

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY NOVEMBER 5, 2008**

Members Present: David Markolf, Lenord Robinson, Jeff Schoellkopf and Virginia Roth.

Others Present: Barry Simpson, Paul Henke, Larry Ryan, Miron Malboeuf and Ruth Robbins.

Agenda: Call to order, 7:00 pm

1- Hearings

- a) Application, **2008-03-SD**, (Continued from July 23rd, 2008 & Applicant has requested a withdrawal of the application) Revision to an Approved Plat, 701 Boulder Pass of the Lincoln Ridge Subdivision, Construction of a Pond in a Thinning Zone: The applicants, Peter **Asch**, Michelle **Rose** and Eugene A & Ann G **Murphy**, seek permission to construct a pond to be partially located in a designated thinning zone of the approved lot.

- b) Application **2008-10 CU**: Change of Use from existing Residential use to Public Facility (open) at 28 Cemetery Rd. **The Town of Warren**, represented by Barry Simpson, Director of Public Works, and Burton Bauchner, Select Board Chair, requests permission for a conditional use ,Public Facility(open),_for_the existing residential structure. The property, parcel id, 004003-200, is located in the Warren Village Historic Residential District on .782 ± acres This project requires review under Article 2, Table 2.3 (WVR), Article 3, § 3.2, Conversion or Change of Use,§ 3.10, Parking , Loading & Service Area Requirements, Article 4,Article , § 4.14, Public Facilities and Article 5, Development Review of the Warren Land Use and Development Regulations.

2- Other Business

- a) Review and sign minutes from 10/22/08,
- b) Decision Weinstein Conditional Use
- c) Go over November/December Schedule

Mr. Markolf called the meeting to order at 7:03 pm.

- 1) Application **2008-10 CU**: Change of Use from existing Residential use to Public Facility (open) at 28 Cemetery Rd. **The Town of Warren**, represented by Barry Simpson, Director of Public Works, and Burton Bauchner, Select Board Chair, requests permission for a conditional use ,Public Facility(open),_for_the existing residential structure. The property, parcel id, 004003-200, is located in the Warren Village Historic Residential District on .782 ± acres.

Mr. Simpson presented the application for the Town of Warren which is seeking a Conditional Use Permit for a change of use for the Ruby Blair dwelling. The building consists of four residential units, three on the first floor and one on the second. Mr. Simpson explained that the town had created a Dept. of Public Works position, which he held, and that they wanted to establish some office space in one of the units for a DPW office. He also said that in addition, that space would be shared in an adjacent room, with the Constable's Association, who was interested in having a location for maintenance of files, meetings and processing of intoxicated individuals. The specific unit they were looking at was the one in the front facing Main Street. Mr. Simpson told the Board that the intention was to use the old handicap ramp from the Town Hall as it was suggested by the constable that it would be helpful when bringing intoxicated individuals in for processing.

Mr. Simpson shared with the Board that Bob Makin, State Fire Marshall, had been to the property and that the existing stairs were fine for the proposed use though Constable Laskowski felt the addition of a ramp would be beneficial. He continued to say that the Blair house could also be used in the future as needed for temporary space for municipal personnel should any renovations of the Municipal Building take place. The two other apartments on the first floor are rentable [with the addition of carbon monoxide detectors] but the Town at this time has not decided what they want to do with them. The apartment on the upper floor was not discussed.

Mr. Markolf asked if the request was for a temporary situation and Mr. Simpson said yes, as it is not the intent to occupy the Blair house for this type of use. Eventually the DPW should be located with the Town Roads Dept. Currently there is not adequate space for an office. Mr. Robinson asked about the status of the heating and insulation in the Blair house, primarily interested in cost issues. Mr. Simpson answered that two of the apartments were heated with electric while the third was gas fired hot water heat. Mr. Schoellkopf noted that the Town Plan calls for relocating or demolishing the building and that putting a lot of money into it at this time might not be prudent.

Mr. Markolf brought up what he thought were the two main issues: one being whether or not mixed use could be permitted, [Public Facility & Residential] and second, that of parking. Mr. Malboeuf stated that as the parcel was in the WVR District, that Mixed Use was not allowed. Residential use may want to be an option for the Town going forward and parking should not be a problem as there was sufficient parking while the building was utilized as a multi-unit residential dwelling.

