

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, June 19, 2023**

NOTE: This meeting was conducted both in-person and electronically via Google Meet.

Members Present: Peter Monte (Chair), Megan Moffroid, Chris Noone, Jeff Schoellkopf
Staff Present: Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary)
Others Present: Mark Bannon, Karl Klein, Gunner McCain, Steve Robbins, Donald Smith

The meeting was called to order at 7:03 pm.

Application #2023-05-CU submitted by Johanna Zelman for a Conditional Use approval for a new Accessory Dwelling [located in a new detached garage with a 2-bedroom apartment] and associated infrastructure which will impact some steep slopes of 15% or greater. The property is located at 752 Mad Meadows Road, 8.3 +/- acres, parcel ID # 023006-400 in the Warren Grand List and located in the Rural Residential District.

Ms. Robbins had been on a site visit earlier in the day, and reported that she had observed the conditions at the property, the area staked for the garage location, and the difference in elevation between the garage site and the existing house. There is currently a footbridge to the house, which will be replaced with a level bridge between the house and the garage. Ms. Robbins also noted that the seasonal stream she observed at an earlier site visit is away from the planned development.

Mr. McCain confirmed that more than 1000 square feet of steep slope will be impacted by the change in driveway configuration and the building of the garage. A bridge will tie the second floor of the house to the garage. The areas of steep slope beneath the bridge are manmade, and the area impacted there will be less than 1000 square feet.

Mr. McCain explained that a new septic system is part of this plan, and that the associated mound system is the only development that will be in the Meadowland portion of the property. The septic line will cross a wetland area; the State permit for this work is in place. He also explained that none of the system itself encroaches on the wetland, and this location was chosen because everything closer to the house is too wet and there is not a large enough area above the existing pond.

He noted that there will also be some wetland buffer impacted by other portions of the project, but that this is also included in the State permit, as the site chosen for the garage is the only reasonable location on the property.

Mr. McCain indicated that the driveway reconfiguration needs to cross some steep areas (between 15% and 25% slope), and that this approach to the garage has been chosen to avoid an even steeper area. He noted that 60 feet of the current approach to the house will be renaturalized when the drive is moved.

Mr. McCain confirmed that erosion control and stormwater impacts have been addressed in the application materials.

MOTION by Mr. Monte to find that the development of the leach field and associated service lines within the meadowland are in compliance with Section 2.13 E 1 of the Land Use Regulations because there is no other suitable location and the location shown on the application materials minimizes the disruption of the area's scenic quality, retains agricultural use, and there is no preferable location on less productive land. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Mr. Schoellkopf indicated that allowing development in the Meadowland overlay solely for the purpose of building larger homes may not always be acceptable, but that he did not vote against this plan because he believes that the area impacted is not likely productive agricultural land.

Mr. McCain confirmed that there is a small section of greater than 40% slope behind the garage, and also a portion of the proposed drive will impact slopes between 25% and 40%. He indicated that no blasting is anticipated. There will be both an uphill and downhill stone wall along the drive to protect the travel surface and the rest of the property from runoff. He was not certain in which direction the garage roof will be shedding, but will ensure that roof runoff is diverted from the driveway if necessary.

MOTION by Mr. Schoellkopf to find that a) the new septic system is on no greater than 25% slope b) other aspects of the development affect small areas that are greater than 40% slope; these are not naturally occurring but rather the result of prior development that was appropriate at the time completed, c) all other slopes affected are 25% or less with a substantial amount being 15% or less, and d) the plans submitted indicate that the net result is a reduction in impact to slopes over 15%. **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion passes.

MOTION by Mr. Monte to find that the disruption of slopes that currently exceed 25% is necessary to facilitate development on slopes that are less than 25%. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf to find that the erosion and sediment control plan included in the application materials is adequate to address the work being done on steep or very steep slopes. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

The Board members reviewed the Conditional Use Standards as they apply to this application.

