

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, July 31, 2023**

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

Members Present: Chris Behn, Robert Kaufman, Devin Klein Corrigan, Megan Moffroid, Chris Noone
Staff Present: Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary)
Others Present: George Abad, Sue Carter, Kelley Elwell, Todd Hill, Kelley Osgood, Amantha Rouleau, Jared Rouleau, Matt Sargent, Ellen Strauss, Andrew Volansky

The meeting was called to order at 7:04 pm.

Application #2023-07-CU submitted by Jared and Amantha Rouleau for a Conditional Use approval for the addition of fill in excess of 1000 or more square feet creating a gradient of 15% or more resulting in a steep to very steep slope. The property is located at 143 Buck Road, consisting of .65 +/- acres, parcel ID # 417043 in the Warren Grand List and located in the Alpine Village Residential District.

This hearing was continued from July 17, 2023. Ms. Klein Corrigan recused herself from this hearing, as related matters have recently come before the Select Board.

The Rouleaus had retained an engineer, and had submitted the resulting report to the DRB. They noted that the engineer had indicated to them that the area created as a base for the garage was stable and suitable for building on. DRB members explained that a statement regarding this should be provided by the engineer, and that the statement is necessary for approval.

It was confirmed that fill was placed on a slope, and also the fill created slope in a different configuration. A grading plan had been submitted, as well as an erosion and sedimentation plan, but neither one contained an indication of the percent slope created by the fill. Board members noted that this information needs to be added to the documents submitted.

MOTION by Mr. Behn to find that the plan does not contain the information required in Section 3.4 C(2) of the Regulations. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.
3.4

Ms. Moffroid arrived at this point in the meeting.

MOTION by Mr. Behn to find that an erosion control plans has been received as part of the application materials required in Article 2 Table 2.5, and that the proposed development falls within the criteria outlined in Table 2.6 and thus requires Conditional Use Review. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

Board members began Conditional Use Review.

MOTION by Mr. Behn to find that the General Standards of Section 5.3 A (1) are satisfied. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Kaufman to find that the General Standards of Section 5.3 A (2) are satisfied as there will be no change other than that work currently being completed outdoors at the property will take place inside the new structure. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to condition approval of the application on a limitation of company truck traffic to the property of two visits per 24 hour period. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to find that with the limitation in truck traffic, the General Standards of Section 5.3 A (3) are satisfied. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to find that the General Standards of Section 5.3 A (4) and (5) are satisfied. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

The specific standards were addressed, and lighting was the only matter found to need consideration.

MOTION by Mr. Behn to find that the applicant intends to install a maximum of two outdoor light fixtures, both to be downcast. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

It was decided to continue the hearing so that the applicants have an opportunity to submit the missing slope information and a statement attesting that the pad created is suitable for support of the intended structure.

MOTION by Mr. Behn to continue the hearing for Application 2023-07-CU until August 21, 2023 at 7 pm. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

Application #2023-02-SD submitted by the Cassidy Joint Revocable Trust, Brandt Cassidy, Trustee, is requesting approval for a 3-lot subdivision of a 74 +/- acre parcel located on Plunkton Road, parcel ID # 028002-5, creating Lot 1, 13.5 +/- acres, Lot 2, 12.0 +/- acres and Lot 3, 47 +/- acres. This parcel is located in the Rural Residential District

This hearing was continued from July 17, 2023.

A Road Agreement had been submitted as part of the application materials. A road profile and erosion control plans had also been included in the application materials. The applicant requested a waiver of road slope requirements, as a portion of the road will be 13% slope. The applicant had also requested that the Energy Star Standards requirements approved on July 17 be revisited, as this is not a customary practice of the DRB at this point, and the Regulations seek an encouragement of energy efficiency rather than a requirement of the same.

MOTION by Mr. Behn to recant the condition approved on July 17 regarding that Energy Star standards be required in each dwelling in the subdivision, and instead encourage that this be so. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

Primary and secondary conservation areas were addressed by the Board.

MOTION by Mr. Behn to find that the slope of the driveway area constitutes a secondary conservation area, and that Section 7.3 C (1) – (4) has been satisfied by the additional application materials submitted. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

It was confirmed that stormwater and erosion control measures are depicted on updated driveway detail sheet as well as on the updated site plan where applicable.

MOTION by Ms. Moffroid to find that Section 7.5 of the Regulations is satisfied by the additional application materials submitted. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Written approval of the driveway configuration by the Fire Chief was not provided; Mr. Behn indicated that he had verbally confirmed with Mr. Campbell that the driveway layout is acceptable for emergency vehicle access.

MOTION by Ms. Klein Corrigan to condition approval upon receipt of approval of the driveway configuration from the Fire Chief. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

The radius of the driveway at the access point to Plunkton Road has been reconfigured to satisfy emergency vehicle access; the applicant noted that the Regulations require DRB approval before going before the Select Board to determine if a new access permit is required.

MOTION by Mr. Behn to find that the road access as depicted in the updated application materials satisfies criterion of Section 7.7 of the Regulations. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

It was confirmed that dimensional information regarding building envelopes and structures is included on the update site plan.

