

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
SUBDIVISION AND CONDITIONAL USE REVIEW

Ward Properties (owner) & Lincoln Ridge LLC (buyer/developer), application # **2005-05-SD** and # **2005-05-CU** seeks approval for a 20-lot subdivision located on 170+/- acres on Inferno Road in the Rural Residential District & Forest Reserve District. The subdivision will contain 20 single-family dwellings with a maximum of five bedrooms on individual lots ranging from 3.0 acres to 8.6 acres in size in the Rural Residential District. Forty acres of land in the Forest Reserve District have been set aside as open space, with ski and hiking trails the only improvements other than a small ski shed.

An Informal Discussion took place on June 9, 2004 and a duly warned hearing for the initial Sketch Plan Review took place on September 29, 2004. The hearing was continued to December 8, 2004 where due to the heavy schedule and lateness of the hour the hearing was continued to February 9, 2005. Additional continuances took place on March 9, 2005 and April 13, 2005 and the Final Plan Approval was duly warned for May 25, 2005. An informal site visit was conducted on February 16, 2005.

June 9, 2004

Members Present: Peter Monte, David Markolf, Eric Brattstrom & Chris Behn.

Others Present: John Donaldson, Don Swain, John Vihinen, Van Nillson, Charles Booher & Shannon Hill.

September 29, 2004

Members Present: Peter Monte, David Markolf, Eric Brattstrom, Lenord Robinson & Chris Behn

Others Present: Joan Foster, Karin Ware, Lenore Budd, John Donaldson, Don Swain, William Rodgers, Ron Hunkins, Jason Lisai, Kinny Connell, Richard Czaplinski, Michael Pilarcik, Peter Cozzi, Erin Cozzi & Karen Van Gilder.

December 8, 2004

Members Present: Eric Brattstrom, Lenord Robinson & David Markolf

Others Present: Peter Lazorilak, Douglas Condit, Karen Hewitt, James Caffry, Bryan Leskowitz & Dexter LaFavour.

February 9, 2005

Members Present: Peter Monte, David Markolf, Eric Brattstrom, Chris Behn & Virginia Roth

Others Present: Miron Malboeuf, Don Swain, John Donaldson, Melna & Peter Hall, Clayton-Paul Cormier, Bill White, Belinda Norris, Michael Walsh, Cindy Carr, Lenore Budd, Phil Huffman, Zeki Church, Dottie Kyle, Glenn Thomas, Trafton Crandall, Michael Pilarcik, Patty Weston, Neil Johnson & Francis Moran.

February 16, 2005 (Site Visit)

Members Present: Chris Behn, Virginia Roth, joined later by David Markolf (8:05 am) and Peter Monte (9:00 am).

Others Present: Don Swain, John Donaldson, Eric Brattstrom, Cindy Carr, Laura Crandall, Trafton Crandall, Glenn Thomas & Miron Malboeuf.

March 9, 2005

Members Present: Peter Monte, David Markolf, Chris Behn, Lenord Robinson, Eric Brattstrom (for Chisel Tooth application only), & Virginia Roth (for Ward Properties application only)

Others Present: Lillian Brewster, Tim Williams, Steve Butcher (Warren Fire Department), Jane Austin, Jim Caffry, Alice & Peter Tenbeau, Harriet & Dick King, John Donaldson, Cindy Carr, Trafton Crandall, Phil Huffman, Don Swain, Melna & Peter Hall, Ken Friedman, Joan Foster, Dotty Kyle, John Goss, Karin Ware, Richard Patterson, Mark Bannon, Miron Malboeuf & Ruth Robbins.

