

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
OCTOBER 27, 2004**

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

OTHERS PRESENT: Anya Brickman Raredon, Dexter Lafavour, Bryan Leskowicz, Jim Edgcomb, Pat Fowler, Steve Fowler, Ted Josslyn, Karen Van Gilder, DRB/PC Assistant.

AGENDA:

- 1) Call meeting to Order 7:00 PM
- 2) **2004-02-PRD Fowler** – 8-lot PRD on Sugarbush Access Road
- 3) **2004-07-SD Leskowicz** – 2-lot subdivision on Volkstown Road
- 4) Other Business
 - a) Review changes to 2003-03-PRD F&J, Inc., The Maples
 - b) Review changes to 2004-02-SD Roth
 - c) Review Minutes from October 6, 2004
 - d) Review Minutes from October 13, 2004
 - e) Review 2004-08-SD Kingsbury Decision and Mylar
 - f) Review 2004-71-CU Ruseckas Decision
 - g) Review 2004-10-CU Whitney Decision
 - h) Review 2004-02-SD Roth Decision
 - i) Review 2004-06-SD Sargent Decision
 - j) Review Invoice – Stitzel, Page and Fletcher

I. CALL TO ORDER

Chair Peter Monte called the meeting to order at 7:05 PM.

II. 2004-02-PRD FOWLER – 8-UNIT PRD ON SUGARBUSH ACCESS ROAD

#2004-02-PRD submitted by Steve and Patricia Fowler seeking approval of an 8-unit subdivision of 2.79 +/- acres into multi-family dwellings. The property is located on Sugarbush Access Road in the Vacation Residential District. This project requires review under Article 6, *Subdivision Review*, Article 7, *Subdivision Standards*, and Article 8, *Planned Residential Development of the Warren Land Use & Development Regulations*.

STAFF REPORT

Ms. Van Gilder reported that this hearing was continued from September 15, 2004. Markolf, Van Gilder, and Jim Edgcomb attended a site visit the previous morning at which they viewed the culvert and the proposed building sites.

PUBLIC INPUT

None

GENERAL DISCUSSION

Mr. Edgcomb referred to the summary he submitted to the DRB on October 20, 2004. He stated

that he believed the project fell under the PRD review. In the Vacation Residential District, multi-family unit developments are a conditional use that must be reviewed through the PRD process. The PRD standards include specific requirements for some districts, but not for Vacation Residential. It is assumed that the general standards apply.

MOTION by Mr. Monte, seconded by Mr. Markolf, to find that the proposed development is properly classified as a PRD and to review it as such. VOTE: unanimous; motion carried.

Mr. Edgcomb submitted a plan showing the proposed development and stated that the hatching indicated slopes in excess of 15%, most of which were also over 25%. No roads or structures will be placed in these areas. He also pointed out that the entrance had been redesigned to provide a shuttle stop pull-out and that the sign had been designed.

Mr. Markolf asked about the potential for the Sugartree Inn driveway. Mr. Fowler stated that he saw these as separate processes and that he wanted to wait until this review was complete before those deliberations took place. He stated that the current plan leaves room for Sugartree to redesign their driveway. Mr. Markolf reminded the applicant that all of the parties involved would have to return to the DRB when the final plan has been engineered.

Mr. Edgcomb submitted an elevation prototype that shows representational elevations and a color palette. Mr. Edgcomb stated that the buildings would be no more than 35 feet tall. Mr. Monte stated that the findings should state that that the elevations describe basic dimensional standards and colors.

Mr. Edgcomb stated that they are trying to get a variance to the lagoon setbacks from the State and that that would allow them to loosen the plan up in the rear. Mr. Monte stated that if the plans are approved with footprints that the applicant would be required to apply for an amendment. He suggested that the board approve the project with a building envelope that would allow for the desired adjustment.

