

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
THURSDAY FEBRUARY 5, 2009**

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

Others Present: Margo Wade, Jason Lisai, Win Smith, Nick Sanders, Dino Valadakis, David Blythe, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order, 7:00 pm.

1. **Application 2008-13-SD/PRD**, Subdivision/PRD Amendment: 2008-13-CU, Preliminary Plan Review, Final Plan Approval, PRD & Conditional Use Review & Approval (continued from January 7th, 2009): **Summit Ventures NE LLC(dba Sugarbush Resort)** requests permission to amend approved permits as follows: This application is an amendment to #2005-01-PUD and #2005-01-CUD, issued by the Town of Warren Development Review Board on May 13, 2005 and amended September 21, 2005, for construction of Phases 1B and 1C of the Lincoln Peak Base Area Redevelopment Project in the Sugarbush Village Commercial (SVC) zoning district in the Town of Warren. The Project consists of replacing the previously approved Building A4 (or "Family Center") and Building B1 (a 39-unit residential condominium) with a two-phase project: Phase 1B, a three-building Skier Services Village consisting of an Adult Ski School and rental building with limited retail; a Children's Ski School with two residential units; and a Discovery Center with real estate offices, for a total of 32,500+/- SF; and Phase 1C, an 82-unit residential condominium in two buildings, with underground parking, totaling roughly 180,000 +/- SF. As part of Phase 1C, the final phase of restoration of 393 linear feet of Hotel Brook will be completed, replacement of the Village Chair lift with a new fixed-grip triple chair and modifications to the beginner terrain in the area of the Easy Rider and Out to Lunch trails on US Forest Service land. The applicant requests the creation of two new parcels and dissolution of a previously approved parcel and is requesting approval for a 4 lot subdivision.

This project, located in the Sugarbush Village Commercial District(Parcel ID#250010 & 250012) requires review under Article 6, § 6.3 Preliminary Plan Review., Article 5, Development Review, Article 7, Subdivision Standards & Article 8, Planned Unit & Planned Residential Development of the Warren Land Use and Development Regulations.

2. Other Business:
 - a. Review & Sign Minutes from January 7th & 21st, 2009,
 - b. Review DRB Schedule March – April 2009 Schedules

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

- 1) **Application 2008-13-SD/PRD**, Subdivision/PRD Amendment: 2008-13-CU, Preliminary Plan Review, Final Plan Approval, PRD & Conditional Use Review & Approval (continued from January 7th, 2009): **Summit Ventures NE LLC(dba Sugarbush Resort)** requests permission to amend previously approved permits. [see above for details].

Mr. Lisai began by going over a list of documents that had been submitted to the Board. He told the Board that they had met with and received approval from the CVRPC and that they were close to getting approval from the MRVPC after having a healthy discussion about aesthetics and physical connections to Sugarbush Village. Friends of the Mad River also voiced their approval after having some questions answered by Jeff Nelson, Director of Environmental Services at VHB Pioneer. Mr. Lisai said that they have yet to meet with the WVFD Building Committee but did have an informal meeting when the design group was here and have passed on some code

analysis to them. Initial feedback indicates that there will be some slight modifications on the site plan including an agreed upon location for a dry hydrant. Mr. Lisai said he hoped the Board would condition for Fire Dept. approval as they have done in past permits as some things don't get decided until more detailed construction plans are drawn up. Mr. Lisai also noted that both the WW permit and the Division of Fire Prevention, Labor & Industries approval would not be issued until more detailed, construction ready type plans had been done.

Mr. Lisai continued and reported to the Board that Mr. Smith and Ms. Wade met with the Warren Select Board and that also included with the information provided this evening was a pre-construction project schedule from Pizzagalli. Additionally, in response to some input from both the DRB and the MRVPD, Mr. Lisai said they made some modifications to the elevation drawings and some minor site changes specifically for Phase 1C. During the Act 250 hearing, both traffic and aesthetics were discussed.

