

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
WEDNESDAY NOVEMBER 18, 2009**

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Members Present: Peter Monte, Bob Kaufmann, Virginia Roth, Lenord Robinson and Chris Behn.

Others Present: Wayne Mackie, Stu Libby, Miron Malboeuf and Ruth Robbins.

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

Hearings:

1. **Application 2009-09-CU**, Conditional Use: Construct a Single Family Dwelling and Accessory Structure in the Forest Reserve District – off Burnt Mtn Rd. (continued from September 9th, 2009). 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. (Continued from October 7th, 2009)
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. (Continued from August 19th, 2009)
3. Other Business:
  - a. Sign Minutes from Development Review Board meeting of October 7th, 2009
  - b. Review Covenants for Eardensohn Subdivision

Mr. Monte called the meeting to order at 7:10 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. (continued from September 9th, 2009). 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).

The Board reviewed the “laundry list” which included three items: 1) submittal of color palette for approval, 2) drainage ditch/culvert maintenance plan added to the erosion control plan, and 3) trees. Mr. Mackie submitted a color chart by California Paints, Storm Stain, and told the Board that the house would be done in “Seacoast Gray, #36”. The barn will remain red. The house exterior will be clapboard. The trim will be white.

MOTION by Mr. Monte that the Board approves the color “Seacoast Gray, #36” by California Paints and red for the barn, both structures will have white trim. Any alteration of the colors either now or in the future will require DRB approval. It is also noted that the roof color will be charcoal. SECOND by Mr. Behn. VOTE: all in favor, the motion passed.

Mr. Mackie then presented the Board with a rendering of the site's existing trees, one with additional young trees incorporated to the site, and a final rendering indicating what the site would look like once the trees had matured. He noted that he thought the first level of the house would barely be seen if at all; that with the roof being charcoal that it would blend into the background and that the proposed color of the house will also help to minimize its appearance. Mr. Mackie also told the Board that the rendering with the "mature" trees was about a ten year time frame showing the associated amount of tree growth. Some members questioned the represented rapid growth of maples in an elevated, ledge like area and thought the trees would not grow as aggressively as they might down in the valley. Mr. Mackie commented that he had had very good luck with growing sugar maples and was more optimistic about their growth potential. In pointing out the location of the addition of four trees (since the last proposal) Mr. Mackie seemed to think that in time they may obscure any view that might have existed. Mr. Kaufmann noted that in order to get any width to the maples, they needed to be topped periodically which in turn would limit how quickly they'd get tall. Mr. Robinson added that he thought they needed the height and more of them, especially along the spine/slope of the hill as well as some fir trees mixed in. Mr. Robinson pointed out to Mr. Mackie that the new young trees planted would screen the house from below, but that they would not be tall enough to obscure his view from the house itself. Mr. Mackie commented that he was not convinced that the addition of more trees was necessarily going to solve the problem that the Board thought it would solve.

Mr. Behn commented that he was surprised that Mr. McCain was not present as he knew that Mr. McCain was very aware of how important it was to the Board to have adequate screening not only in front of the house but throughout the site. Mr. Mackie replied that Mr. McCain was still very much part of the project but that his not being in attendance was a cost issue. Mr. Behn added that his main concern was the northern part of the property and that two additional trees did not "cut it" for him. Mr. Kaufmann spoke and said that though he was very much in favor of property rights, that he was having a problem with what was proposed. Based on the history of activity on the property and the overall size of the proposed project, he felt strongly that more trees were called for. Mrs. Roth asked for clarification as to why the north side was of concern. Mr. Monte reiterated that the logging or clearing that was done earlier in the year was viewed by many on the Board as pre-development site preparation and as called for under Table 2.1 (E)(2) of the ordinance the Board can either require the house be relocated or adequate re-forestation be implemented. He continued to say that he was in agreement with Mr. Behn that the modified plan in front of them was basically the same as before with only a couple more trees which were not enough in his opinion. Mr. Behn repeated that he was surprised at this proposal as he had spoken specifically with Mr. McCain about what needed to be done on the north side in order for this project to go forward.

Several of the Board members tried to impress upon Mr. Mackie that being in the Forest Reserve District called for more scrutiny and a different set of standards than those further down on the hillside. They assured him that anyone who has come before the Board with development plans in the Forest Reserve District has had the same degree of review of their proposed project(s). Mr. Behn also pointed out that Mr. Mackie's property, and the activity that had taken place several years ago, was the motivation behind the creation of the Forest Reserve District. With that being the case, of which Mr. Behn felt Mr. Mackie was aware, he was surprised that Mr. Mackie did not ask about his plans to do more clearing this past year.

Mr. Monte moved forward and said that he'd be happy to take a vote on the plan submitted he did not feel it would pass. He also said that he did not think it was appropriate for the Board to design a landscaping plan for any applicant. Mr. Monte did say that they could give him direction in a broader sense of what they were looking for. At this point, however, they seemed to be at an impasse. Several of the members added additional clarification as to what they thought was needed. Mr. Robinson even pointed out that as far as he was concerned, if the trees got too tall too fast, Mr. Mackie could lop them off - it was the bulk at the lower part of the tree that was important to him. The Board also emphasized that the house did not need to be invisible but that any large open area, such as the recently cleared northern area, needed to have additional trees.

Mr. Mackie asked which area was important. Mr. Monte said both – the area to the north as well as breaking up the façade of the house. Mr. Monte also added that they could give guidance but could not draw the plan for him. Mr. Malboeuf asked for clarification from the Board as to the amount of soft woods and hard woods they hoped to see in the plan. The consensus appeared to be a mix, pretty close to 50/50. Mr. Monte also pointed out to Mr. Mackie that the opportunity existed that a future DRB could amend the landscaping should the trees get overgrown.

Mr. Monte then suggested that they continue this hearing until such time as they could expect to see a revision of the landscaping plan as well as the drainage maintenance plan that needs to be added to the erosion control plan. Mr. Behn added as a final thought that he felt the trees should be of a three to four inch caliper and ten to fifteen feet high. An earlier plan called for two caliper trees.

**MOTION** by Mr. Monte that the Mackie application hearing be continued until December 16<sup>th</sup> at 7:00 pm. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed unanimously.

- 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. (Continued from August 19th, 2009)

**MOTION** by Mr. Monte to grant the applicant's request to continue the hearing until December 2, 2009 at 7:00 pm. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

### 3) Other Business

In other business the Board reviewed and signed minutes and heard a report from Mr. Monte about his visit to the Planning Commission about a proposal to clarify that part of the ordinance that allow for logging but that requires screening in the Forest Reserve District. He said that the PC seemed to be of a mind to add some language that would put a land owner on notice that should he conduct some logging that creates an open space in the Forest Reserve, that they may be limited as to future development in that area. Mr. Monte asked who might be willing to serve as Vice-Chairman of the DRB with the resignation of Mr. Markolf. Mrs. Roth nominated Mr. Behn as Vice Chairman and the motion was seconded by Mr. Monte. The Board voted unanimously to have Mr. Behn serve as Vice Chairman.

Before adjourning the meeting, Mr. Monte brought up that he would have a class he would be teaching on Wednesday evenings from January through April. The Staff and the Board will give some thought as to which night other than Wednesday would be good for DRB meeting during that time.

Mr. Monte adjourned the meeting at 8:33 pm.

Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

**DEVELOPMENT REVIEW BOARD**

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Peter Monte                      date

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Chris Behn                      date

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Virginia Roth                      date

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Lenord Robinson                      date

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Bob Kaufmann                      date