MOTION by Mr. Monte, seconded by Mr. Markolf, to allow units 5, 6, 7, and 8 to be moved as much as 30' to the west and to allow the footprints to be altered on final site plan if the lagoon setback waivers are procured.

AMMENDED by Mr. Behn to allow units 3 and 4 to be moved and to require that the final locations be subject to the board's approval when the final plan is signed.

VOTE: unanimous; motion carried.

Mr. Behn asked about the density. Mr. Edgcomb stated that they had reduced the number of units from 9 to 8. The acreage is sufficient to allow 8 units. Mr. Monte stated that if some of the units were affordable that a density bonus could be available.

Mr. Monte asked about the well. Mr. Edgcomb stated that their engineer stated that the available 17 gallons/minute would be sufficient for the development with a holding facility. Mr. Markolf stated that it would be sufficient to allow the state agencies to review the water supply.

Mr. Edgcomb stated that the fire hydrant had been placed in the location requested by the Fire Department.

Mr. Edgcomb submitted a second plan that shows the stormwater management plan. He stated that the State will not review the stormwater system because the developed area is under one acre. He stated that they had designed a system that would use the land to absorb the water before it drained into the existing drainage ditch. The plan includes a drain in the rear parking lot that will drain into the undisturbed area and a foot high berm that will direct water away from the water course. There will be sedimentation control during construction. The driveways will be gravel.

Mr. Monte asked that the stormwater plan be written out in narrative form and stated that he would like to see a condition of approval that the contours and berms be maintained in the future.

Mr. Brattstrom asked if there would be a pond. Mr. Edgcomb stated that it would not be necessary because the undisturbed areas can soak up the water and sedimentation. He added that there would be a reduction in the amount of impervious surface on the site as a result of this development.

MOTION by Mr. Monte, seconded by Mr. Behn, to impose a condition, if approved, that the owner and any future owners perform the necessary maintenance and repairs to the indirect discharge system according to the specifications set out in the Stormwater Management and Sediment Containment Concept Plan dated 10/27/04 and written narrative, which will be submitted before approval. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Behn, to impose a condition, if approved, that the landscaping be completed in accordance with the site plan dated 11/27/04 and that all areas shown as undeveloped will be left in a natural state or reseeded. Slopes over 25% will be left in a natural state except where grading is necessary for drainage and if disturbed will be reseeded. VOTE: unanimous; motion carried.

Mr. Edgcomb stated that according to the Traffic Design Manual a house generates an average of 10 trip ends (one-way trips) per day. The development has 8 houses and would generate 80 trip ends per day. Mr. Edgcomb stated that based on meals served (divided by 2.3) the existing restaurant can generate approximately 300 - 360 trip ends at peak time. The average over the course of the winter (December 1 and March 31) is 170 trip ends per day. During the slow season, the average is 110 trip ends per day. Mr. Edgcomb stated that the Traffic Design Manual reports that the average number of trip ends for a typical restaurant is also more than 80 trip ends per day, although he could not recall the actual number.

Mr. Markolf stated that the drive had been located directly across the road from The Bridges and that the questionable driveway had been removed.

Mr. Edgcomb produced cut sheets for lighting fixtures dated 11/27/04. The locations for the fixtures are marked on the site plan and the lights will use low energy fluorescent bulbs. He stated that the ballard lights would be used for walkways and that there would be no lighting on the driveway.

Mr. Edgcomb presented colored representational elevations. Mr. Behn asked what kind of siding would be used. Mr. Edgcomb stated that the siding would have a wood feeling whether it was clapboard stained brown or cedar had not been determined. The roof would be a standing seam metal roof.

Mr. Behn and Mr. Markolf asked about Labor and Industry review. Mr. Edgcomb stated that it would be reviewed as a 5A building.

