a site visit the previous morning at which they walked the proposed road to Lot 7 and discussed the curb cuts along Plunkton Road.

**PUBLIC INPUT**

None

**GENERAL DISCUSSION**

John and Virginia Roth and Peter Lazorchek of McCain Consulting came before the board to present the proposal. Mr. Markolf stated that what he saw on the site visit was consistent with previous discussions and that the house sites look good.

Mr. Roth presented plans that included slope information and building envelopes. He stated that they have not surveyed the lots, yet, and would tie the building envelopes into the survey when they do so. He also presented a copy of a plan that includes the abutter names and information that has been recorded previously and asked permission to forgo recording the information on the final plat for this project. He stated that he would refer to the previous plan by book number on the mylar.

Mr. Lazorchek presented the road profile, septic plan, and erosion control plan. He stated that the steepest part of the road was 10% and that there was a 25 foot flat area at the intersection with Plunkton Road. He also stated that there were two emergency pull-outs and a hammerhead as per the recommendations in the Fire Department letter of 10/6/04. He discussed the limits of disturbance for the state permit that would be required for the project and stated that the disturbance is currently under 5 acres. He added that the proposal would limit the lawn areas. He also stated that those areas may be adjusted in the final plan.

Mr. Markolf stated that this would amount to a self-imposed cutting restriction. Mr. Behn asked if there would be any additional cutting on Lots 1 and 2. Mr. Roth stated that there would be cutting only for the fire pond. Mr. Behn asked if the fire pond counts as a disturbance for the state permit. Mr. Lazorchak stated that he felt it would be even if it was required by the town. Mr. Lazorchak stated that he felt that the leachfields would give people a good sized opening and lawn area.

Mr. Monte asked the applicants where they were in the process. Mr. Lazorchak stated that they were within a week of receiving the state wastewater permits. Mr. Monte asked whether they planned to enlarge the areas of disturbance. Mr. Roth stated that they were not in a hurry because they did not think they would build this year and that they might change the areas of disturbance.

Mr. Behn asked how much infrastructure would be provided. Mr. Roth stated that they would build the roads and utilities and would clear the sites, but would not necessarily build the septic systems.

Mr. Monte asked whether they planned to sell the lots or whether they would be offered with a build package. Mr. Roth stated that he would offer them either way. He stated that he already had a potential buyer who would not be interested in building on all of the lots that he might purchase.

Mr. Brattstrom asked whether the power would be underground. Mr. Roth stated that he didn't see any sense in undergrounding the main lines because they do not obstruct anyone's view and because it would be expensive on this site. He stated that the lines to the individual houses would be underground. Mr. Markolf asked whether Roth had talked to Green Mountain Power. Mr. Brattstrom stated that GMP often wants their lines underground in wooded areas. Mr. Behn reminded the applicant that overhead wires might also require more cleared space and might increase their calculations of disturbance.

Mr. Markolf asked whether the fire pond is on both Lot 1 and 2. Mr. Lazorchak reminded the board that Roth no longer owns Lots 1 and 2 but that he had agreed to build the pond. Mr. Roth stated that it was either entirely on Lot 1 or divided between the two and that there was a provision for its construction in the deeds.

Mr. Behn asked what Mr. Roth's plans were for the remainder of the property. Mr. Roth stated that he was talking to Green Mountain National Forest about purchasing the western part of the property.

Mr. Markolf stated that the Fire Department had mentioned that the driveway on Lot 3 looked like it might pose a problem. Mr. Lazorchak stated that it would be fine to change it. Mr. Monte stated that if it is changed that the change should be recorded on the final plat.

Mr. Behn asked if the main right-of-way is 50 feet wide and if they had already received a curb cut permit. Mr. Roth said yes to both questions. Mr. Behn expressed surprise that a curb cut permit had been issued when the sight distance was so poor and dismay that so many driveways were being built so close together. Mr. Roth stated that he had parked his car at 200' away from the curb cut and that he could see it. Mr. Brattstrom stated that the distance may be different in the winter time. Mr. Behn asked why the drive couldn't tie into the existing driveway. Mr. Markolf pointed out that the Roths no longer own the adjacent drive.