Mr. Monte then suggested they hear from the traffic expert, Nick Sanders from VHB Pioneer. Mr. Sanders first addressed the four way intersection of the Access Road, Inferno Road and Sugarbush Village Road and the concern about the ability of the fire trucks to make the right hand turn from the Access Road. Mr. Sanders passed out some maps that demonstrated, on paper, that the trucks could make the turn. He stated that the existing conditions do accommodate the fire truck being able to make that turn. He also mentioned that he had heard that there was a field demonstration where they set up some cones and actually used the fire truck to make sure it could be done satisfactorily. Mr. Lisai noted that Mr. Simpson, DPW for Warren, testified at the Act 250 hearing about the demonstration. Mr. Smith added that he thought they had also tested the "alternative" route that goes by the CB1 building. Mr. Lisai asked if Mr. Markolf had driven through there and added that they had modified their maintenance in that area as well as modify the way cars were parked. Mr. Markolf replied that he had found it to be in relatively good shape. Mr. Lisai also said that their modifications had helped the jitney pass through better.

Mr. Sanders did look at whether or not a separate right turn lane would be helpful. He noted that using a right turn only lane does not really increase the turning ability but does increase the potential for vehicles to move at higher speeds and increases impervious area and runoff as well as reduces green space. It was not their recommendation to utilize a right turn lane as the negatives outweighed any positives. Mr. Monte commented that though a right turn only lane moved the vehicles over, it didn't seem to facilitate the turning at the intersection.

Mr. Sanders then spoke to the question of traffic volume in the morning versus the afternoon. Using a number from a Saturday morning last February, he said the Saturday morning count of vehicles approaching the resort was 425 where it was only 275 in the afternoon. However, he noted that the overall volume [from all directions] at the intersection was at a peak in the afternoon with a Saturday afternoon count of 1040. Mr. Malboeuf asked if he had calculated the level of service for that Saturday morning and Mr. Sanders replied yes, that it was a level service B which was comparable to the afternoon level service. Mr. Sanders noted that with the free flow of traffic, unless someone is not familiar with the area thus slowing things down, there should be minimal delays. Mr. Smith added that they do have parking attendants that keep the flow moving and fill the lots from the top down so that patrons shouldn't be hesitating as to where to go.

At this point Mr. Sanders noted that what might be helpful is some additional "way finding signage" for those visitors who are unfamiliar with the resort. In addition, he also suggested that some more defined road striping on the approaches to the resort showing left or right turn only lanes could be beneficial as well. Mr. Markolf asked Mr. Sanders that as a traffic expert, how he felt about the three-way stop as it currently existed. Mr. Sanders replied that it was a bit unconventional but that in this instance it works but can be confusing to someone who is unfamiliar with the area. The accident data over the past seven years seems to indicate that it isn't a problem. Ms. Wade also told the Board that on peak weekends there was ample personnel managing the flow within the lots: 5 staff for traffic flow, 3 jitney drivers and up to 5 ambassadors at the top of the parking / drop of area.

Staff asked for clarification of whom and what was intended for the access through by the CB1 building as it wasn't made clear in the previous meeting. Mr. Lisai noted that the access by the CB1 building was not designed for this purpose, but that with proper snow plowing and reconfiguration of the parking that it could accommodate the purpose of either fire personnel or a fire truck going through. It was also noted that this was meant only as a "safety valve" for those few days a year when traffic at the intersection might impede safety personnel and that hopefully it would not become a well know or used "short cut".

The Board then moved on to the issue of pedestrian traffic. Mr. Lisai recounted that at the last meeting Mr. Bauchner brought up three issues; 1) pedestrian pathway from the 22 acre lot, 2) emergency services access and 3) repaving of a short section of Inferno Road. All agreed that the number two had been thoroughly covered with the discussion about the intersection. Regarding the repaving, Mr. Smith commented that there was some thought as to whether or not the repaving was necessary, however, they {Sugarbush} had made an agreement with the Select Board which they would honor as long as the job was done at a reasonable cost. Mr. Smith also commented on the pedestrian pathway from the 22 acre lot, which he noted is a condition in the existing permit. He however questioned as to whether or not it was truly needed, which in his opinion it was not. More importantly though was the environmental issues associated with constructing the path. Mr. Smith said he thought Mr. Bauchner was receptive to rethinking the issue together and if truly needed would probably cost more than anyone anticipated. If that is the case, then maybe a partnership with the Town will be an option to getting it done. In that vein, Mr. Malboeuf suggested that a meeting take place between the Town, ANR and Sugarbush so that all parties have the same information and the Town and Sugarbush will both know what the options are.

