

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY NOVEMBER 7, 2007**

Members Present: David Markolf, Lenord Robinson, Peter Monte, Virginia Roth, Bob Kaufmann and Chris Behn [arr. 7:46].

Others Present: David Olenick, Shelia Getzinger, Mac Rood, Rebecca Winter, Andrew Winter, Kara Herlihy, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order 7:00 pm.

- 1) Application 2007-12-CU, Conditional Use, Change of Use to Outdoor Recreation Facility, (structures shall be limited to primitive shelters and huts associated with recreational trails and outdoor recreational activities) and Approval of an Accessory Structure The applicant, **Monteverde First Corp.** seeks Conditional Use Approval for change of use and approval of and 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, 2007-14-CU, Conditional Use, Approval of a building envelope and existing Accessory Structure. Robert a & Marie J **Digiulio**, 438 Woods Road South, Parcel id #009005-500: seek Conditional Use Approval for an Accessory Structure (Deck) and building envelope for an Attached Garage in the Meadow Land Overlay District. This application requires review under Article 2, Zoning Districts & District Standards, Table 2.2, Rural Residential District and Table 2.13 Meadowland Overlay District, and Article 5, Development Review of the Warren Land Use and Development Regulations.
- 3) Application 2007-16-SD: Danforth and Alex **Newcomb**, Three Lot Subdivision, off the South End of Main Street(# 839), Warren Village The applicant, Danforth and Alex Newcomb, seek Final Plan Approval for a Minor Subdivision , 3 lots, 36 ± Acres, off Main Street and VT. The Newcomb's have requested a continuance on this application.
- 4) Application 2007-19-SD, 2007-19-PRD(Preliminary Meeting), Revisions to an Approved Plat, Mad Gap (Seven Unit PRD) to Adjust Building Envelopes & Adjust boundary line between lots 1 & 2 of the Mad Gap Subdivision. The applicant, **RW #1, LLC**, seeks approval to revise an existing plat, previously approved under applications 2007-11-SD/PRD, 2006-14-SD, & 2005-03-PRD for a Seven Units Clustered Housing on 15.75± acres, located off Lincoln Gap Road on parcel id. # 003008-801. The purpose of this request is the relocation of one unit to a separate site. Additionally, the applicant proposes a boundary line adjustment, the transfer 1 acre from lot 1 to lot 2, parcel id. # 003008-801. Thus lot 2 the approved PRD would become 16.8 Acres and Lot 1 of the Mad Gap Subdivision would become 2 Acres This application requires review under Article 6, §6.4, Final Plan Approval & §6.7, Revisions to an Approved Plat, Article 7, Subdivision Standards & Article 8 Planned Unit & Planned Residential Development of the Warren Land Use and Development Regulations (To be continued to December 5th, 2007)
- 5) Other Business:
 - a. Review and approve Minutes October 17th, 2007
 - b. Decisions – Steve Badanes and Martha & Eric Cregan

Mr. Monte called the meeting to order at 7:02 pm.

- 1- Application 2007-12-CU, Conditional Use, Change of Use to Outdoor Recreation Facility. **Monteverde First Corp.** seeks Conditional Use Approval for change of use and approval of and existing Accessory Structure, Gazebo, on 10.16 ± acres at 1536 Roxbury Mountain Road in the Forest Reserve District., Parcel ID # 001012-000.

Mr. Monte summarized that this application was for a change in use of an Accessory Structure which had intended to have a Primary Structure built but that the owner had changed plans and wanted to sell the property without building a primary dwelling. At the previous meeting of the DRB it had been discussed that a conditional use permit allowing a change in use for the gazebo from Accessory Structure to Outdoor Recreation Facility would be appropriate, thus “confirming” its stand-alone status.

MOTION by Mr. Monte that the Board finds that the gazebo satisfies the standards of items 1 thru 5 of Article 5 Development Review, § 5.3 Conditional Use Review (A) General Standards.