Mr. Behn stated that the DRB had discussed this issue the last time Roth received a permit. Mr. Monte said that if Roth has permits for all of the driveways, there is nothing the DRB can do about it at this time.

Mr. Markolf asked why the driveway could not be at the top of the hill. Mr. Roth stated that the topography in that area was not good and that a road would diminish the large lot he would like to create at that point.

Mr. Behn stated that the DRB needs to think about the future. Mr. Monte asked whether the group should think about requiring common access through the large lot now. He stated that when that application comes in, the DRB will have this discussion all over again.

Mr. Roth stated that it would not work to put the road through the large lot because it would have to zig-zag around the topography to get to the existing logging road. Mr. Markolf asked if a drive would be developed on Lot 2. Mr. Roth stated that the current owner of that lot does not intend to develop. Mr. Markolf stated that the end result would be 4 driveways in 1500'.

Mr. Behn stated that he wanted in the record that the DRB discussed the drive issue and decided that there was no other way to deal with it so they would not have to have this discussion again.

Ms. Roth asked whether the DRB has input into the Selectboard curb cut decisions. Mr. Markolf stated no, but that they may need to start. Mr. Trafton asked what the Town standard for site

distances was. Mr. Behn stated that it was 150'. Mr. Monte added that the Town cannot deny access to a site because of the sight distance, but can control where the access is located.

Mr. Monte stated that the applicant would have to come back if they change the clearing boundaries. Mr. Roth asked if he could build the access road without the permit. Mr. Monte said no.

### **DELIBERATION/DECISION**

**MOTION by Mr. Monte, seconded by Mr. Robinson, to find that the proposed development satisfies §7.2(A-H), General Standards, as shown on the plans.**

Mr. Markolf stated that he would like to hear about the future plans for the site under §7.2(H). Mr. Monte stated that it was his understanding that the applicant intends to approach Green Mountain National Forest about the western part of the property and create one approximately 30 acre site to the south, which amounted to one house site on the remaining 88 acres. He suggested a restriction that nothing could be developed west of the ridge.

**VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Behn, to find that the proposed development satisfies §7.3(A-C), Protection of Primary and Secondary Conservation Areas, because no steep slopes or wetlands will be disturbed. VOTE: unanimous; motion carried.**

Mr. Lazorchek stated that he had not personally verified that there would be no disturbance of these areas.

**MOTION by Mr. Monte, seconded by Mr. Markolf, to find that the proposed development satisfies §7.4(A-C), Open Space and Common Land, because there is limited disturbance of the area around the house sites and §7.5(A-J), Stormwater Management and Erosion Control, because erosion control and stormwater plans will be followed. VOTE: unanimous; motion carried.**

Mr. Behn asked if there was a condition to follow the plans. Mr. Monte stated that it is always noted in the permit that construction must conform to the plans.

Mr. Behn stated that he would like to see the limits of disturbance and the building envelopes tied to survey points on the final plan.

**MOTION by Mr. Markolf to find that the proposed development satisfies §7.6, Community Services and Facilities, with the understanding that the driveways will be reconfigured for better grades and to accommodate the fire engines. FAILED for want of a second.**

Mr. Lazorchak requested that the DRB state a grade requirement. Mr. Behn asked if any of the driveways exceed 10%. Mr. Lazorchak stated that he has not looked at all of them yet.

Mr. Monte suggested eliminating depiction of the driveways from the final plan and setting a grade limit. Mr. Behn stated that less than 15% would be good and that the building envelopes would determine where the driveways go.

**MOTION by Mr. Behn, seconded by Mr. Monte, to find that the proposed development satisfies §7.6, Community Services and Facilities, with the restriction that no driveway grade shall exceed 15%, that curves and driveway turns will maintain a 30 foot turning radius, and to eliminate the exact location of the driveways from the final plan. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Behn, to find that the proposed development satisfies §7.7(A-O), Roads and Pedestrian Access, and §7.8(A-F), Water Supply and Wastewater Disposal. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Brattstrom, to find that the proposed development satisfies §7.9(A-B), Utilities, and that the main line utilities may be above or below ground, but that the service to home sites must be underground. VOTE: unanimous; motion carried.**

Mr. Markolf asked the applicant if he plans to have a sign. Mr. Roth said maybe. Mr. Monte stated that if the sign meets the standards in §3.12, Roth may go directly to the Zoning Administrator, otherwise he must come back to DRB.