MOTION by Mr. Monte to find that the project complies with General Standards 1, 2, 3, and 4 as outlined in Section 5.3 A of the Land Use Regulations, and that Standard 5 is not applicable to this application. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

No Board member indicated that the Specific Standards needed to be addressed.

MOTION by Mr. Monte to approve Application 2023-05-CU subject to the standard conditions placed on such development. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Application #2023-06-CU submitted Susan Alberino for a Conditional Use approval for a new driveway that will cross over steep slopes of 15% or greater. The property is located at 50 Albert's Lane, 5.0 +/- acres, parcel ID # 038003-500 in the Warren Grand List and located in the Rural Residential District.

Ms. Robbins pointed out that this property consists of two parcels, and this application is specific to the five-acre parcel. She reported that she and Mr. Bannon had completed a site visit earlier in the day, and that the driveway as proposed is to access a level area for the house site; the remainder of the parcel is level or gently sloped.

Mr. Bannon indicated that, unless some trees are removed on another portion of the property, there is no approach to the house site with a lesser slope. He confirmed that there will be more than 1000 square feet of impact to steep slopes for the driveway construction. He confirmed that the site is not visible from areas such as Blueberry Lake.

There was some discussion of the actual slope of the driveway site, and the finished grade of the driveway. Mr. Bannon indicated that currently there is a section of 18%, and that there will be portions of the finished grade that will average 12%. Board members requested that a driveway profile be included in the application materials in order to facilitate their understanding of the proposed plans.

MOTION by Mr. Monte to find, based on Mr. Bannon's testimony, that the driveway does not contain any 50 foot section that exceeds an average finished slope of 12%. **SECOND** by Ms. Moffroid.

WITHDRAWN by Mr. Monte after further discussion with Mr. Bannon.

MOTION by Mr. Monte to include a condition on approval of the application which precludes the finished grade of the driveway averaging greater than 12% for any 50-foot segment along its length. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Board members noted that the application materials are not complete without the submission of a driveway profile.

MOTION by Ms. Moffroid to require the applicant to submit a driveway profile which complies with the requirement outlined in Section 3.4 C 1 of the Land Use Regulations by July 3, 2023 and that not satisfying the requirement will impact the Board's decision regarding this application. **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

Board members discussed the requirements outlined in Section 3.4 D, noting that most of what is included in that Section is also covered through following the practices of the Low Risk Handbook, which the application materials refer to as a document to be incorporated. The references to stockpiling were found to be something that the Handbook may not address.

MOTION by Ms. Moffroid to include as a condition of approval that Section 3.4 D 6 of the Land Use Regulations is required to be adhered to by the applicant; this requirement states that the topsoil removed from all disturbed areas will be stockpiled and stabilized in a manner that minimizes erosion and sedimentation and allows for replacement elsewhere on the site at the time of final regrading, and that topsoil shall not be stockpiled on slopes of greater than ten percent (10%). **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Schoellkopf to find that, based upon the materials submitted and the conditions agreed upon, the requirements of Section 3.4 D are satisfied. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

The Board members reviewed the Conditional Use Standards as they apply to this application.

MOTION by Ms. Moffroid to find that the project complies with General Standards 1, 2, 3, and 4 as outlined in Section 5.3 A of the Land Use Regulations, and that Standard 5 is not applicable to this application. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

No Board member felt it necessary to address the Specific Standards outlined for Conditional Use review.

MOTION by Mr. Monte to continue the hearing for Application 2023-06-CU until July 17, 2023 at 7 pm.
SECOND by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Other Business:

Minutes, decisions and mylars were reviewed and signed.

It was discussed that all Decisions issued should include language letting permittees know what other regulations need to be complied with, both local and state. Ms. Robbins was asked to consult with organizations that might have appropriate statements to include that will cover this aspect of notification and to develop a list of standard conditions to be included in each permit.

The upcoming schedule was reviewed.

The meeting adjourned at 9:12 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Megan Moffroid Date

Jeff Schoellkopf Date

Chris Noone Date