Mr. Markolf also noted that this was a pre-existing non-conforming structure, with the only exterior modification being the handicap ramp which is allowed and not seen as increasing the degree of non-conformity. Discussion ensued about the fact that mixed use was not allowed in the WVR, yet the Town Plan seems to encourage it.

Mr. Markolf asked those from the public in attendance had any comments or questions. Mr. Ryan who lives across the street from the Blair house asked if there was any timetable as to the removal of the Blair house. He was told, no, that the plan was long term and that there were no immediate plans. He also encouraged the Town to continue to rent the units and did not endorse the use by the Constable's Association.

Mrs. Roth also asked if we really had to have the Association located there. Mr. Simpson said that the Constable's Assoc. had been looking for some time to have a place to process intoxicated individuals as they now have to transport them to Montpelier and then bring them back. In addition, it was the intent to have the other towns share in the expense of having the sheriffs use that space. He continued by saying that the main objective was to provide additional municipal office space for the Dept of Public Works and that in the future that the building could provide temporary space for municipal offices if the Municipal Building was subject to some renovations.

Mr. Henke chimed in to lend his support to keeping the residential aspect of the Blair House. He also, like Mr. Ryan and some of the Board members, expressed his concern over the appropriateness of having the sheriffs process drunks in that location.

Mr. Markolf said that it appeared as if they may have to ask the Town to forgo the residential use of the building if they wanted to also use the building for municipal office space. Mr. Schoellkopf spoke up and asked if the Board could consider that since the Municipal building encroaches on the Blair lot and already houses other uses, can the Board consider the proposed mixed use of the Blair House as an existing non-conformity? It was further discussed that since both of the properties are non-conforming as to size, [less than 1 acre], that when the Blair property was bought it would have been merged with the Municipal Bldg.

lot. Mr. Schoellkopf seemed to think that “mixed use” in essence already existed. Mr. Malboeuf, the Zoning Administrator, said that it was possible that it could be viewed that way. It was then discussed if by bringing in another use, the Constable Association, that that would increase the degree of non-conformity, as Municipal office and residential are the only two existing uses. Mr. Markolf added that the continuance of utilizing the Blair house for residential purposes was more in keeping with the Town Plan and would help offset the cost of the DPW office.

MOTION by Mr. Schoellkopf that the Board finds that the property [the Blair House] has pre-existing non-conforming mixed uses of residential and municipal offices, as the property is encroached on by the parcel that houses the Municipal Building. **SECOND**: by Mr. Markolf. **DISCUSSION**: It was noted that both activities, Public Facility (municipal) and residential, are individually allowed uses in the WVR District. [Sec. 3.8 *Nonconforming Structures & Uses (B) (4)*] **VOTE**: all in favor, the motion passed.

MOTION by Mr. Schoellkopf that the Board finds *Sec. 5.3 Conditional Use Review Standards (A) General Standards items (1) through (5)* are satisfied by the application with the condition that the office space to be used be restricted to Town of Warren/Municipal employees only. **SECOND** by Mr. Markolf. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Markolf that Sec. 5.3 (B) Specific Standards items (1) through (11) are deemed acceptable or not applicable with the understanding that the handicap ramp access may or may not be utilized. **SECOND** by Mrs. Roth. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Markolf that the Board grants conditional Use approval subject to the aforementioned findings and votes. **SECOND** by Mr. Schoellkopf. **VOTE**: all in favor, the motion passed.

- 2) Application, **2008-03-SD**, (Continued from July 23rd, 2008 & Applicant has requested a withdrawal of the application) Revision to an Approved Plat, 701 Boulder Pass of the Lincoln Ridge Subdivision, Construction of a Pond in an Thinning Zone: The applicants, Peter **Asch**, Michelle **Rose** and Eugene A & Ann G **Murphy**, seek permission to construct a pond to be partially located in a designated thinning zone of the approved lot.

MOTION by Mr. Markolf that the Board accepts the request by the applicant to withdraw their application. **SECOND** by Mrs. Roth. **VOTE**: all in favor, the motion passed.

In other business the DRB agreed upon a site visit for the Kathan and Eckstein/Hamilton applications for Saturday November 15th at 8 and 9 o'clock. Minutes from the previous meeting were signed as well as the Weinstein Conditional Use approval.

The next scheduled meeting of the DRB is for Wednesday November 19, 2008 at 7:00 pm. Mr. Markolf adjourned the meeting at 8:22 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Jeff Schoellkopf date

David Markolf date

Virginia Roth date

Lenord Robinson date