TOWN OF WARREN

Received for Record July 28 20 05

at 12:00 o'clock P M and Received in

Vol 175 Page 742-747

Claire P. Juel

assistant

TOWN CLERK

DEVELOPMENT REVIEW BOARD

FINDINGS OF FACT & NOTICE OF DECISION

WARD PROPERTIES/LINCOLN RIDGE LLC #2005-05-SD / #2005-05-CU

April 13, 2005*Members Present:* Peter Monte, Lenord Robinson & Virginia Roth*Others Present:* Ron Hunkins, Ken Friedman, Lenore Budd, Zeke Church, Bill White, Francis Moran, Patty Weston, Glenn Thomas, Trafton Crandall, Cindy Carr, Don Swain, Eric Brattstrom, Dottie Kyle, Miron Malboeuf & Ruth Robbins.May 25, 2005*Members Present:* Peter Monte, David Markolf, Chris Behn, Virginia Roth & Lenord Robinson*Others Present:* Ted Joslin, Jeff Hoffer, John Donaldson, Don Swain, Joan Foster, Neil Johnson, Dottie Kyle, Eric Brattstrom, Belinda Norris, Michael Walsh, Melna Hall, Peter Hall, Ken Friedman, Phil Huffman, Cindy Carr, Karin Ware, Erin Cozzi, Zeke Church, Justin Kenney, Paula Nye, Barrie Fisher, Jim Caffrey, Chris Rodgers, Miron Malboeuf & Ruth Robbins**FINDINGS OF FACT AND CONCLUSIONS OF LAW (#2005-05-SD):**

- 1- The following documents were submitted by the applicant:
- ▶ Complete application #2005-05-SD
 - ▶ Abutter notification and proof of mailing
 - ▶ Project narrative
 - ▶ Overall site plan dated 2/9/05
 - ▶ Conservation Plan dated 2/9/05
 - ▶ Overview plan & Soils information dated 2/9/05
 - ▶ Final overall site plan dated 4/23/05
 - ▶ Final Conservation Plan dated 4/23/05
 - ▶ Final Site Plan dated 5/24/05
 - ▶ Proposed primary & replacement wastewater disposal systems plan dated 11/30/04 & revised 1/30/05
 - ▶ Warren Fire Department letter dated 9/16/05
 - ▶ Preliminary Subdivision Plan Application prepared by LandPlan, Inc. and dated 2/5/05.
 - ▶ Town of Warren Road Access application dated 12/6/04
 - ▶ Resource Systems Group, Inc. diagrams titled "Existing Traffic Volume 2004", and "Traffic Volume with Lincoln Ridge Development" submitted 2/9/05.
 - ▶ "West Hill Road/West Hill Road Ext. Intersection Realignment Plan" submitted by LandPlan, dated 3/1/05.
 - ▶ "Supplemental Submission to Preliminary Subdivision Plan Application" dated 3/2/05
 - ▶ David Hirth, Wildlife Biologist, letter dated 3/6/05
 - ▶ Warren Fire Department letter dated 3/8/05
 - ▶ Hoffer Consulting Inc. letter dated 3/8/05
 - ▶ "Supplemental Submission to Preliminary Subdivision Plan Application" dated 3/8/05
 - ▶ Drawing showing Inferno Road Access, dated 4/13/05
 - ▶ Drawing titled "Main Road Profile" & Shared Road Profiles" dated 5/16/05
 - ▶ Town of Warren Road Access Approval, Permit # 2005-01-RC dated 2/8/05
 - ▶ Copy of Act 250 Application prepared by LandPlan, Inc. dated 4/20/05
 - ▶ Draft of the Protective Covenants and Restrictions for the Lincoln Ridge Subdivision
 - ▶ Draft of the Lincoln Ridge Owners' Association, Inc.