SECOND by Mr. Markolf. **VOTE:** all in favor, the motion passed unanimously.

MOTION by Mr. Monte that with those findings in place that the Board approves the request for a Conditional Use permit allowing a change in use as per Table 2.1 Forest Reserve district (C) Conditional Uses item (6) Outdoor Recreation Facility. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed unanimously.

- 2- Application 2007-16-SD: Danforth and Alex **Newcomb**, Three Lot Subdivision, off the South End of Main Street (# 839), Warren Village.

MOTION by Mr. Markolf that the Board continues the hearing of application #2007-16-SD submitted by the Newcombs until January 9, 2008 as per the applicant's request. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed unanimously.

- 3- Application, 2007-14-CU, Conditional Use, Approval of a building envelope and existing Accessory Structure. Robert a & Marie J **DiGiulio**, 438 Woods Road South, Parcel id #009005-500: seek Conditional Use Approval for an Accessory Structure (Deck) and building envelope for an Attached Garage in the Meadow Land Overlay District.

Mr. Malboeuf commented that the parcel this application was about was located in the VIP subdivision which was laid out prior to Act 250 and prior to the creation of the Meadowland Overlay District. Ms. Getzinger was present representing the current owners and applicants, the DiGuilios and Mr. Olenick was also there representing the potential buyers, the Winters. Ms. Getzinger added that in representing the current owners that she was primarily interested in obtaining a permit for a deck that had been built without one. Mr. Olenick, representing the contract buyers, was interested in obtaining approval for the construction of a future garage.

The Board spent some time reviewing the site plan and maps, orienting themselves with where the Meadowland Overlay was located, which seemed to encompass most of the lot. They then turned to the location of the proposed garage. Mr. Winter said that in looking at where to place the garage that there was some confusion as to where the side yard setback was and they thus had the lot surveyed. As it turns out, the house is closer to the boundary line than originally thought. When asked if a garage could be located on that side of the house, Mr. Winter said he believed it could but that it would be challenging as it would involve relocating the septic tank and obtaining side setback relief from the Board. Even though it would technically be more intrusive to the Meadowland, Mr. Winter thought the location for the garage on the other side of the house would therefore make more sense.

Mr. Malboeuf stated that in this neighborhood there were several homes with similar situations that had been permitted since 1992 and with the Meadowland Overlay not being as clear it would have been easy to permit a structure and not be fully aware of the Meadowland's boundaries. Mr. Monte asked which came first, the Meadowland Overlay district or the building of the house. Mr. Malboeuf replied that the lot was created first, then the Meadowland Overlay District and then the house was permitted. He continued to say that it was his guess that the previous zoning administrator permitted the house on the assumption that it was a lot that pre-existed the creation of the Meadowland Overlay District and thus did not take the meadowland into much consideration.

Mr. Monte said he could see how confusion over this could exist. However, he continued, the house currently legally sits where it sits. Mr. Monte added his initial "take" on the situation as follows: the Board could require that the garage be built on the non-meadowland portion of the property, but to do that would require a driveway which he felt would impair the potential agricultural use more so than the footprint of the garage. In addition, neither purpose of the meadowland overlay [preservation of agricultural soils and scenic quality] would be better served by forcing this development [addition of garage] into the back corner of the parcel versus leaving it by the house which causes only minimal disruption. Mr. Markolf asked if the garage was going to be built to be consistent with the materials of the house, thus minimizing the visual impact. Mr. Winter said it would be.

It was clarified that the side of the house being considered for the placement of the garage was the South West side, and Mrs. Winter added that if possible, she would like permission to bump out the East side of the house six (6) feet to enlarge the kitchen. Mr. Monte said that the kitchen expansion would have to be handled at a latter date as the warning for this hearing did not include that request.