Mr. Monte stated that the DRB would need to see the documents for the condominium association. Mr. Fowler stated that they were not completed and that the attorney would like to read the minutes and materials before writing. Mr. Monte stated that they would need to include the following provisions:

1. payment of attorneys fees;
2. maintenance of roads, grounds, exteriors of buildings;
3. maintenance of compliance with all applicable permits and particularly maintenance of storm water system; and,
4. statement about parking, such as prohibiting unregistered vehicles and a limit on the number of vehicles per unit to the number of spaces provided.

Mr. Monte stated that the DRB would really only need to see the parts of the condominium documents that were pertinent to the DRB's decision. Mr. Edgcomb asked whether agreeing to include certain elements in the future would be sufficient. Mr. Monte stated that the DRB would have to read the sections prior to approval.

Mr. Monte stated that the applicant should return to the DRB on November 10, 2004 with the stormwater management narrative and the pertinent sections of the condominium documents.

Mr. Edgcomb stated that they have designed the sign, but have not yet named the development.

MOTION by Mr. Behn, seconded by Mr. Brattstrom, to waive the requirement to name the development prior to approving the sign, if there is such a requirement. VOTE: unanimous; motion carried.

Mr. Markolf asked whether the gate and key issue had been resolved. Mr. Edgcomb stated that the applicant has not direct control over the gate because it is Sugarbush's gate.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Behn, to find that §8.3(C) has been satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to find that §7.2(A-H) have been satisfied with the former motion to approve building envelopes for units 3-8. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, to find that §7.3(A-C) have been satisfied. VOTE: unanimous; motion carried.

Mr. Monte asked about the Sugarbush Path. Mr. Edgcomb stated that they would be willing to allow Sugarbush an easement for a path along the front of the property if so desired.

MOTION by Mr. Monte, seconded by Mr. Robinson, to find that §7.4, 7.5, 7.6, 7.7, 7.8, 7.9, and 7.10 have been satisfied with the addition of conditions listed above and the condition that all utilities shall be provided underground. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, to grant approval subject to the receipt and approval of the storm water narrative and excerpts from the condominium documents on November 10, 2004. WITHDRAWN

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to find that §5.2 and §5.3(A) have been satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to approve the proposed project subject to conditions listed above, acceptance and approval of the stormwater management narrative and the condominium documents. A hearing date for reviewing the documents is set for November 10, 2004. VOTE: unanimous; motion carried.

III. 2004-07-SD LESKOWICZ – 2-LOT SUBDIVISION ON VOLKSTOWN ROAD

#2004-07-SD submitted by Bryan Leskowicz seeking approval of a 2-Lot subdivision of 35 +/- acres into Lot 1 (27 +/- acres) & Lot 2 (8 +/- acres). The property is located on Volkstown Road near the intersection of Airport Road and Route 100 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. This project requires review under Article 6, *Subdivision Review*, and Article 7, *Subdivision Standards*, of the *Warren Land Use & Development Regulations*.

STAFF REPORT

Ms. Van Gilder reported that this hearing has been continued from September 15, 2004.

PUBLIC INPUT

none

GENERAL DISCUSSION

Mr. Leskowicz and Mr. Lafavour came before the board to present the project.

Mr. Monte stated that the DRB had received a letter from the Fire Department dated 10/26/04 which included a recommendation that the proposed subdivision application not be approved because of the difficulty emergency vehicles would have accessing the site.

Mr. Lafavour asked what criteria the Fire Department used to determine accessibility. Mr. Markolf stated that the criteria generally are a 30 foot turning radius and a driveway slope of less than 15% but that the Fire Department goes to proposed sites and determines accessibility on a case-by-case basis. He added that the proposed site has no other access point other than the very steep driveway.

Mr. Leskowicz stated that he thought it would be possible to engineer a solution that met those criteria.

Mr. Monte asked whether the driveway was the only development in areas of greater than 25% slope. Mr. Lafavour stated that the topo lines from the USGS map make the site look like it is entirely greater than 25%, but that the proposed house site itself actually is quite level.

Mr. Brattstrom asked whether the neighbors' concerns about the potential contamination of the well had been resolved. Mr. Leskowicz stated that he wanted to help the neighbors feel comfortable about the safety of their water supply.