Mr. Lisai suggested a possible compromise of committing to making sure all employees who park at the 22 acre site are picked up and transported to the mountain thus eliminating any pedestrian crossings. Mr. Malboeuf expressed concern about how that could be complied with 100% unless the transportation coverage ran "24/7". Mr. Lisai that it could be closely tied to the shift schedules for all employees. Mr. Monte said that they could discuss the possibilities but that they {the DRB} would need a record of why they could remove the condition without putting anyone at risk. It was also mentioned that better signage for the existing path through Snow Creek as another option. Though employee traffic could be controlled, there was always the possibility of day skiers/ locals parking in the 22 acre lot over which the resort would have no control. Mr. Lisai said that it was exclusively intended for employees and that it is very rare that they intentionally park patrons there. It was noted however, that the 22 acre lot is included in their overall user parking capacity and that once Phase 1C is built, its use by other than employees will most likely increase.

Mr. Lisai reminded the Board that they had had this conversation three, four years ago and he hoped that the approval for Phase 1B would not revolve around 500 feet of pathway. In reply, it was noted that the clock was ticking in that the condition for the pathway was tied to the completion of the original Family Center, now known as Phase 1B. Even if the Board wanted to "delay" the satisfaction of the condition, they needed to have some sort of safety measure in place for the interim. Mr. Smith told the Board that in response to the last meeting they have made it very clear in their communications with employees that they are not to walk on Inferno Road, but either take the shuttle or walk through Snow Creek to the 22 area site. Though the shuttle runs until 5/5:30, there was some expressed concern about the "barflies" who would be leaving later. Mr. Malboeuf also noted that he's like to see them update their traffic management plan to include pedestrian issues such as this one. Mr. Valadakis, who lives at South Village, commented that as he walks most everywhere, especially along Inferno Road, had frequently seen skiers use the pathway through Snow Creek and not continue up Inferno Road.

The topic then changed to Phase 1C. Mr. Lisai told the Board he had brought updated elevations and would go over some site modifications for that phase. Whereas the Board had only given

footprint approval for the original Building B1, Mr. Monte thought there was the possibility due to what has been presented, that the Board could give a more comprehensive approval with the appropriate conditions. Mr. Monte then asked if they had revised their design to provide for a divided underground parking area instead of one large parking garage as the Fire Dept. had expressed some concern about one large area underneath two residential buildings. Mr. Lisai replied that they were aware of the concern but that they had yet to do a detailed review of Phase 1C with the Fire Dept. Mr. Lisai said that they had worked through a similar issue with the Fire Dept. with Clay Brook which also has an underground garage with one vehicular access/exit. Mr. Monte commented that with that being somewhat of a major issue, that maybe they shouldn't spend much time on 1C until it gets resolved.

Mr. Lisai then proceeded to go over the modified elevation drawings. One of the changes was how in the original drawings it appeared as if there was a "front" and a "back" to the 1c buildings. They have made some architectural adjustments so that both the north and south elevations look similar. He also pointed out that Phase 1C would potentially be two phases: 1C West and 1C East. Mr. Lisai said that as the development at Sugarbush has evolved over the years that they have attempted to keep in mind the overall scale of what they were proposing. With what was the original Family Center that was one large building, they have since broken it up into three smaller buildings in Phase 1B to help decrease overall mass .

Mr. Lisai then pointed out what they believed ties to the physical connection with Sugarbush Village; a pass through between 1C West and 1C East, a skier bridge and a path that thought not plowed creates an avenue for skiing, snowshoeing or sliding in the winter or a defined path in summer. It was mentioned that the so called "pedestrian path" indicated on the site plan might better be referred to as a "recreation path" since it would not be plowed in the winter. Mr. Lisai said he felt he could safely say that for many years people from Sugarbush Village have been walking, on the snow, to the base area and the reverse would be true as well.

Mr. Lisai then went over the grade levels and height measurements at different points on the Phase 1C buildings and where the building(s) were in relationship to the current grade level of the Clay Brook Building. It was also brought up that the entry level of the relocated lift would most likely be between 1C West (West being above) and 1 C East would be below. However, the final grading for the relocated lift was not finalized. Mr. Lisai noted that putting the lift lower, was not necessarily the highest and best use of that area of real estate. Mr. Lisai then pointed out some added architectural features on the north side facing Sugarbush Village that were made so that it would not seem like the "back" of the building. Mr. Lisai said he felt the current design for 1C was one they were pretty comfortable with, that there would probably be some final unit layout changes and total number of bedrooms has yet to be determined. He clarified that though they were still working with the total number of units originally approves, that they let market conditions and pre-sales dictate how many units would be phased in and in either two or possibly three phases.