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- 2- The following is submitted material from interested parties:
- ▶ Letter from Robert & John Evans of 1740 West Hill Road dated 9/20/05
 - ▶ Copy of email message from Karen Van Gilder, DRB/PC Assistant to DRB members regarding site visits to the subject property, dated 10/25/04
 - ▶ Letter from Peter and Melna Hall of 104 Rumble Road dated 12/20/04
 - ▶ Warren Conservation Committee letter to the DRB dated 2/8/05
 - ▶ Warren Conservation Committee letter dated 3/9/05
 - ▶ Letter from the "Residents of West Hill Extension" dated 3/9/05
 - ▶ Letter from Peter and Melna Hall dated 3/29/05
 - ▶ Letter from Zeke Church, representing South Village, dated 4/12/05
 - ▶ Letter from George Price, Karin Ware, Joan Foster, Dorothy Kyle, Kenneth Friedman and Patricia Weston, dated 5/25/05
 - ▶ Letter from Barbara and George Price dated 5/25/05
 - ▶ Letter from Stephen Endlar dated 4/15/05
 - ▶ Catamount Trail Map showing existing & proposed routes dated 9/29/04
- 3- Lincoln Ridge is a 20-lot subdivision located on 170+/- acres on Inferno Road, Warren, VT. Ward Properties owns the land and is the applicant. Lincoln Ridge LLC intends to purchase the land and become the developer of the project.
- 4- The project proposes 20 single family dwellings on individual lots ranging from 3.0 acres to 11.0 acres in size. All homes are to be 5 bedrooms maximum, and most are expected to be owned for seasonal use.
- 5- Primary vehicular access has been approved by the Warren Select Board off of Inferno Road across from Coleman Road.
- 6- Secondary access is at the end of West Hill Road Extension. Use of the secondary access road by the homeowners is proposed to be restricted from general ingress and egress use by provisions within the covenants.
- 7- Water supply is to be by individual drilled wells on each lot. Wastewater disposal is proposed by individual septic systems. All but 7 lots have on-lot systems. Five of the remaining systems are proposed on common land. The remaining systems are located on adjoining lots and will have easements. Systems are either in ground trenches or pre-treatment with at grade systems.
- 8- The applicant has proposed fire protection by means of a 30,000 gallon firewater storage tank with a pressurized line to one (1) hydrant.
- 9- The Warren fire Department has requested three (3) hydrants with 20 lbs. of static pressure at each hydrant and that the system is fully functional prior to the occupancy of any of the residences.
- 10- All building envelopes are located on less than 15% slopes and approximately 10-12,000 square feet in size.
- 11- David Hirth, Doctor of Resource Ecology, made a site visit and reported some evidence of both bear and moose activity but that the area was not an important habitat for either of the species.
- 12- Jefferson P. Hoffer, Senior Hydrologist at Hoffer Consulting Inc., made a site visit, reviewed existing data and concluded that there was sufficient groundwater available to meet the needs of the development and were unlikely to cause interference problems on neighboring water supplies.

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FINDINGS OF FACT & NOTICE OF DECISION

WARD PROPERTIES/LINCOLN RIDGE LLC #2005-05-SD / #2005-05-CU

- 13- Erosion Control Measures shall be installed, maintained, repaired and replaced in substantial conformance with all plans and specifications submitted to and approved by the State of Vermont, Agency of Natural Resources.
- 14- The protective covenants and restrictions as submitted will be imposed on all lot sales and any changes to the document require prior approval by the DRB.
- 15- The Catamount Trail (CTA) is seeking to improve their current trail by decreasing the amount of travel over roadways and relocating part of their trail network going through the Ward Properties.
- 16- The DRB has allowed the use of a breakaway gate at the top of West Hill Road Extension with the following condition: If the Zoning Administrator notifies the owner of Lot 13 on three (3) occurrences within any 90-day period or more that the gate is not plowed so that access is maintained, then the gate shall be removed.
- 17- The project narrative indicates the largest lot as being 8.6 acres yet the site map shows lot #6 as being 11 acres.

NOTICE OF DECISION (#2005-05-SD):

The Warren Development Review Board approves application #2005-05-SD subject to the following conditions:

- 1- The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
 - a) In the application
 - b) All exhibits furnished by the applicant, and
 - c) All findings of fact and conclusions stated above in this decision.
 - d) The Subdivision Plat approved by the DRB.
- 2- All driveways, rights of way, and easement access are to be plowed and maintained to a minimum width of 14 ft. in winter. Private and feeder roads are to be plowed and maintained to a minimum of 16 ft in winter. Normal maintenance, as to not restrict access, shall be expected for the remainder for the season.
- 3- No zero clearance fireplaces shall be allowed, no combustible materials are to be in direct contact with masonry, and only masonry chimney shall be acceptable. Wood-burning stoves are suggested for backup heat only.
- 4- Should a gate be utilized at the top of West Hill Road Extension, signage is to be installed on both sides of said gate that states "EMERGENCY ACCESS – NO PARKING".
- 5- Any swimming pools are to be filled with water supplied from outside the premises.
- 6- Any dwelling house excluding detached accessory structures that exceed 4,000 square feet including the garage would be required to be equipped with a sprinkler system of a rating of 13-D minimum or greater.
- 7- There will be a hydrant with 20 lbs. of static pressure and the system will be fully functional prior to the occupancy of any of the residences.

