

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
NOVEMBER 26, 2003**

MEMBERS PRESENT: David Markolf, Eric Brattstrom & LEnord Robinson.

OTHERS PRESENT: Jason Lisai & Margo Wade, Sugarbush Resort Representatives;
Jeff Siner & Dexter Lefavour, CBC Construction
Representatives; Shannon Hill, DRB/PC Assistant.

AGENDA:

- 1) 7:30 Call to Order
- 2) Lodge at Lincoln Peak Sign Plan
- 3) Sugarbush Resort
- 4) CBC Construction 18 Unit PRD
- 5) Richardson Conditional Use
- 6) Review River Watch Mylar Plat
- 7) Signing of Minutes & Decisions

I. CALL TO ORDER

Mr. Markolf called the meeting to order at 7:30 PM.

II. LODGE AT LINCOLN PEAK SIGN PLAN

The receipt and approval by the DRB of the Lodge at Lincoln Peak Signage Plan is a condition of the Conditional Use/PRD and Subdivision decision #2002-01-CU and #2002-14-PUD.

STAFF REPORT

Ms. Hill stated that she mailed a copy of the original Signage Plan submittal material, dated October 22, 2003, to all interested parties from the Lodge at Lincoln Peak hearings and has received no comments.

The board reviewed the original Signage Plan (dated October 22, 2003) submitted by Sugarbush Resort during the October 29, 2003 meeting. During the meeting the board reviewed the plan and requested it include the dimensions, locations, color, lighting and a maintenance plan for the signs.

PUBLIC INPUT

There was no public input.

GENERAL DISCUSSION

Mr. Lisai and Mrs. Wade came before the board to present the updated Lodge at Lincoln Peak Sign Plan dated November 17, 2003. As requested by the DRB during the October 29, 2003 hearing, Sugarbush updated the Signage Plan to include the color, dimensions and locations of the signs in the Signage Plan. Mrs. Wade noted that the signs will be updated regularly as businesses in the Sugarbush Village change hands or names. She explained that the lighting in the pass through pedestrian ways between buildings A&B and B&C will indirectly light the directional signs. Mrs. Wade explained that she presented the sign plan to some of the business owners in the village who seemed pleased.

Mr. Markolf noted that according to Table 3.2 of the Warren Land Use & Development Regulations the two directional signs on the corner of the Access Road and Inferno Road and near the overflow parking on Inferno Road (numbered 11 A & 11 B on Exhibit #30) are exempt from zoning. However, because these signs were included in Condition #24 of the Lodge at Lincoln Peak Notice of Decision the board must review them with the rest of the Signage Plan. The two signs that are exempt under the zoning regulations are meant to direct people down the Access Road and away from West Hill/Inferno Roads and will be standard state route markers.

According to the Signage Plan, there will be five signs total directing people from the ski slopes and lodge to Sugarbush Village.

The board was pleased with the locations, color, size and lighting of the signs numbered 10A & 10B on the Signage Plan.

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Mr. Robinson, that the applicant has satisfied Condition #24 of Application #2002-01-CU and #2002-14-PUD as per the updated Signage Plan dated November 17, 2003. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, that according to the Warren Land Use & Development Regulations Table 3.2(A)(2) the two signs 11A&11B serve the purpose of directing traffic down the Access Road and require no further review. Signs VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom that the five signs numbered 10A&10B serve the purpose of directing pedestrian traffic from the ski trails and the Lodge at Lincoln Peak to Sugarbush Village. The Signage Plan requires no further review by the Development Review Board unless the applicant modifies the plan. VOTE: unanimous; motion carried.

III. SUGARBUSH RESORT CONDITIONAL USE FOR AN OVERSIZED SIGN

#2003-99-CU submitted by Sugarbush Resort. The applicant is seeking conditional use approval to construct a 48" by 80" directional sign lit from below on the corner of the German Flats and Sugarbush Access Road in the Vacation Residential District.

STAFF REPORT

Mr. Markolf read the legal warning which ran in the Vermont Journal on November 5, 2003. The board members conducted site visits on their own.