Mr. Monte asked what 1C West would look like without 1C East. Mr. Lisai said that it in regards to the parking garage it would look like the finished 1C East but with a temporary element to allow it to be connected when 1C East was built. Mr. Smith added that due to the costs of the Gatehouse and Phase 1B that the economics were that both 1C West and 1C East would be built – it was not if , but a matter of when. Mr. Monte said he thought they could condition for plans to be brought before the DRB prior to breaking ground on the different phases to make sure landscaping, grading, and the such was in place to carry it to the next phase.

Before the Board started on reviewing the standards under the regulations, Mr. Lisai wanted to point out that under the original plan with B1 that that took away the "heli" lot when it was approved and that this scenario was very much the same when looking at parking capacity. Mr. Malboeuf asked in regards to parking what the breaking point was as to when and how they would decide to say "no more parking at Lincoln Peak, send them to Mt. Ellen". Mr. Lisai said that when they were that busy that any one of them, Margo, Win, Adam or himself would be there

to pull the trigger on that decision. Mr. Smith said it was hard to quantify but that it came down to communication between the managers.

The question was asked about clarification on which wastewater systems would be used for which building(s). Mr. Lisai said that they have been able to move and swap some flows around from the original plan and with a credit at Mountain Wastewater will use Mtn. Wastewater for the Ski Rental building and the Discovery Center of Phase 1B. The Children's Ski School building of Phase 1B will go to the 22 acre site wastewater facility. When Phase 1C is built, that too, will go to the 22 acre site facility.

The Board then decided to start a review of the applicable standards.

MOTION by Mr. Monte to call the application complete and classify as a major subdivision and PUD request. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that Section 7.2 General Standards (A) through (H) are found by the Board to be satisfied. **SECOND** by Mr. Behn. **DISCUSSION:** Mr. Behn asked about the landscaping and screening plan and was informed that a detailed plan was submitted in their binder and that it was very similar in design as what they used for Clay Brook. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that Section 7.3 Protection of Primary and Secondary Conservation Areas (A) through (C) are satisfied per the plans submitted. **SECOND** by Mr. Monte. **DISCUSSION:** It was noted that the applicant would have to file an amendment to permit with the Board should they make or be required by the State to make any modifications to the plans for the Hotel Brook restoration. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that Section 7.4 Open Space and Common Land (A) through (D)) are found by the Board to be satisfied by the applicant. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

The next section was Stormwater Management & Erosion Control. Mr. Lisai clarified for the Board that they had been able to present their Phase 1B plan as a substitution in their current permit and the State has accepted that substitution. The plans for Phase 1C have yet to be submitted and accepted.

MOTION by Mr. Monte that before construction begins on Phase 1C the applicant must submit to and have approved by the DRB an erosion control plan for that phase of the development. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that with the afore voted on condition of an erosion control plan for Phase 1C, the Board finds the standards of Section 7.5 Stormwater Management & Erosion Control (A) through (J) are satisfied. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

Mr. Monte then suggested they hold off on reviewing and voting on Section 7.6 Community Services and Facilities until they have an undated status from the Fire Dept., Section 7.7 Roads & Pedestrian Access due to the unresolved pedestrian pathway condition and Section 7.10 Signs as they would like to see the proposed signage suggested by the traffic expert.

Section 7.8 Water Supply & Wastewater Disposal was discussed and as outlined earlier in the hearing there appear to be no issues about having sufficient wastewater and to which facility the different buildings will hook up. Mr. Lisai did say though that a water source for Phase 1C has yet to be determined.

MOTION by Mr. Monte that before commencement of construction of Phase 1C the applicant must demonstrate to the DRB's satisfaction an adequate water supply for Phase 1C that has been approved by the State. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that Section 7.9 Utilities has been satisfied by the applicant who has verified that all will be placed underground. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

The Board then turned to the review of standards under Article 8 Planned Unit & Planned Residential Development, Section 8.4 Planned Unit Developments (PUDs).