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- 8- Any areas that are designated on the plat that allow for clearing must maintain a minimum of twenty-five (25) trees of six inches at breast height per acre.
- 9- The Development Review Board requests that the Applicant and the Catamount Trail Association work cooperatively together to extend the Catamount Trail over the Applicant's property at such a location, if any, as the parties may mutually agree.
- 10- Final plat to indicate all abutters names and the location of the 30,000-gallon water tank and hydrant(s).

FINDINGS OF FACT AND CONCLUSIONS OF LAW (#2005-05-CU):

- 1- The following documents were submitted by the applicant:
 - ▶ Complete application #2005-05-CU
 - ▶ Unexecuted Access Agreement between Lincoln Ridge LLC and Summit Ventures dated 4/4/05
 - ▶ Abutter notification and proof of mailing
- 2- Forty acres of land, including all land within the Forest Reserve district, have been set aside as open space in common ownership, with ski and hiking trails the only proposed improvements other than a small ski storage shed no bigger than 125 square feet in size.
- 3- A verbal agreement has been reached and expected to be signed for a connection to the Sugarbush Snowball Ski Trail and the subject property.
- 4- The Lincoln Ridge Homeowners Association will operate, for the benefit of the Lincoln Ridge residents and guests only, either a snowmobile or snowcat, expressly for the purpose of transport within the development to and from the point of entry to Sugarbush Resort.

NOTICE OF DECISION (#2005-05-CU):

The Warren Development Review Board approves application #2005-05-CU subject to the following conditions:

- 1- The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
 - a) In the application
 - b) All exhibits furnished by the applicant, and
 - c) All findings of fact and conclusions stated above in this decision.
- 2- A copy of the signed agreement between Lincoln Ridge, LLC and Summit Ventures be submitted to the Warren Zoning Administrator within thirty days of its execution.
- 3- Should an a written agreement not be executed between Lincoln Ridge, LLC and Summit Ventures, then the Conditional Use permit will exclude the use of uphill motorized transportation in the Forest Reserve District.

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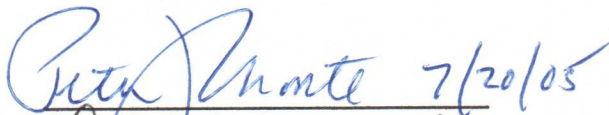
FINDINGS OF FACT & NOTICE OF DECISION

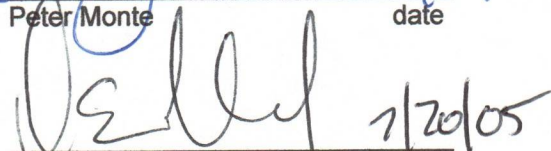
WARD PROPERTIES/LINCOLN RIDGE LLC #2005-05-SD / #2005-05-CU

In accordance with Section 6.5 and the Act [§4416], within 90 days of the date of receipt of final plan approval under Section 6.4(C), the applicant shall file 3 copies of the final subdivision plat, 1 mylar copy and 2 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plats not filed and recorded within this 90-day period shall expire. Prior to plat recording, the plat must be signed by at least two authorized members of the Development Review Board.

Approval shall become effective once this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. Beginning the effective dated of this decision, there is a 30-day period during which parties may appeal the decision to the Environmental Court.

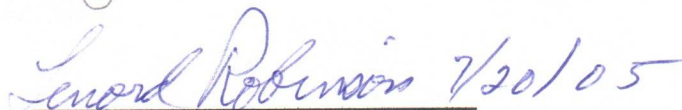
DEVELOPMENT REVIEW BOARD


Peter Monte 7/20/05
date


David Markolf 7/20/05
date

Chris Behn date


Virginia Roth 7/20/05
date


Lenord Robinson 7/20/05
date