**MOTION by Mr. Monte, seconded by Mr. Behn, to find that the proposed development satisfies §7.10(A), Signs. VOTE: unanimous; motion carried.**

Mr. Markolf reminded the applicants that they would have to get state and local wastewater permits.

**MOTION by Mr. Monte, seconded by Mr. Markolf, to approve the proposed development subject to the specific conditions laid out above and general conditions. VOTE: unanimous; motion carried.**

Mr. Monte reminded the applicants that if they want to change the areas of disturbance in any way that they could ask to have the hearing reopened before the decision is signed in two weeks; otherwise a hearing would have to be warned in the paper again.

**MOTION by Mr. Monte, seconded by Mr. Markolf, to grant waiver of the requirement that adjoining property owner information must be on the final plans with the condition that they reference the previous plan that does list them on the final plan. VOTE: unanimous; motion carried.**

Mr. Behn reminded the applicants to locate the utility corridors on the survey and final plan.

**III. 2004-09-SD COLPITTS – 3-LOT SUBDIVISION ON WEST HILL ROAD**

#2004-08-SD submitted by Wilmot Harris on behalf of George and Cynthia Colpitts seeking approval of a 3-Lot subdivision of 12.8 +/- acres into Lot 1 (1.2 +/- acres), Lot 2 (6.6 +/- acres) and Lot 3 (5 +/- acres). The property is located on West Hill Road in the Rural Residential District. This project requires review under Article 6, *Subdivision Review*, and Article 7, *Subdivision Standards*, of the *Warren Land Use & Development Regulation*.

**STAFF REPORT**

Ms. Van Gilder reported that the public warning had run in the Valley Reporter on September 23, 2004. She stated that the applicant had requested a waiver of the sketch and preliminary plan review, but that she had neglected to state it in the warning. Robinson, Brattstrom, Behn, Markolf, Van Gilder, and Lazorchak attended a site visit the previous morning at which access to Lot 3 and the septic systems were discussed.

**PUBLIC INPUT**

Trafton and Laura Crandall made comments about crossing the brook with the secondary septic system and the access to Lot 3. They participated in the discussion as noted below. A letter was received from Stephanie and Rob Reiskin on October 13, 2004, which stated that they own the farm house across the street and suggested that the house be placed at least 250' away from West Hill Road and that the access be located away from their property.

**GENERAL DISCUSSION**

Mr. Lazorchak came before the board to present the project. He stated that the scope of the project was to divide 2 existing house sites onto individual Lots 1 and 2 and to create a buildable Lot 3. He stated that the third lot had been obtained through the same deed as a separate lot. He stated that the State would view the lot as a separate lot and that he does, too.

Mr. Monte stated that the applicant had originally applied for a 2-lot subdivision and that he and Ms. Van Gilder had discussed it and agreed to ask the applicant to apply for a 3-lot subdivision. Mr. Behn and Mr. Markolf stated that they agreed that the project should be seen as a 3-lot subdivision.

Mr. Lazorchak stated that the building envelope shown on the plans is the only suitable building location because of the steep streambank and a wet area on the site. He stated that there was also only one suitable leachfield location on the site and that the backup leachfield had been located across the brook on Lot 1. He stated that the house site would be within the 40' setback and the required setback from the leachfield.

Mr. Monte asked if they planned any restriction on the further subdivision of Lots 1 and 2. Mr. Lazorchak stated that they would prefer not to but that there really is not another good building

site. He pointed out that the new primary and secondary leachfield for Lot 1 would be in the large grassy area between the two existing residences. He stated that the existing leachfield may be over the property line onto the Sardi or Crandall property and had been built in the 1970s and that because of this he was recommending that the property owners replace the existing field.

Mr. Crandall asked if it is a 6-bedroom house. Mr. Lazorchak stated that it was and that the leachfield shows no signs of failure and that he does not know whether the applicant will accept the recommendation to replace the field. Mr. Crandall stated that the house has been vacant for years.

