

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY JULY 8, 2009**

Members Present: Peter Monte, Lenord Robinson, David Markolf, Virginia Roth (arr. 7:08) and Chris Behn (arr. 7:23).

Others Present: Wayne Mackie, Shelia Getzinger, Gunner McCain, Rick Gehlert, Bob Messner, Miron Malboeuf and Ruth Robbins.

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

1. Application **2009-09-CU**, Conditional Use: Construct a Single Family Dwelling and Accessory Structure in the Forest Reserve District – off Burnt Mtn. Rd., The applicant, Wayne D. **Mackie** request permission to construct a single family dwelling and accessory structure on 34 ± acres, located in the Forest Reserve District, accessed by Burnt Mtn. Rd. (parcel ids. 00101-174 & 002001-901). This application requires review under Article 2, Zoning Districts & District Standards, Table 2.1, Forest Reserve District(C) (1) Accessory Use Structure & (7) Single Family Dwelling: (D) Dimensional Standards and (C) Supplemental Development Standards; Article 3, §3.1 (Access, Driveway and Frontage Requirements) and Article 5, Development Review, of the Warren Land Use and Development Regulations.
2. Other Business:
 - a. Schedule Site Visit on Saturday July 11th, 2009 at 08:00 AM for Mackie Conditional Use and at 09:00 AM for the Durling 4 Lot Subdivision(Off Camp Road) at former Carlton Gravel Pit site
 - b. Minutes June 17th, 2009; Decisions Morgan & Luce

Mr. Monte called the meeting to order at 7:05 pm.

- 1) Application **2009-09-CU**, Conditional Use: Construct a Single Family Dwelling and Accessory Structure in the Forest Reserve District – off Burnt Mtn. Rd., The applicant, Wayne D. **Mackie** requests permission to construct a single family dwelling and accessory structure on 34 ± acres, located in the Forest Reserve District, accessed by Burnt Mtn. Rd. (parcel ids. 00101-174 & 002001-901).

Mr. Mackie began the hearing by giving a history and overview of the proposed project. He noted that since he had bought the property in 1983 he had obtained a building permit but that it had lapsed. Now that he intends to move forward he assured the Board that he had familiarized himself with the regulations, employed respected professionals, took no shortcuts and aimed to do everything by the book.

Due to the sensitivity to the site from past experience, Mr. Mackie wanted his immediate neighbors to be aware of and hopefully supportive of his plans. To that end, in May his neighbor the Colemans hosted a gathering for the other neighbors so that the Mackie's could present their plans and answer any questions. Mr. Mackie said that from the feedback received he thought the neighbors were supportive of his project.

Should he obtain a permit in time, his plan is to try to get the barn built before the end of this years building season, and then construct the house next spring. The order of construction will give Mr. Mackie "touch down space" by doing the barn first and allow him to participate more fully with the rest of the work. In conclusion, Mr. Mackie expressed that he was aware that this site had a history to it that created some sensitivity and was hopeful that he had addressed any concerns going forward.

Mr. McCain added that both the driveway and the power had been put in under the original permit. The state has issued a wastewater permit. Mr. Messner made some general comments that gave emphasis to the need to minimize the impact of construction along the hillside, an issue that was discussed at length when the zoning changes were changed and the Forest Reserve District was created. He hoped that the Board would consider items such as building height, materials and exterior colors used as he stressed that the development should blend into the landscape due to its location.

Following Mr. Messner's comments, Mr. Monte said he noticed that he proposed house is to have white siding and a gray roof and was that correct and could grey mean silver? Mr. Mackie assured him that grey did not mean silver, but more of a dull, charcoal color. Mr. Monte explained that white siding was typically not allowed in the Forest Reserve District as it tend to make the dwelling more prominent on the hill side. He also told the applicant that either non-reflective glass or year-round full screening would be required on the windows that faced west and south. Mr. Mackie said that the current plans call for a low reflective glass made by Marvin windows. Mr. Monte said that the Board would like to see the specs on the windows and also noted that any windows in the barn that faced west/south would also have the same conditions as the house.

The color of the barn is currently planned to be red. Mr. Mackie said he was not totally committed to the house being white but that he did not want it to look institutional or commercial. Mr. Monte suggested he speak with his architect about possible other choices that would blend in with the surroundings. Mr. Monte added that color swatches would be very helpful to the Board if available.

Ms. Getzinger asked if all of the roads/driveways that were shown on the plan were already constructed or was there still some to be done? Mr. McCain said that there was still driveway to be constructed. She also stated that she represented the owners of Five Ways Farm that is located one lot below the Mackie property. Her clients were concerned about the size and scale of the project though it was hard to truly determine its impact just from the plans as presented. More specifically, they wanted to know the height and placement of the proposed house and will the house be higher than the tree canopy behind it? Mr. McCain replied that behind the house are the ledges that rise up. Ms. Getzinger also asked if there was any proposed development on grades of 15% or greater? Mr. McCain said that the barn location encompasses an area of 15% or greater and though he did not recall evaluating the septic site he did state that it was less than 20% grade. Ms. Getzinger said that due to the large area proposed to be disturbed that her clients were very concerned about erosion and water diversion. The fact that blasting was indicated was also of concern and its possible disruption of water supplies. It was her hope that the Board would require the higher standard of erosion control measures when they came to that section of the regulations. Last but not least, Ms. Getzinger said that exterior lighting, even downcast, could have an impact on her clients.