PUBLIC INPUT

There was no public input.

GENERAL DISCUSSION

Mrs. Wade and Mr. Lisai presented the proposed project to the board. They requested approval to replace an existing 48" by 48" sign with a larger 48" by 80". Mr. Lisai explained

that Sugarbush Resort conducted a leisure trend/secret shopper study and one of the most common complaints was the lack of directional signage. More specifically, the sign at the corner of the Access Road and German Flats Road was determined to be inefficient at directing traffic to Mount Ellen. They believe that a larger sign reoriented slightly would improve the traffic circulation on the Access Road and German Flats Road.

The current diagram of the sign shows a Conference Center directional plaque. However, this text is meant to be dynamic and may change. The size of the sign will not change.

When asked how the DRB can approve a sign in excess of the 16 ft² allowed by the Warren Zoning, Mrs. Wade explained that the board had approved larger signs in the past such as the signs at Mac's and the Seasons. The board clarified that in both of those situations the applicants combined two noncomplying signs into one larger noncomplying sign. Mrs. Wade presented a chart that listed the size of signs on the Access Road. According to the data, the Sugarbush Sign would not be out of character for the neighborhood.

Mr. Lisai would like to have the Forest Service sign removed. Removal of this sign would eliminate 32.5 ft² of signs in the Sugarbush Resort area which would more than compensate for the larger sign requested.

Mr. Markolf believes the sandwich board used to direct parking to the Mount Ellen when the Lincoln Peak lot is at full capacity is a safety issue. He thinks that having a temporary plaque that could be placed on the proposed larger sign would be more effective and safe.

Mr. Lisai agrees that a temporary plaque on the larger sign directing parking to Mount Ellen would help the traffic flow. However, he would prefer to be able to use the sandwich board in conjunction with a temporary plaque on the larger sign.

Lighting for the sign will be from below using the existing the exiting setup.

DELIBERATION/DECISION

The board decided it was appropriate to review the larger sign under the Conditional Use Criteria for the following reasons:

- The larger sign will be more visible and thus more effective for directing vehicular traffic to Mount Ellen.
- A temporary plaque used to direct parking to Mount Ellen when the Lincoln Peak parking lots are full will better inform vehicular traffic and prevent cars from stopping or turning around and creating a safety hazard on the Access Road.
- The size of the sign is consistent with other business signs on the Access Road, is a reasonable size for the resort and will increase road safety.

MOTION by Mr. Markolf, seconded by Mr. Robinson, to find that the application is complete. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3 (A) (1 & 2) to find that the proposed development satisfies the criteria for the capacity of

existing and/or planned community facilities and the character of the neighborhood or area affected. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3 (A) (3) that the larger sign with a temporary plaque directing traffic will increase the safety of the Access Road and German Flats intersection. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (A) (4) to find that the proposed development satisfies the criteria for bylaws now in effect. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (A) (5) to find that the proposed development is not applicable to the standards for renewable energy resources. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3 (B) (1 thru 9) to find that the proposed development is not applicable to the standards for building design, traffic circulation, bicycle and pedestrian access, parking and service areas, outdoor storage and display, landscaping and screening, protection of natural resources, erosion control and surface water protection. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3 (B) (10) to find that since the existing lighting will be used and therefore the development is not applicable to the criteria for lighting. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.4 (C) to find that the proposed development is not applicable to the District Standards. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to approve the application as presented, discussed and modified during this hearing. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to continue the hearing for application #2003-99-CU to December 3, 2003 at 7:30 PM. VOTE: unanimous; motion carried.

IV. CBC CONSTRUCTION 18 UNIT PRD

Application #2003-03-PRD submitted by CBC construction requesting approval to build an 18 unit condominium complex on 6+/- acres. The property is located in the Vacation Residential District at the southern corner of the intersection of the Access Road and Golf Course Road.

STAFF REPORT

This hearing is a continuation from the October 15, 2003 meeting.