Mr. Brattstrom asked about the secondary leachfield for Lot 3 and stated that he thought that locating it across the stream on a separate lot was a strange solution. Mr. Behn and Mr. Robinson stated that they felt it would not be a problem as long as it is recorded. Mr. Lazorchak stated that in principal the state officials were willing to accept the solution.

Mr. Crandall asked if the system for Lot 2 was state approved. Mr. Lazorchak replied that he did not think so but that the state officials were willing to accept the design shown on the plans without further investigation.

Mr. Monte asked if there was a Warren town permit for the Lot 2 system and stated that he would like to make the town wastewater permit a condition. He added that it was critical to establish whether the property owners intended to follow the recommendation to discontinue and move the field for Lot 1.

Mr. Behn asked about the wells shown on the plans. Mr. Lazorchak stated that at some point the garage was built over the drilled well and that he had designed a water tight seal and plan to protect the well from contamination. He also plans to test for inorganic compounds and has designated a replacement well.

Mr. Monte asked if there was a standard for this type of problem. Mr. Lazorchak stated that this was a very unusual circumstance and that he had researched how to deal with it.

Mr. Monte stated that he would like to see some kind of scientific information that would show that Lazorchak's solution is safe. He added that the standard is a 10' setback from any structure.

Mr. Markolf stated that he was concerned about this problem and felt that all structures, wells, and septic systems on newly subdivided lots must conform to the standards.

Mr. Lazorchak stated that he felt that it was reasonable to show that the well was safe and not contaminated and that the recommended well would be drilled immediately if it was not safe.

Mr. Behn agreed with Mr. Markolf that he would have to feel comfortable about the well before he approved the subdivision. Mr. Monte stated that he would want to see some kind of a long term testing program given the on-going location of the well.

Mr. Lazorchak stated that it wouldn't make a difference if there were a large spill in the garage where the well was and that either could be contaminated. Mr. Markolf asked if Lazorchak thought the well was safe, why was the backup proposed. Mr. Lazorchak stated that he wanted to designate a safe place to have the well in case it is contaminated.

Mr. Behn suggested that Lazorchak could bring a letter from an engineer. Mr. Lazorchak stated that an engineer will sign off on the plans. Mr. Behn and Mr. Brattstrom stated that that would satisfy their concerns.

Mr. Markolf stated that it would not satisfy his and that he would want to see a solution that conformed to the standards for a newly formed lot. Mr. Brattstrom stated that it was a pre-existing condition. Mr. Monte stated that where there is a pre-existing septic that might be non-conforming the DRB does not make the applicant change it, they just designate a back up. Mr. Brattstrom stated that if the state approved the well, he would be okay with it.

Mr. Markolf stated that in the case of the septic, no one can see what is there, but that in this case the DRB can see that there is a problem. He added that he doesn't care if the water is currently clean; he wants to see a new well built with the proper setbacks.

Mr. Monte stated that he might be persuaded to accept Mr. Lazorchak's solution if he was presented with scientific evidence that the proposed solution would keep the well safe. Mr. Robinson and Mr. Brattstrom agreed.

Mr. Monte moved to the letter received from Stephanie and Rob Reiskin on 10/13/04. Mr. Robinson stated that he did not see any way that the house could be 250' away from the road. Mr. Markolf agreed and said that the property drops off and is wet. Mr. Behn stated that the proposed site seems like a good site. Mr. Robinson stated that there was pretty good screening for the proposed site.

Mr. Markolf asked Mr. Lazorchak to provide the topographical info for the rear of the property, specifically primary and secondary conservation areas.

Mr. Crandall stated that he would like to see the driveway shifted about 100' down and opposite Rabbit Hollow for better site distance.

Mr. Lazorchak stated that the main reason the driveway was not placed there was to avoid disturbing the wet area but that he would not be against moving it. Mr. Monte asked him to consider the location suggested by Mr. Crandall. Ms. Crandall stated that West Hill Road is getting dangerous as there are more curb cuts and more traffic.