Discussion turned towards the possible dimensions of a building envelope to include a garage, as well as possible conditions on any new structure. Mr. Monte summarized that it is expected that the width of the 24 foot garage plus the 10 foot breezeway would yield an expansion of 34 feet from east to west of the current dwelling and that the 24 foot depth of the garage could be placed anywhere along the 32 foot expanse of the dwelling. He therefore proposed an envelope of 38 feet from east to west and 32 feet from north to south. It was also discussed that the garage/breezeway will be architecturally compatible with the existing structure.

MOTION by Mr. Monte that the Board approves a building envelope to be located as an extension of the lines of the existing structure; 32 feet along the adjoining edge of the structure and extend west by 38 feet; the building envelope can be utilized to construct a garage and mudroom, the exterior to be compatible with the existing house including the siding, exterior color, roof pitch and color. **SECOND** by Mrs. Roth. **DISCUSSION:** Mr. Markolf said he'd really like to see a plan of the proposed construction. Mr. Malboeuf suggested that the Board could rely on the Zoning Administrator to follow through on making sure what was built was to the specifications designated in this approval. Mr. Markolf agreed. **VOTE:** all in favor, the motion passed unanimously.

The Board then turned to the topic of the deck which had been claimed to be built at the time of the house but was not included in the original permit. Ms. Getzinger provided a copy of a receipt from Beaver Meadow Construction from 1993 which indicates that the deck was done at the same time as the foundation for the house.

MOTION by Mr. Markolf that this application falls under the classification of Table 2.13 Meadowland Overlay District, (E) Supplemental Development Standards item (1) (a) and since the applicant has provided documentation that the deck was built at the same time as the permitted house, that the Board grants approval for the deck as it currently exists. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed unanimously.

MOTION by Mr. Monte that the Board approves the application for an expanded building envelope subject to the conditions already imposed. **SECOND** by Mr. Markolf. **DISCUSSION:** Mr. Markolf asked about the moving of the septic system which appeared on one of the plans. He was told by Mr. Winter that the septic was NOT being moved. **VOTE:** all in favor, the motion passed unanimously.

- 4- Application 2007-19-SD, 2007-19-PRD (Preliminary Meeting), Revisions to an Approved Plat, Mad Gap (Seven Unit PRD) to Adjust Building Envelopes & Adjust boundary line between lots 1 & 2 of the Mad Gap Subdivision. The applicant, **RW #1, LLC**, seeks approval to revise an existing plat, previously approved under applications 2007-11-SD/PRD, 2006-14-SD, & 2005-03-PRD for a Seven Units Clustered Housing on 15.75± acres, located off Lincoln Gap Road on parcel id. # 003008-801.

There was no one present to represent the applicant so the staff outlined for the Board what the request was for. This was labeled a “preliminary meeting” as the Town had warned the hearing in plenty of time but the applicant had not. The applicant has requested a continuance until the December 5th meeting in order to give proper warning to the abutters.

The Board members looked over the revised site plan and decided that a site visit would be beneficial. They decided on a visit on Saturday December 1, 2007 at 9:00 am.

MOTION by Mr. Monte that the hearing for application #2007-19-SD / #2007-19-PRD is continued to December 1st at 7: 00 pm. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

- 5- Other business

The Board reviewed and signed the minutes of the previous meeting, and the decision for Badanes/Cregan. They also discussed the scheduled joint meeting with the Conservation Commission, the amount of time to be allocated and the topics to be covered. It was decided to schedule the Conservation Commission first, at 7pm and allow 45 minutes with the hope that 30 minutes would be sufficient since there was regular business to conduct following the joint meeting.

MOTION by Mr. Kaufmann for the Board to adjourn into Executive Session for the purpose of discussing personnel issues and invited Ms. Robbins, Secretary to the Board, to stay. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed unanimously. [8:14pm]

The Board came out of Executive Session at 8:51 pm and Chairman Mr. Monte adjourned the meeting at 8:52pm.

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

Bob Kaufmann date