MOTION by Mr. Behn to approve Application 2023-02-SD with the conditions imposed during the hearing as well as the standard conditions. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

Application #2023-08-CU submitted by Kelley Osgood, Volansky Studio for homeowners Kim and Sally Campbell for a Conditional Use approval for a residential addition including two additional bedrooms, some landscaping and hardscaping, all of which will impact slopes of 15% or more. The property is located at 189 Johnson Road, consisting of 33.76 +/- acres, parcel ID # 053000-700 in the Warren Grand List and located in the Rural Residential District.

A site visit was held earlier in the day, attended by Mr. Behn, Ms. Robbins, and Ms. Osgood. It was noted that the proposed development was nicely flagged. Mr. Behn observed that most necessary grading will be taking place around the new construction, and that the specific areas have been highlighted on the application materials.

It was confirmed that an erosion control plan had been submitted as part of the application materials.

MOTION by Mr. Behn to find that, because filling or regrading of more than 1000 square feet of steep or very steep slopes will be necessary to this development, Conditional Use Review is required. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

Ms. Osgood noted that Grenier Engineering has indicated that appropriate erosion and sediment controls will be in place for this project and that the finished slope will be in accordance with what currently exists on the property. Some retaining walls will be necessary on the high side of the building,

and landscaping will work with existing contours as much as possible. She indicated that final grades are depicted on the material submitted, although no specific grading plan has been outlined.

Mr. Behn explained that the area of very steep slope to be affected by the proposed project appears to have been created during construction of the existing residence, and is not a natural gradient. He also noted that some of the very steep slope currently in place next to the residence will be removed during the proposed development.

MOTION by Mr. Behn to find that the requirements of Section 3.4 C (1) and (2) of the Regulations are satisfied by the application materials provided, and that the application is complete. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to find that the slopes proposed to be impacted are not natural slopes but were created by previous development. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

It was confirmed that a post construction grading plan is necessary.

MOTION by Ms. Moffroid to condition approval upon receipt of a final grading plan. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Conditional Use Review began.

MOTION by Mr. Behn to find that the application is complete. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

MOTION by Ms. Klein Corrigan to find that the General Standards of Section 5.3 A 1 – 5 are satisfied by the application materials submitted. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to find that the specific standards of Section 5.3 B 1- 11 have been found to be not applicable to the proposed development. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Behn to approve Application 2023-08-CU with the conditions imposed during the hearing as well as the standard conditions. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

Application #2023-09-CU submitted by Architect Ellen Strauss for Sadie Dog Properties, LLC and owners BB Realty, LLC, is requesting approval for a Change of Use from a former Retail Use to Personal Services Use in the front part of the building. The rear part of the building was formerly retail and will continue to be retail. The property is located at 264 Main Street [formerly Roth Real Estate], parcel ID # 004001-900, and is part of the Warren Village Historic Residential District.

Ms. Strauss provided information regarding nearby buildings and businesses in the commercial area of the Village, and reviewed the history of this building's occupants, which include a prior personal services business. She explained that there will be no change in impact, and that parking needs are satisfied by six dedicated and six shared spaces. There was some discussion regarding potential for signage to indicate where parking is located.

MOTION by Mr. Behn to condition approval of this application upon installation of a sign on the southeast corner of the existing Gallery building, indicating that parking is available at the rear of the building, as well as signage at the parking area clearly delineating parking spaces. **SECOND** by Mr. Noone. **VOTE:** The motion passed, with Mr. Kaufman opposed.

It was confirmed that the parking requirements outlined in Table 3.1 are satisfied by the 12 spaces available, and noted that the Regulations do not address shared spaces.

Ms. Strauss explained that the services to be provided only include massage and facial treatments, and that no additional water use will be required.

Ms. Carter indicated that she would like to see any nighttime exterior lighting minimized. Ms. Strauss proposed that exterior lights only be active during hours of operation.

MOTION by Mr. Behn to condition approval upon exterior lighting being limited to hours of operation, and to not be lit overnight. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion passes.

MOTION by Mr. Behn that, with the conditions imposed, the requirements of Section 3.2 A 1 – 6 have been satisfied. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

Conditional Use Review began.

MOTION by Ms. Klein Corrigan to find that the application is complete. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Ms. Klein Corrigan that the General Standards of Section 3.5 A 1 – 5 are either satisfied by the application materials submitted or not applicable to the proposal. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Specific Conditional Use Standards were reviewed.

MOTION by Mr. Behn to find that the Standards outlined in Section 3.5 B are either satisfied by the application materials submitted or not applicable to the proposal. **SECOND** by Mr. Kaufman. **VOTE:** All in favor, the motion carries.

MOTION by Ms. Klein Corrigan to approve Application 2023-09-CU with the conditions imposed during the hearing as well as the standard conditions. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Other Business:

Minutes and Decisions were reviewed and signed.

The upcoming schedule was reviewed.

The meeting adjourned at 9:39 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Megan Moffroid Date

Robert Kaufman Date

Chris Behn Date