GENERAL DISCUSSION

Mr. Siner and Mr. Lefavour came before the board to present the project. They presented the following new information:

- Grading Plan
- Site Layout Plan
- Stormwater and Erosion Control Plan
- Road Profile and Details
- Wastewater Disposal System Plan
- Act 250 School Impact Questionnaire
- Copy of Labor & Industry Permit Application

The School Impact Questionnaire, filled out by the superintendent of schools, estimated the proposed development would generate 6 new students in the Warren School System.

Sheet 3 of 7 of the new submittal material indicates the location of the one fire hydrant as well as the footprint of the Sullivan House on the southern adjoining property. Sheet 6 or 7 also shows the one fire hydrant and the water line from the Access Road.

Mr. Siner requested the board make the submittal of the Condominium Declaration/Maintenance Agreement a condition of the permit. The board discussed requiring the document prior to the Zoning Administrator issuing a Certificate of Zoning Compliance.

Mr. Lefavour indicated the project does not require a stormwater permit from the state. He also stated that the water supply for the Chalet's across the Golf Course Road is a drilled well and the distance from the well to the leach field of the proposed development is satisfied.

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Mr. Robinson, that the application is complete. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3 (A) (1) to find that the School Impact Questionnaire and other submittal material satisfy the criteria for the capacity of existing or planned community facilities or services. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (A) (2) to find that since the development is proposed in the Vacation Residential District and is located in close proximity to a resort that the proposed development satisfies the criteria for character of the neighborhood or area affected. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3 (A) (3) to find that since the applicant has received two curb cut permits from the Warren

Selectboard that the proposed development satisfies the criteria for traffic on roads and highways in the vicinity. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (A) (4) to find that, subject to the conditions contained herein, the proposed development satisfies the criteria for bylaws now in effect. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3 (A) (5) to find that the proposed development is not applicable to the criteria for the utilization of renewable energy resources. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (B) (1 thru 6) to find that the proposed development satisfies, subject to the conditions contained herein, the criteria for building design, traffic circulation and access, bicycle and pedestrian access, parking and service areas, outdoor storage and display and landscaping and screening. VOTE: unanimous; motion carried.

The applicant has received approval of two road access permits by the Warren Selectboard.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §5.3 (B) (7 thru 9) to find that the proposed development satisfies the criteria for protection of natural resources, erosion control and surface water protection. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (B) (10) to find that the proposed development must comply with the lighting standards set forth in §3.9 of the Warren Land Use & Development Regulations. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (B) (11) to find that the proposed development satisfies the criteria for performance standards. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (C) to find that the proposed development is not applicable to the District Standards criteria. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (D) to find that the proposed development is not applicable to the flood hazard overlay criteria. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, to grant Conditional Use Approval for the proposed development subject to the conditions contained herein and at prior hearings. VOTE: unanimous; motion carried.

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

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.2 (D) to find that the proposed development satisfies the criteria for density and lot layout pursuant to the filing of a Mylar Survey Plat indicating the total acreage, excluding the town right of way, is greater than six acres. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, pursuant to §7.2 (E & F) to find that the proposed development, as per the application material, satisfies the criteria for establishment of a building envelope and landscape and screening. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, pursuant to §7.2 (G) to find that the proposed development satisfies the criteria for energy conservation. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, pursuant to §7.2 (H) to find that the proposed development satisfies the criteria for disclosure of subsequent development plans. VOTE: unanimous; motion carried.

The applicant has no plans for future development.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, pursuant to §7.3 (A thru C) to find that based on the updated site plans and testimony the proposed development satisfies the criteria for design process, primary conservation areas and secondary conservation areas. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, pursuant to §7.4 (A thru D) to find that, subject to the receipt and approval of a Condominium Declaration by the DRB, the proposed development satisfies the criteria for intent, preservation of open space, creation of common land and legal requirements. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, pursuant to §7.5 to find that the proposed development, based on the updated submittal material, satisfies the criteria for stormwater management and erosion control. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, pursuant to §7.6 (A thru C) to find that the proposed development, based on the updated submittal material, satisfies the criteria for community services and facilities. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, pursuant to §7.7 (A thru C) to find that the proposed development, based on the updated submittal material and the conditions contained herein, satisfies the criteria for road standards, road design and road construction. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, pursuant to §7.7 (D) to find that the proposed development is not applicable to the standards for intersections. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, pursuant to §7.7 (E) to find that the proposed development, based on the updated submittal material and the conditions contained herein, satisfies the criteria for drainage and stormwater. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §7.7 (F) to find that the proposed development is not applicable to the standards for coordination with adjoining properties. VOTE: unanimous; motion carried.