Mr. Behn stated that he felt it would be better if it was opposite Rabbit Hollow. Mr. Markolf stated that he would like to see how that would affect the buffer from the road. Mr. Monte suggested that the driveway might be able to skirt the buffer. Mr. Behn stated that there were

other homes close to the road on West Hill and that it could be considered a development pattern. He stated that he would not see a problem with the house being visible.

Mr. Monte asked Lazorchak to investigate the alternate driveway.

Mr. Crandall stated that he was worried about how the stream would be crossed by the secondary septic system. Mr. Lazorchak stated that he believes there is a location that would work but that the exact details have not been worked out because it probably wouldn't happen until 30 years from now. He added that it was not the ideal solution but that it could be done.

Mr. Monte stated that he could see making a condition that the details would have to come before the DRB if the project is ever undertaken.

Mr. Brattstrom stated that the streambed is probably bedrock and would have to be blasted.

Mr. Crandall suggested that if they move the drive, they might be able to fit a secondary field on the site. Mr. Lazorchak stated that that would not work because the proposed drive location is wet, too.

Mr. Behn asked if a secondary would fit if the capacity of the primary were reduced. Mr. Lazorchak stated that the state requires the system be designed for a minimum of 3-bedrooms and that any reduction would not be significant enough to make room for a secondary field.

Mr. Monte stated that a system would have to be designed to ensure that the septic was built correctly. Mr. Crandall expressed some concern that the site was not buildable.

Ms. Crandall asked about the building envelopes on Lots 1 and 2. Mr. Monte suggested using the setbacks but then stated that perhaps it wasn't necessary since the lots are already limited by the setbacks.

Mr. Monte asked whether the group thought they needed to ask the applicant to retrofit the pond for the fire department. The DRB decided no.

#### DELIBERATION/DISCUSSION

**MOTION by Mr. Monte, seconded by Mr. Markolf, to deny the applicant's request for a waiver of the sketch and preliminary plan review. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Markolf, to categorize the subdivision as a minor subdivision and deem the application complete. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf, seconded by Mr. Monte, to continue the hearing to December 1, 2004. VOTE: unanimous; motion carried.**

**IV. 2004-06-SD SARGENT - 2-LOT SUBDIVISION ON LAKE AND PLUNKTON ROADS**

#2004-06-SD submitted by Matthew Sargent seeking approval of a 2-Lot subdivision of 28.8 +/- acres into Lot 1 (3 +/- acres) & Lot 2 (25.8 +/- acres). The property is located on the east side of Plunkton Road in the Rural Residential District. The larger parcel is currently accessed from Lake Road. The smaller parcel would be accessed from Plunkton Road. The applicant has requested a waiver of the initial sketch plan review and wishes to proceed directly to the final plat approval. This project requires review under Article 6, *Subdivision Review*, and Article 7, *Subdivision Standards*, of the *Warren Land Use & Development Regulation*

**STAFF REPORT**

Ms. Van Gilder reported that this hearing had been continued from September 1, 2004.

**PUBLIC INPUT**

None

**GENERAL DISCUSSION**

Mr. Sargent provided the DRB with a road profile of the access road and stated that only one part exceeded 10% and that part was 11.3%. He also presented an erosion control plan with information about culverts and construction notes. He stated that he had test pits dug, that there was only one good site for the septic, and that this necessitated moving the house over about 30' from the original proposal. The plan also showed the well-shield, which Mr. Monte suggested could be used as the building envelope. He also presented a plan showing the slopes between 15% and 25% and stated that no development would take place in those areas.

Mr. Sargent stated that he had confirmed with Susan Baird that Act 250 requirements would not apply because he was still below the threshold. He stated that he had applied for a curb cut permit from the Selectboard but had missed the meeting because they changed the date and did not inform him. He stated that the Selectboard representative who handles the curb cuts would like him to move the curb cut over to match the driveway 35' north, but he no longer owns the property that it would cross. He has obtained a verbal agreement with the property owner, but would like to discuss the curb cut further with the Selectboard. Mr. Behn stated that the sight distance was better at the logging road Sargent had planned to use.

Mr. Sargent stated that he would require an easement for the utilities, as well. Mr. Behn asked if the utilities would be underground. Mr. Sargent stated that the stream may make undergrounding impossible at the head of the road, but that he would look into undergrounding the power from there.

