

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
AUGUST 19, 2009**

---

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

Others Present: Gary Eckhart, Alice Olenick, Jim Jones, Jack Jones, Miron Malboeuf and Ruth Robbins.

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

1. **Application 2009-05-SD**, (formerly approved on April 5th, 2007 as 2007-03-SD): Requires re-hearing to correct a dating defect in the Plat Approval. The applicants, Chris & Heather **Peltier**, seek permission to modify the existing approved plat, lots 10 & 11 of the Lincoln Ridge Subdivision, to allow for an extension of the roadway to a 40± acre, adjacent parcel (id# 06004-102). The applicants proposed to construct a Single Family Residence and Accessory Structures on the portion of the parcel located in the Rural Residential District. This Application requires review under Article 6, § 6.7(Revision to an Approved Plat) and Article 7, Subdivision Standards of the Warren Land Use and Development Regulations
2. **Application 2009-03-SD**: Minor Subdivision, 4 lots, Preliminary Plan Review /Final Plan Approval - 323 Carleton Rd... The applicant, Denise D **Durling**, request a Preliminary Plan Review/Final Plan Approval hearing for a 4 lot subdivision of 65.5 ± Acres located off West Hill Rd at 323 Carleton Rd in the Rural Residential District. This application requires review under Article 2 (Table 2.2, Rural Residential (RR)); Article 6, §6.4,(Final Plan Review); and Article 7, Subdivision Standards of the Warren Land Use and Development Regulations.( Continued from July 22nd, 2009)
3. **Other Business**:
  - a. Sign Minutes from July 22nd, meeting

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

- 1) **Application 2009-05-SD**, (formerly approved on April 5th, 2007 as 2007-03-SD): Requires re-hearing to correct a dating defect in the Plat Approval. The applicants, Chris & Heather **Peltier**, seek permission to modify the existing approved plat, lots 10 & 11 of the Lincoln Ridge Subdivision, to allow for an extension of the roadway to a 40± acre, adjacent parcel (id# 06004-102). The applicants proposed to construct a Single Family Residence and Accessory Structures on the portion of the parcel located in the Rural Residential District.

Mr. Monte explained that this was an issue where the mylar was signed at the same time as the oral decision, but that the oral decision does not become official until it is written up and signed which occurred a couple of weeks after the mylar was executed and recorded. As such there is concern that the decision has expired due to the sequence of events.

**MOTION** by Mr. Monte that since there has been no material change in the facts or law since the 2007 approval that the Board readopts the findings and decision of April 2007. **SECOND** by Mr. Markolf. **DISCUSSION**: Mrs. Olenick asked if there would be some reference to the fact that the mylar to be signed with this re-adoption will be different from the one signed in 2007 and was told by staff that the appropriate reference would be made in the decision. **VOTE**: all in favor, the motion passed.

- 2) **Application 2009-03-SD:** Minor Subdivision, 4 lots, Preliminary Plan Review /Final Plan Approval - 323 Carleton Rd... The applicant, Denise D **Durling**, request a Preliminary Plan Review/Final Plan Approval hearing for a 4 lot subdivision of 65.5 ± Acres located off West Hill Rd at 323 Carleton Rd in the Rural Residential District.

Mr. Swain started with high lighting the changes that had been made since the site visit that was held on July 11<sup>th</sup>. The lots have been re-configured so that Lot 3 does not include a stream crossing to the building envelope. Lot 2 has moved over to include the gravel pit area and lot 1 is the smallest lot at 5.8+/- acres. Mr. Swain said that until it is determined how the gravel pit is to be dealt with, as well as the conservation issues, both erosion control and wastewater designs will be outstanding items. He also noted that though he had a draft of the covenants, the bylaws had yet to be drafted. Mr. Swain said that he attempted match up the Arrowwood map information with that which his wildlife expert provided. He guessed that part of the inconsistency might be that Arrowwood's information came from aerial photos where his was done at ground level. He noted that he had a call in to Arrowwood to get some clarification. In conclusion, Mr. Swain thought that another site visit might be necessary with the State Biologist and possibly Arrowwood to determine exactly where the critical habitats were.

Mr. Swain shared with the Board his conversation with a Mr. Burke at the State in the Stormwater division concerning the treatment of the gravel pit. Mr. Swain was told that gravel pits were treated as "industrial" projects and required a different permit than the CGP (construction general permit) and the review is primarily for erosion control. In essence, the gravel pit will be regraded (possibly with terracing) with the appropriate erosion control measures.

Discussion of the project shifted to the access to the parcel via Camp Road and the right-of-way that is used by adjoining property owners. Jack and James Jones spoke to the fact that the right-of-way is used, though infrequently, to access a seasonal hunting camp. They suggested that the future lot owners be made aware so that there were no surprises and they could establish adequate buffers.