Mr. Robinson stated that he was concerned about the proposed wastewater system. He stated that when the system is uphill from a water source that the septic must be at least 200 feet away. He added that only a geologist could say how the waste would flow.

Mr. Monte asked whether erosion from the driveway could affect the well.

Mr. Behn asked whether there were any previous deed restrictions. Mr. Leskowicz stated that they had done a title search and no restriction on further subdivision had shown up.

Mr. Markolf summarized the remaining questions as follows:

1. The submitted site plan shows the entire site in primary conservation area. He does not feel that the DRB can approve a site plan that reads that way even with the knowledge that the proposed house site is more level in reality. He added that he would want to see an erosion control plan and demarcated limits of disturbance.
2. The Fire Department is not happy with the access and he does not feel that the DRB should approve a plan that shows access that the Fire Department finds unacceptable.
3. The potential contamination of the well has not been addressed satisfactorily. He would like to see an engineered solution and a letter from the neighbors stating that a satisfactory solution has been found.

Mr. Monte stated that he would like to see driveway details and an erosion control plan, the building envelopes defined, and the limits of disturbance defined.

Mr. Robinson stated that he would like more information about the well and wastewater situation.

DELIBERATION/DISCUSSION

MOTION by Mr. Monte, seconded by Mr. Brattstrom, to continue the hearing to December 3, 2004. VOTE: unanimous; motion carried.

Mr. Leskovicz asked if it would be possible to get a permit with conditions that would allow the sale of the lot. Mr. Monte stated that the DRB could not create a lot that does not conform to the standards.

IV. OTHER BUSINESS

a) Review changes to 2003-03-PRD F&J, Inc., The Maples

Mr. Joslin, attorney for the applicant, stated that through the Act 250 process the State had required the applicant to drill the wells prior to permitting. The well had been drilled in a good place for water flow but had ended up too close to the parking lot and Building D. As a consequence, the applicant would like to move Building D and the parking lot over 6 feet and requests an administrative amendment to the permit.

Mr. Markolf asked whether the move would bring the building further away from the abutters. Mr. Joslin stated yes.

The DRB looked at the final plat and determined that it had only footprints recorded, not building envelopes and discussed the fact that in the future they should require building envelopes to accommodate minor modifications.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to write a letter in support of the proposed minor modification to the site plan and to require the filing of a revised mylar before any units are conveyed. VOTE: unanimous; motion carried.

b) Review changes to 2004-02-SD Roth

The DRB reviewed the plans submitted by Roth dated 10/25/04 and determined that the changes in the limits of disturbance were minor and that no revisions to the decision were necessary.

c) Review Minutes from October 6, 2004

The DRB chose not to act on the minutes from October 6, 2004.

d) Review Minutes from October 13, 2004

The DRB chose not to act on the minutes from October 13, 2004.

e) Review 2004-08-SD Kingsbury Decision and Mylar

Members of the DRB had already reviewed and signed the Kingsbury decision, which was

effective October 22, 2004. Two members of the DRB signed the Kingsbury mylar.

f) Review 2004-71-CU Ruseckas Decision

Three members of the DRB signed the Ruseckas decision.

g) Review 2004-10-CU Whitney Decision

Three members of the DRB signed the Whitney decision.

h) Review 2004-02-SD Roth Decision

Five members of the DRB signed the Roth decision.

i) Review 2004-06-SD Sargent Decision

Five members of the DRB signed the Sargent decision.

j) Review Invoice – Stitzel, Page and Fletcher

Mr. Monte requested that Mr. Stitzel prepare a written response to the question of how a natural feature can subdivide a property.

MOTION by Mr. Monte, seconded by Mr. Markolf, to make payment to the Stitzel, Page and Fletcher invoice. VOTE: unanimous; motion carried.

V. ADJOURNMENT

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

The meeting adjourned at 9:15 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)