Mr. Sargent requested that any decision the DRB made be contingent on getting a curb cut permit. Mr. Monte stated that it would be his preference to approve the logging road access point.

DELIBERATION/DECISION

**MOTION by Mr. Monte, seconded by Mr. Brattstrom, to recommend to the Selectboard that it not require the alternate road configuration because the existing head to the logging road provides a safer sight distance. The DRB will approve either location, but the applicant must show only one on the final site plan. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Robinson, to allow the applicant to provide the utilities to Lot 2 either above or below ground VOTE: unanimous; motion carried.**

Mr. Monte stated that the erosion control plan and road profile were considered part of the file and would be referenced in the decision.

Mr. Markolf asked how long the road was. Mr. Sargent stated that the road is 475' long and that emergency turn outs had been provided on the site plan.

Mr. Brattstrom asked whether Mr. Sargent planned any further subdivision of the remaining land. Mr. Sargent stated that he did not plan any further subdivision and that he would prefer not to have a restriction placed on the property, but that he would not dispute it.

Mr. Monte stated that he would vote against a motion to restrict further subdivision of the land. Mr. Behn agreed. Mr. Markolf questioned if it was even legal place such a restriction.

Mr. Sargent stated that he felt he had met the requirements to disclose his plans, which were not to divide the property any further.

**MOTION by Mr. Brattstrom to place a restriction on the Lot 1 prohibiting any further subdivision. FAILED for want of a second.**

Mr. Monte asked Sargent to designate the building envelope on the final plan.

**MOTION by Mr. Markolf, seconded by Mr. Behn, to find the project a minor subdivision and to find the application complete. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Robinson, to find that the proposed development satisfies §7.2, §7.3, §7.4, §7.5, §7.6, and §7.7. VOTE: unanimous; motion carried.**

Mr. Monte reminded the applicant that he would have to receive local and state health permits for the wastewater system.

**MOTION by Mr. Monte, seconded by Mr. Behn, to find that the proposed development satisfies §7.8, §7.9, and §7.10. VOTE: unanimous; motion carried.**

Mr. Monte stated that the building envelope had been marked in ink on the draft plan and would be designated on the final plan in the same location.

**MOTION by Mr. Behn, seconded by Mr. Robinson, to approve the project subject to the conditions stated above and the standard conditions. VOTE: unanimous; motion carried.**

**V. SUMMIT VENTURES – INFORMAL DISCUSSION PROJECT ON LINCOLN PEAK**

Mr. Ackland and Mr. Lasai came before the board to present their latest concept for development on Lincoln Peak. Mr. Zschaler, from Sugarbush Village, made comments, which are related below.

Mr. Ackland stated that Summit Ventures had pulled the plug on the concept of the Lodge at Lincoln Peak and that they had decided to study all of their land and holdings and try to get a cohesive picture of how to proceed. He stated that as they developed this new concept they incorporated the input from the previous permit processes for Lincoln Peak development. He stated that the main failure of the Lodge at Lincoln Peak was that it could not be phased and presented too much of an up front risk for investors and the organization. He added that Summit Ventures had submitted a new Master Plan to the GMNF and that their studies had shown that even for the resort's comfortable carrying capacity (CCC), Sugarbush is behind the curve on providing services with respect to competitors. He stated that the deficiencies need to be addressed and that they had come up with a mixed-use plan that mixes commercial, residential, and amenity uses in the same areas. He stated that he believed that this plan would have no more impact than the Lodge at Lincoln Peak because it has comparable square footage and unit totals. He stated that there would be more adjustment to the number of units as the project progressed.

Mr. Ackland described the concept and stated that the phasing is critical to the plan's success. He added that the project team is in place and that they would like to start marketing at Thanksgiving and building in the spring. He stated that sales of the units for the Lodge were healthy and that they hope to convert those to sales to this project.

Mr. Monte stated that it might be possible to gain a permit for all of the phases at the start and file a relinquishment, if the later phases do not work out or to simply let the permit expire in two years.

Mr. Behn asked if this was part of a global plan for all of the holdings. Mr. Ackland stated that this was only for Lincoln Peak.

