

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY OCTOBER 17, 2007**

Members Present: Peter Monte, David Markolf, Chris Behn, Lenord Robinson and Virginia Roth

Others Present: Mac Rood, Matt Sargent, Miron Malboeuf and Ruth Robbins.

Agenda: Call the meeting to order 7:00 pm

- 1) Application 2007-12-CU, Conditional Use, Construction of a Single Family Dwelling in the Forest Reserve District. (preliminary meeting) The applicant, Monteverde First Corp. seeks Conditional Use Approval to construct a Single Family Dwelling and approval of an existing Accessory Structure, Gazebo, on 10.16 ± acres at 1536 Roxbury Mountain Road in the Forest Reserve District., Parcel ID # 001012-000. This application requires review under Article 2, Table 2.1, Forest Reserve District, and Article 5, Development Review, of the Warren Land Use and Development Regulations.
- 2) Application 2007-13-CU, Conditional Use, Construction of a Common Drive across Steep Slopes. The applicants, Steve Badanes and Martha & Eric Cregan seek permission to relocate a common drive across a 4.00 ± acres parcel at 226 Loop Road. The drive will access a pre-existing lot, a 4.34 ± acres parcel, ID 038002-800. This application requires review under Article 2, Table 2.2, Rural Residential District, Article 3, § 3.1 & § 3.4 and Article 5, Development Review, of the Warren Land Use and Development Regulations.
- 3) Other Business:
 - a. Review and approve Minutes September 19th, 2007
 - b. Decisions – Gauthier/Campano & Moffroid

Mr. Monte called the meeting to order at 7:07 pm.

- 1- Application **2007-12-CU**, Conditional Use, Construction of a Single Family Dwelling in the Forest Reserve District. (preliminary meeting) The applicant, **Monteverde First Corp.** seeks Conditional Use Approval to construct a Single Family Dwelling and approval of an existing Accessory Structure, Gazebo, on 10.16 ± acres at 1536 Roxbury Mountain Road in the Forest Reserve District.

Mr. Malboeuf reviewed the permits that had been issued and the subsequent renewals. Mr. Rood, representing the applicants, stated that the permit for the house had been issued and renewed a number of times and they had also gotten a permit for an accessory structure [gazebo] which had been built. Currently the permit for the primary dwelling has expired and the property owner would like to sell the property but needs to have a marketable title. He would prefer not to have to get another building permit for a house since he has no intention of building and wants that to be left to any new owner. However, with no current building permit for a primary structure, the existing accessory structure becomes illegal.

Mr. Rood questioned whether or not this made sense and gave the example of a house burning down but the garage [accessory structure] is still standing – does it become an illegal structure? Mr. Rood also brought up the definition of an accessory structure which talks about relating to the primary use, not just a primary structure. When asked what the current primary use was, Mr. Rood said that it was a park having been extensively landscaped and planted. It was suggested that the marketability of the property could be enhanced with a valid building permit, which could

be general enough and not be tied to a specific house design. Mr. Rood had concerns about timing and having to constantly renew the permit as has already occurred. Mr. Monte noted that he thought this was the rare case of an accessory building being an accessory to a use, [i.e. park] something they do not typically see. Mr. Markolf expressed concern about making sure there was some sort of paper trail that verified how the Board was viewing this situation. Mr. Monte asked if anyone on the Board felt strongly about not approving the continuance of an accessory structure with no primary structure in the near future and instead as an accessory to a "use". The consensus of the Board was that they were "ok" with the gazebo being an accessory to a use. It was then Mr. Monte's suggestion that they allow the warned hearing on November 7th to go forward at which time they would recommend that the applicant withdraw the request as it was only for the purpose of clarifying the technical standing of the gazebo which will be determined as an accessory to an agricultural use. This also would not preclude a future owner from seeking a building permit for a residence. Mr. Markolf asked if using the Conditional Use of an Outdoor Recreation Facility as listed under Table 2.1 Forest Reserve item (C)(6) would be a better avenue. He emphasized that this might be more definitive than Mr. Monte's suggestion as it provides an actual permit versus just noted in the minutes. The members agreed to continue this application until the warned hearing on November 7th.

- 2- Application 2007-13-CU, Conditional Use, Construction of a Common Drive across Steep Slopes. The applicants, Steve Badanes and Martha & Eric Cregan seek permission to relocate a common drive across a 4.00 ± acres parcel at 226 Loop Road.

Mr. Malboeuf began the hearing by giving some background information. He said that the existing lot with a right of way through it to an interior lot is currently owned by Steve Badanes. When the owners of the interior lot, the Cregans, wanted to commence development of their lot, Mr. Badanes asked that the drive along the right of way be slightly relocated away from his dwelling to increase privacy. Mr. Malboeuf continued by telling the Board that in the relocation of the right of way Mr. Bannon, who did the engineering, disclosed that there were some steep slopes involved. Mr. Malboeuf said that though there were steep slopes, it was an area of less than 1000 square feet; a side slope of approx. 25 feet long.

Mr. Markolf expressed his concern about having two driveways [though one curb cut]. Mr. Sargent said he tried to convince Mr. Badanes to access his dwelling such as to avoid having two driveways but was unsuccessful. Mr. Malboeuf said he didn't think that the aesthetics of the two drives affected the character of the neighborhood one way or the other. Mr. Monte asked if they would be creating unnecessary additional impervious surface. Mr. Sargent said that there was a fair amount of ledge which wouldn't go away whether there was a drive over it or not.

Mr. Sargent also said that with the deed required bringing the power in underground, and Mr. Badanes driveway going over mostly ledge, that they would probably look to dig along where the proposed new drive is located for power lines anyways. Mr. Robinson said he didn't see a problem in having two driveways, and it was determined that the drive to Mr. Badanes house was roughly fifty feet. Mr. Markolf noted that Mr. Bannon's plan showed new underground power to Mr. Badanes home, which was incorrect, as it is only going underground back to the Cregan's home.

MOTION by Mr. Monte that this request is a permissible intrusion into a primary conservation area for the following reasons:

1. It is only a small area of no more than 30 x 30 feet of isolated steep slopes
2. Area would probably be affected anyway by the placement of the required underground utilities and the avoidance of ledge
3. The movement of the driveway for access to Lot 1 would require the removal of trees which is undesirable or a hairpin turn which is impracticable.

For the above reasons we therefore do not violate the requirements of § 7.3 (B). **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that the Board approves the erosion control plan as outlined on the site plan prepared by Bannon Engineering and dated 11/12/06. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the application to relocate the driveway as submitted. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

3- Other Business

In other business the members reviewed and signed the minutes of the previous meeting, the decisions for Moffroid and Gauthier. The mylars for Graves and The Knolls were also reviewed and signed.

The meeting was adjourned at 8:05 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte date

David Markolf date

Lenord Robinson date

Virginia Roth date

Chris Behn date