Back to the issue of the gravel pit, it was discussed that there are no specific State standards for gravel pits other than following the prescribed erosion control standards for slopes/terraces of one over three or greater. (note: one on four would equal a 25% slope). Mr. Swain asked the Board for a reading as to whether or not they were comfortable with the plan to re-grade the area of the gravel pit. At this point the type of vegetation on the terracing is to be determined. Mr. Robinson said that some sort of conservation mix should work most anywhere.

A section of Camp Road that gives access to the Durling property is also the access for three lots on Orion Road. Mr. Swain said it is the applicant's intention to re-grade that section of Camp Road so that it has a crown to shed the water to the sides instead of running straight down the road. It is currently 16 feet or more though Mr. Eckhart who lives on Orion Road said that it was only one lane wide on the section from Lincoln Gap to Orion Road. Mr. Eckhart added that they are currently paying for the maintenance of Camp Road as it has a tendency to wash out frequently. Mr. Eckhart told the Board that the road maintenance agreement was only an understanding amongst the landowners and that there was nothing legal at this time. He also indicated that entering into a more formal arrangement with the creation of the proposed subdivision would be agreeable. The two Jones brothers said that their access was so infrequent that they had no desire to be part of a road maintenance agreement. Mr. Eckhart stated to the Board that he had no problem with the proposed Durling subdivision plans but was concerned about the condition and maintenance of Camp Road. It was also discussed that an existing culvert was not adequate during heavy rains and that even with the re-grading and crowning of Camp Road above Orion Road, may not be enough to cure the problem. It was suggested to Mr. Eckhart that the culvert issue should be brought to the attention of the Warren director of Public Works, Barry Simpson.

The question was asked if the lots proposed could be further subdivided and Mr. Swain said that the covenants would disallow lots 1, 2 and 3 from being further subdivided but that lot 4 would be allowed. Mr. Monte did note that the private agreement not to further subdivide could be changed down the line if all parties agree as the town allows subdivision to a minimum lot size of 1 acre.

Mr. Monte wanted to summarize/ finalize how the gravel pit was to be dealt with. Mr. Markolf said that from what he's heard the state doesn't really look at it as a gravel pit, but just dirt and stone, to which the appropriate erosion control measures must be employed. Mr. Swain stated that that was his understanding. Mr. Monte said that if it passes muster with the state then it should be ok with the Board as long as there are no long, steep slopes over 25% grade. He asked Mr. Swain to check with the state soil conservation folks regarding an appropriate seed mix for this situation.

Mr. Swain then asked the members to review the road profiles. He started by saying that the road is at 12% grade then has a section of about 50 feet where it's at 15% then returns to 12%. Mr. Monte reviewed the grade requirement and stated: the maximum grade for any 50 foot section should not exceed an average grade of 12%. The sticking point here was "average", as the road was all at 12% with the one section exceeding that, therefore the "average" would be greater than 12%. Mr. Swain said it was his understanding that historically the Board has looked at it as no more than a maximum stretch of 50 feet can be more than 12% grade. What would be needed in this case was some stretches that were less than 12 % to bring the average down or find a way to keep the entire road at a max of 12%. Mr. Monte noted that on the site visit any serious grade problems did not seem evident. Mr. Robinson seemed to think that the interpretation as that you could not exceed a 12% grade for more than a 50 foot section.

They moved on to review the building envelopes which are located on mostly flat areas on the lots. Mr. Swain was reminded that any disturbed areas of 15 – 25% grade would need an erosion control plan. It was noted that the wetlands on the parcel are now no where near any of the proposed development and therefore not an issue. The closest building envelope to what might be considered deer habitat is just less than 200 feet away noted Mr. Swain. The determination of critical deer habitat has yet to be agreed upon. Mr. Swain did say that there would be a section of the covenants that protects (conserves) the sensitive area of the parcel, most of which is contained in Ms. Durling's lot.

Mr. Swain has spoken with the Fire Department and expects to receive their standard letter. There was some discussion about the creation of a fire pond, but it most likely would only work in the wetlands area. The use of sprinklers was discouraged due to the cost.

**MOTION** by Mr. Monte that the hearing of the Durling application be continued until the meeting on Wednesday September 23, 2009 at 7pm. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

## 2) Other Business

In other business the Board signed the minutes of the previous meeting and briefly discussed what would be on the agenda for the next meeting scheduled for September 9<sup>th</sup> at 7pm.

Mr. Monte adjourned the meeting at 8:50 pm.

Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

**DEVELOPMENT REVIEW BOARD**

\_\_\_\_\_  
Peter Monte                      date

\_\_\_\_\_  
Lenord Robinson              date

\_\_\_\_\_  
David Markolf                      date