Mr. Ackland presented the concept as follows:

- Modify and enhance the beginners' area.
- Five residential buildings in area of current Sugarbush Village parking with 80 spaces of underground for Sugarbush Village and enough for the new residences.

This part would be phased so Sugarbush Village would not be without parking. There would be no commercial development in this area.

- No alterations to road or firehouse.
- 3 buildings at the base of the ski area. One 4-story building with underground parking, 1 story of commercial and services, and 3 of residential. One 3-story building with 1 story of skier services and 2 stories of residential. There would be restaurants, night club, and other retail in this area. One family center near the beginners' area with a day care with a snow play area and teaching area.
- Tear down Valley House and lengthen and upgrade lift to a quad.
- Provide emergency vehicle access through entire complex and provide for multi-season use.
- Intend to fill residential units all year round.
- Possible hotel building at base of parking area.
- Provide shuttle drop-off.
- Provide close to same amount of parking as existing. May lose some day parking.
- Move vehicle maintenance to Fayston.
- No lift to the peak at this time.

Mr. Ackland stated that he wants to understand the permit process. He suggested that there are options for how to proceed. They could start with the 3 buildings in front of the gatehouse, which would take 2 years to complete. This they would like to start on May 15, 2005.

Mr. Markolf asked if they wanted the DRB to consider just those 3 buildings. Mr. Ackland stated that he would like to have a permit for the entire project, since their marketability is dependent. Mr. Markolf asked about the phasing for the residential portion. Mr. Lasai stated that the phasing of that would depend on how well it sold and that they probably would not have details for the later phases when the review process started.

Mr. Monte stated that the DRB would need elevations and space allocations at least. Mr. Monte stated that he felt that losing day parking might make a marginal situation worse and stated that Sugarbush Village may have comments about their parking being changed to a parking structure.

Mr. Lasai asked what the best way to present the project was. Mr. Monte suggested that they could present just the mixed use part of the project to get the quickest answer. He stated that he felt the most questions would come up about the residential portion.

Mr. Lasai asked if the DRB would consider giving approval on the number of units or scale of the residential portion. Mr. Monte responded that providing parking for day skiers and Sugarbush Village was his main concern.

Mr. Brattstrom stated that he thought aesthetics would be the biggest concern.

Mr. Monte asked whether land with the tennis courts could be used in a different way. Mr. Lasai stated that that land has wetlands and streams and is difficult to use.

Mr. Ackland stated that his ideal plan would involve very little land used for parking in the Lincoln Peak area and that in order to support the investment in infrastructure that the resort has already made, the resort must become a destination more than a day trip. Mr. Brattstrom expressed disbelief that the resort would become a destination.

Mr. Zschaler asked whether the group had looked into using the beginner hill as an amphitheater. Mr. Ackland said yes and agreed that the visitors to the area need activities in the summer months. He stated that they had considered a 60 seat movie theatre.

Mr. Monte expressed sadness in seeing the Valley House be demolished. The others agreed, but stated that they saw why it was a good idea.

Mr. Zschaler asked whether the area could be used as a conference area. Mr. Ackland stated that there would be areas that could be used for conferences in the summer. He added that the current conference center could be upgraded for winter use.

Mr. Behn asked if this proposal included more activity space than the existing. Mr. Lasai said yes and that the proposed amount would support the CCC of the mountain.

Mr. Lasai asked if they proposed just the part from Hotel Brook over, which would include one of the solely residential buildings, the DRB could make a decision. Mr. Behn stated that he thought that made sense. Mr. Monte cautioned that that could cause problems in the future if the two projects are so interrelated because it could not be guaranteed that the residential portion would be approved.

## VI. ADJOURNMENT

**MOTION by Mr. Monte, seconded by Mr. Robinson, to adjourn the meeting. VOTE: unanimous; motion carried.**

The meeting adjourned at 10:40 PM.

Respectfully submitted,  
Karen Van Gilder  
DRB/PC Assistant

**Development Review Board**

---

Peter Monte, Chair (date)

---

Lenord Robinson (date)

---

Eric Brattstrom (date)

---

David Markolf (date)

---

Chris Behn (date)