The question was asked if the applicant would consider extending the sidewalk along the Sugarbush Village Road to the Sugarbush Village parking area to give pedestrians an alternative to going over the snow. [SE bottom corner of parking lot along western side of Sugarbush Village Road northerly to the bottom entrance of the Sugarbush Village lot.] Ms. Wade said that eventually that would be their intention. Though it creates a hard maintained surface, it doesn't really connect with anything other than parking area. Mr. Monte asked if it would actually be used if it didn't extend up into the parking area, which due to the terrain would be challenging from a construction standpoint. Mr. Monte did say that if the long term intent was to eventually connect with SHARC that it might not be a bad idea.

MOTION by Mr. Behn to add an extension of sidewalk to the plan that runs from SE bottom corner of parking lot along western side of Sugarbush Village Road northerly to the bottom entrance of the Sugarbush Village lot.

The **MOTION FAILED** due to the **LACK** of a **SECOND**.

Mr. Monte said that from a practical stance it could be considered the "sidewalk to nowhere" to which Mr. Behn disagreed. Ms. Wade said that Mr. Monte may have a point – in the summer time folks will walk across what is ski slope in the winter; in the winter they frequently drive or take the shuttle. Observed pedestrian movement is very little. Mr. Lisai said that they already have a condition for a path that they have yet to figure out how to do, and that the additional expense of another path is challenging, though it is a great idea and something they would want to do, now is not the time.

MOTION by Mr. Monte that before construction begins on Phase 1C that the applicant submit a plan for additional pedestrian connectivity between Phase 1C and Sugarbush Village. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that Section 8.4 Planned Unit Developments (PUDs) (C) General Standards and (D) Lincoln Peak/Sugarbush Village Growth Center Standards are found by the Board to be satisfied subject to the resolution of the existing permit condition for a pedestrian path from the 22 acre lot to the resort. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that Section 8.5 Open Space and Common Land Standards for PRDs & PUDs is found to be not applicable for this application. **SECOND** by Mr. Behn. **VOTE:** all in favor the motion passed.

The Board then moved on to Article 3, General Regulations, Section 3.6 Height & Setback Requirements to deal with the proposed heights of the buildings which exceed the maximum height allowable under the ordinance. Mr. Monte noted that they have yet to hear a final assessment from the WVFD regarding Phase 1C, specifically if the height and the access to the buildings is of any concern.

MOTION by Mr. Monte that before the issuance of a building permit and/or the commencement of construction on Phase 1C that the applicant must demonstrate to the Board's satisfaction that

their building height and overall design including the proposed underground garage, does not present a fire hazard or undue impediment to fire protection. **SECOND** by Mr. Robinson. **VOTE:** three YEAS, one NAY, the motion passed by a majority of board members.

MOTION by Mr. Monte that for the purposes of Section 3.6, Phase 1C shall be considered as two separate structures, 1C West and 1C East, each to be measured separately for the purposes of height standards. **SECOND** by Mr. Behn. **DISCUSSION:** Mr. Lisai stated that the height of 1C West based on average grade measurement was 69 feet. Building 1 C East was 77 feet. **VOTE:** All in favor, the motion passed.

MOTION by Mr. Robinson to accept the height of structures 1C West and 1C East as presented and to allow occupancy in the space above the district height requirement as allowed under Section 3.6 (B) (2). **SECOND** by Mr. Markolf. **DISCUSSION:** Mr. Behn expressed concern that they were putting the cart before the horse as they had not gotten WVFD review of this phase. **VOTE:** three YEAS and one NAY, the motion passed with a majority of the Board members voting.

The Board then put together a short “laundry list” as follows:

- Pedestrian access in and out of the 22 acre lot [signage, short term/long term solutions, employee awareness program?]
- Progress report on discussions/issues with WVFD – 1B and 1C
- Signage plans [Access Road/4-way intersection] as per the suggestion of Nick Sanders
- The CB1 emergency access route – parking/plowing plan

MOTION by Mr. Monte to continue this hearing until March 5, 2009. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

The Board then reviewed and signed the minutes from January 21, 2009 and the Conditional Use permit for M. Groom.

The next meeting of the Development Review Board is scheduled for February 19, 2009. Mr. Monte adjourned the meeting at 10:27 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte date

Chris Behn date

David Markolf date

Lenord Robinson date