

**THE TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY JUNE 17, 2009**

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

Others Present: Mary Jane and David Luce, Alice Olenick, Phil Clapp, Miron Malboeuf and Ruth Robbins.

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

1. Application, **2009-06-CU**: Conditional Use: Residential Addition to existing structure in the Forest Reserve District located at 2193 Roxbury Mountain Road. The applicants, David A & Mary Jane **Luce**, seek permission to construct a residential addition to their existing Single Family Dwelling, located on 16 ± acres, a non-conforming lot, in the Forest Reserve District. (Parcel Id. 001013-600) The applicant requests relief for a non conforming setback for the addition which aligns with the existing structure, located approximately 90 feet from the Eastern boundary. This application requires review under Article 2, Zoning Districts & District Standards, Table 2.1, Forest Reserve District(©-2, Accessory Use Structure): Article 10, (§10.2, Definitions, Single Family Dwelling), Article 3, §3.6 (Height & Setback Requirements) and Article 5, Development Review, of the Warren Land Use and Development Regulations.
2. Application, **2009-02-SD**, (formerly approved on March 5th, 2008 as 2008-02-SD) Requires re-hearing to correct a dating defect in the Plat Approval. Formerly approved as a Revision to an Approved Plat, 120 Timber Ridge, Revised Building Envelope, and Boundary Adjustment on an Approved Lot: The applicants, Michael & Kaoru **Morgan**, sought permission to revise the location of the approved building envelope and to adjust the boundary line. This application requires review under Article 2, Zoning Districts & District Standards, Table 2.2, Rural Residential District, Article 6, § 6.2(E), Boundary Adjustment § 6.7, Revisions to an Approved Plat & 6.1©, Minor Subdivision, and § 6.4, Final Plan Approval, and Article 7, Subdivision Standards, of the Warren Land Use and Development Regulations.
3. Application **2003-09-SD**: As per the direction of the State of Vermont Environmental court, the Warren Development Review Board will hold a hearing to align the findings of the Board's decision, signed March 17th, 2004, with the Court decision, docket no 68-4-04 Vtec, signed August 12th, 2008.
4. Other Business:
 - a. Minutes June 3rd, 2009

Mr. Monte called the meeting to order at 7:00 pm.

- 1- Application, **2009-06-CU**: Conditional Use: Residential Addition to existing structure in the Forest Reserve District located at 2193 Roxbury Mountain Road. The applicants, David A & Mary Jane **Luce**, seek permission to construct a residential addition to their existing Single Family Dwelling, located on 16 ± acres, a non-conforming lot, in the Forest Reserve District. (Parcel Id. 001013-600) The applicant requests relief for a non conforming setback for the addition which aligns with the existing structure, located approximately 90 feet from the Eastern boundary.

Mr. Monte started the hearing by noting for the record that a site visit had been conducted prior to the meeting that was attended by the homeowners, Mr. and Mrs. Luce, Mr. Markolf, Mrs. Roth, Mr. Robinson, Mr. Malboeuf and himself. During the site visit it was revealed that the distance from the closest point of the proposed new structure to the relevant northeast boundary is actually

155 and ½ feet, not the conservative, unverified figure of 90 feet as stated in the application. As such, the request for setback relief by the applicant is no longer necessary. However, as the property is located in the Forest Reserve District, Conditional Use Review is required. The Board went through the Supplemental Development Standards under Table 2.1 Forest Reserve District. They discussed clearing and landscaping, window treatments, either non-reflective glass or year-round full screens, and the colors for the roof and siding. The general consensus was that the current house and the proposed addition were not visible from elsewhere in the town, primarily East Warren Road. Even if it cannot be seen, it was mentioned that down the road, should either man or Mother Nature enact any clearing then it would be important to make sure the dwelling was as subtle as the regulation requires it to be.

Mr. Luce told the Board that he planned on using full year-round screening and that the exterior would be a brown shingle. The windows would have a white trim, very similar to the existing cabin. A black/brown metal roof is planned, though the comment was made that the roof most likely would not be seen. Mrs. Roth commented that what was proposed seemed very low impact to her.

MOTION by Mr. Monte that any approval will contain the following two conditions: 1) that any windows and/or doors on the west side of the new addition must have full year-round exterior screening or non-reflective glass and 2) the siding of the new addition be of a dark, natural brown wood tone/color with no condition on the trim color. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that the Board finds that the applicant has met the standards of Section 5.3 Conditional Use Review Standards (A) (1) through (5). **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the application for Conditional Use with the conditions already voted on and that the Board finds that the applicant has met the standards of Section 5.3 Conditional Use Review Standards (A) (1) through (5). **SECOND** by Mr. Markolf. **DISCUSSION:** Mr. Markolf pointed out to the applicant that there were exterior lighting regulations that also had to be adhered to. Mr. Malboeuf noted that he includes language regarding the lighting regulations in all his building permits. **VOTE:** all in favor, the motion passed.

Before the hearing was closed. Mr. Clapp, a long-time neighbor of the Luces', stated to the Board that he was in full support of what the Luces' were proposing and that he had expected them to add an addition at some point for many years.

- 2- Application, **2009-02-SD**, (formerly approved on March 5th, 2008 as 2008-02-SD) Requires re-hearing to correct a dating defect in the Plat Approval. Formerly approved as a Revision to an Approved Plat, 120 Timber Ridge, Revised Building Envelope, and Boundary Adjustment on an Approved Lot: The applicants, Michael & Kaoru **Morgan**, sought permission to revise the location of the approved building envelope and to adjust the boundary line.

Due to a dating defect that rendered the earlier approval (#2009-02-SD) null and void, the application was re-submitted with no changes from the original. Attorney Olenick was in attendance for the applicant. A new approval was presented with a new number and the current date. The original mylar was resigned with the current date. The following motion was also made:

MOTION by Mr. Monte that the Board approves the application and mylar as presented. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed (Mr. Behn abstained as he was not listed in the documents.)

- 3- Application **2003-09-SD**: As per the direction of the State of Vermont Environmental court, the Warren Development Review Board will hold a hearing to align the findings of the Board's decision, signed March 17th, 2004, with the Court decision, docket no 68-4-04 Vtec, signed August 12th, 2008.

The Board discussed with staff the best way to document and align the findings of the Environmental Court with the decision rendered by the DRB. Staff will follow through with suggestions and get draft to Board at next meeting.

- 4- Other Business

The Board briefly discussed the upcoming schedule and adjourned at 7:57 pm. The next scheduled meeting of the DRB is Wednesday July 8, 2009 at 7:00 pm.

Development Review Board

Peter Monte date

David Markolf date

Lenord Robinson date

Virginia Roth date

Chris Behn date