McCain replied that it would be a pretty straight-forward erosion control plan for this type of property. There is a lot of ledge which does not erode and an erosion control plan will be submitted by the next meeting. Only a licensed and insured blaster will be employed, and only shallow blasting is expected. Mr. McCain also said there would be no problem with notification to the neighbors of when the blasting was to take place. The blasting should not interfere with any water supplies due to the shallow depth planned. He also stated that the lighting plan called for downcast and shielded fixtures as per allowed by the ordinance. They are under deck roof type lights to illuminate the decks themselves, none of the spotlight variety.

Mr. Malboeuf asked Mr. McCain if a state GCP would be required for this project and he said no. He also asked if Mr. McCain had any concern about stormwater runoff. Mr. McCain replied that he had visited the site prior to the meeting and found that the previously installed stone-lined ditches have held up very well and that with all the recent rain the ditches still looked like new. Ms. Getzinger then asked if the maintenance of those ditches would be important going forward

and Mr. McCain said that yes, maintenance was important. Mr. Monte asked Mr. McCain to include the maintenance process with his erosion control plan.

Mr. Monte then turned the topic of discussion to heights and elevations. Mr. Markolf said that according to the submittals, the height was 35 feet 2 5/8 inches exclusive of the cupola and the chimney. The façade is about 20 feet from the ground up on the west side. It was brought up that there would be a site visit at which Mr. Mackie said that the approx. corners of both the house and the barn would be marked. Mr. McCain also pointed out to the Board that all the significant trees were indicated on the site plan so they would know where they were on the site at their visit. Mr. Monte asked what Mr. Mackie's plan might be if any of the trees came down. Mr. Mackie said that though it may look like there were not many trees there, there is a significant amount of coverage that the existing trees provide for the house. Though the trees won't hide the house, they do break up its presence. Mr. Monte stated that the Board certainly did not want the house to be invisible but did want the façade broken up. Mr. McCain said they would bring in a proposed plan at the next meeting to address any replacement of lost trees.

The subject of a "balloon" test was brought up and Mr. McCain said that they could be challenging depending on the weather. It was debated as to just how helpful and /or accurate a balloon test really was. Both Mrs. Roth and Mr. Behn stated they did not feel the need for one. Mr. McCain said that in his experience they rarely provided the results or information desired due to the many variables. Mr. Markolf noted that a balloon test does not take in the mass of a structure which is also a consideration. Mr. Robinson thought a balloon test was a great idea.

Mr. Messner reiterated his concern that a massive structure in the fashion of a Newport Rhode Island type mansion was not what Warren wanted but that the structure should be as discrete as possible. Mr. Markolf asked for clarification of the roof color and reminded the applicant that white would be a problem for the house color. Mr. McCain said the intention of the roof color was to be a dull grey color that would be similar to the ledge behind. Further discussion ensued about the exterior lights, just how bright they would be and the color of the bulbs. There will be twelve lights along the west side of the house, which though downcast, caused some concern about how bright it would be to the neighboring properties. The proposed lights are 40 lumens and the ordinance calls for no more than 75 watts or 1000 lumens. Mr. Mackie said that his architect said that the lights were very focused and used frequently in light sensitive areas. Mr. Malboeuf added that any light that might be employed as security measures while the owners were away should be put on timers to lessen their impact on the neighbors. Mr. Monte asked for clarification on the lighting.

Mr. Monte said that hopefully a lot of questions would be answered [or not] on the site visit. He continued and said that he thought they should try the balloon test from either end of the house and barn. Mr. Monte said that they could use Mr. Messner's site and the East Warren Road as points to look back at the site from after they finish their on-site inspection. It was confirmed that the site visit would be at 8 o'clock on Saturday July 11, 2009.

The Board then put together a "laundry list" of items/issues that still needed to be discussed or information provided. The areas of concern are:

1. Visibility from below
2. Lighting [expanse of lighting on west side of house]
3. Erosion control plan including a maintenance plan for stormwater ditches
4. House color / roof color, material (clarification)
5. Blasting notification
6. Notation of tree size on site plan
7. Specifications for the Marvin "low glare/reflective" windows
8. Calculation of the existing tree heights in relationship to the house peak elevations

MOTION by Mr. Monte to adjourn the hearing on the Mackie application until July 22, 2009 at 7 pm. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

- 2) In other business the Board reviewed and signed the minutes of June 17, 2009, reviewed and signed the Luce and Eardensohn decisions.

Mr. Monte adjourned the meeting at 8:38 pm.

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