MOTION by Mr. Brattstrom, seconded by Mr. Markolf, pursuant to §7.7 (G) to find that since the applicant has received two road access permits from the Warren Selectboard that the proposed development satisfies the criteria for access permits. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.7 (H) to find that the proposed development satisfies the criteria for access management. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.7 (I) to find that the proposed development satisfies the criteria for traffic and road capacity. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.7 (J) to find that the name of the proposed development road must comply with all local and state regulations. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.7 (K) to find that the proposed development satisfies the criteria for driveways. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.7 (L) to find that the proposed development is not applicable to the criteria for modification of road standards. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.7 (M) to find that the proposed development satisfies the criteria for parking and transit stops. VOTE: unanimous; motion carried.

The applicant will look into having the MadBus stop at the development.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.7 (N) to find that the proposed development satisfies, subject to the conditions contained herein, the criteria for pedestrian access. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.7 (O) to find that the proposed development satisfies, subject to the conditions contained herein, the criteria for legal requirements. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.8 (A thru F) to find that the applicant must obtain all applicable state and local permits. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.9 to find that all utilities must be located underground. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.10 to find that the one sign located at the northern entrance on Golf Course Road is approved subject to the receipt of an updated sign design indicating the accurate name of the development. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, to approve the 18-Unit Proposed Residential Development on 6+ acres in the Vacation Residential District subject to the conditions imposed by the DRB. VOTE: unanimous; motion carried.

V. RICHARDSON CONDITIONAL USE FOR DEVELOPMENT IN THE MEADOWLAND OVERLAY DISTRICT

STAFF REPORT

Ms. Ware is traveling for Thanksgiving and therefore unable to attend the meeting. She requested the hearing be continued to December 3, 2003.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to continue the Richardson Conditional Use hearing to December 3, 2003 at 7:30 PM. VOTE: unanimous; motion carried.

VI. OTHER BUSINESS

a) Review Pruitt updated Site Plan

The DRB reviewed the updated site plan submitted by Doug Pruitt. The updated site plan indicated a 200' by 200' building envelope and the dimensions from the building envelope to the property boundaries.

MOTION by Mr. Markolf, seconded by Mr. Robinson, to approve the updated site

plan submitted by Mr. Pruitt dated November 15, 2003. VOTE: unanimous; motion carried.

b) Discuss Trusova Mylar Plat

Mr. Young submitted a Draft Plat for the DRB to review. The applicant has not completed a boundary survey, but has indicated the designated meadowland area, no build zone, building envelopes, footprint of the main residential dwelling as well as the footprints of the existing barns slated to be removed. The DRB discussed whether the Plat should be a survey and decided that since the applicant is not proposing any boundary changes they should not be required to have the property surveyed.

c) Review the Schulthess, Trusova and Pruitt Notice of Decisions

The board reviewed the Draft decisions, incorporated minor changes and signed the three decisions.

d) Review River Watch Real Estate 2-Lot Mylar

The board reviewed the Mylar submitted by River Watch Real Estate for the 2-Lot subdivision on Senor Road. The text on the Mylar indicated that the lots were not surveyed and that the information used to create the map was supplied by the applicant. The board decided to accept the Mylar since they never specified that the Mylar had to be a survey and there is not enough time to survey the property before the 90-day Plat filing limit will expire.

VII. ADJOURNMENT

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

The meeting adjourned at 10:00 PM.

Respectfully submitted,
Shannon M. Hill
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

David Markolf (date)

Lenord Robinson (date)

Eric Brattstrom (date)