

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, September 18, 2023**

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

Members Present: Chris Behn, Megan Moffroid, Peter Monte (Chair), Jeff Schoellkopf, Donald Swain
Staff Present: Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary)
Others Present: George Abad, Glenn Acker, Mike Kelley (Bada Bing, LLC), Nicholas Lizotte, Gunner McCain, Mae Valenzuela, Merced Valenzuela

The meeting was called to order at 7:02 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 August 21, 2023; the applicants had notified Ms. Robbins that they would not be present. It was unclear whether they would be withdrawing their application, and so it was decided to continue the hearing.

MOTION by Mr. Monte to continue this hearing until October 2, 2023 at 7 pm, and to direct the Zoning Administrator to determine if the Rouleaus intend to withdraw their application at this point. **SECOND:** The motion was seconded by Mr. Behn. **VOTE:** All in favor, the motion passed with Mr. Swain abstaining.

Application #2023-11-CU submitted by Bada Bing LLC & Nicholas Lizotte is requesting Conditional Use approval for the renewal of a pre-existing/non-conforming use which expired April 30, 2023. The request for renewal is only for a two-year period. The property is located at 527 Sugarbush Access Road, parcel id # 005004-1 in the Rural Residential District.

Correspondence had been received from Mike Kelley noting the reasons for requesting this renewal. It was explained that the property needs extensive renovations in order to continue operation of the restaurant, and that approval for a period of longer than two years would be beneficial. Mr. Lizotte explained that, in addition to reopening a restaurant, his long-term intent is to develop more lodging at the site, with some shared activity areas incorporated. Mr. Kelley explained that the last tenant left in April 2022, and so a year has passed since the last active use as a restaurant.

Mr. Swain noted that if there is any need for Act 250 approval, verification that the use(s) requested are able to be approved by the Town will be necessary.

It was indicated that an Inn is an allowed use in the Rural Residential District, but that this use is not applicable, as the rental units at the site are for long-term use.

MOTION by Mr. Monte to find the decision made regarding this application will be determined through what is outlined in Section 3.7(B)(1) of the Land Use and Development Regulations, because this is a pre-existing nonconforming use which has been discontinued for more than twelve months and which may only be resumed if approved by the DRB using Conditional Use Criteria. **SECOND:** The motion was seconded by Mr. Swain. **DISCUSSION:** It was suggested that if all development at the parcel was encased in one Conditional Use approval, there may be no need for this separate approval for

continuing the restaurant use at the site. Ms. Robbins was able to find several individual permits for the parcel, but nothing that encompassed all the uses in one approval. She was also unable to locate any documentation of prior DRB approval for a similar continuance, as it was noted that there had been a longer-than-two-year period in the past where the restaurant was inactive. **VOTE:** All in favor, the motion passed.

Conditional Use Standards were reviewed by the Board members.

MOTION by Mr. Monte to find that the General Standards outlined in Section 5.3 (A)(1), (4), and (5) are satisfied. **SECOND:** The motion was seconded by Mr. Schoellkopf. **VOTE:** All in favor, the motion passed.

Mr. Kelley indicated that there is currently only one curb cut at the property, which serves all of the structures on the site. It was also confirmed that the seating capacity of the restaurant, currently 95, will be the maximum seats provided, and that the number of seats will likely be less.

MOTION by Mr. Behn to find that the General Standard of Section 5.3 (A)(3) is satisfied. **SECOND:** The motion was seconded by Ms. Moffroid. **VOTE:** All in favor, the motion passed.

The nature and location of the nearby residences was outlined; Ms. Robbins confirmed that there has been very little new development on that segment of the Access Road.

It was confirmed that there will be no outdoor seating at the restaurant.

MOTION by Mr. Monte to conditional approval that the number of seats in the restaurant be limited to 95 at any time, and that there will be no outdoor patron activity. **SECOND:** The motion was seconded by Mr. Behn. **VOTE:** All in favor, the motion passed.

MOTION by Mr. Monte to find that since the restaurant use has discontinued, there has been little or no increase in residential use in the nearby vicinity. **SECOND:** The motion was seconded by Mr. Behn. **VOTE:** All in favor, the motion passed.

Exterior lighting was outlined to include one overhead streetlight near the dumpster area, lighting in place at the staff parking area (which is not currently in use), lighting on the sign, and one light on the building to provide visibility on the staircase access to the restaurant.

MOTION by Mr. Monte to find that exterior lighting associated with the restaurant use consists of one parking area light, one light on the restaurant building to light the stairway, one light to light employee parking, and one light on either side of the roadside sign. **SECOND:** The motion was seconded by Mr. Behn. **VOTE:** All in favor, the motion passed.

MOTION by Mr. Monte to condition approval on the existing lighting configuration not be altered without further Conditional Use approval by the DRB. **SECOND:** The motion was seconded by Mr. Behn. **VOTE:** All in favor, the motion passed.

MOTION by Mr. Monte to find that, with the conditions imposed, the General Standard of Section 3.5 (A)(2) is satisfied. **SECOND:** The motion was seconded by Ms. Moffroid. **VOTE:** All in favor, the motion passed.

No Board members indicated that any of the Specific Conditional Use Standards needed to be addressed.

MOTION by Mr. Behn to approve the resumption of restaurant use at the property, as provided for in Section 3.7 (B)(1) of the Regulations, subject to the conditions adopted at the hearing as well as usual conditions. **SECOND:** The motion was seconded by Mr. Schoellkopf. **VOTE:** All in favor, the motion passed.

Application #2023-10-CU submitted by Mae & Merced Valenzuela and landowner James & Theresa Coddling requesting a Conditional Use approval for development of a single family dwelling and associated infrastructure that will have some impact on steep slopes of 15% - 24% and very steep slopes of 25% or greater. The property is located off of Plunkton Road, parcel id # 412062 consisting of 1.1 +/- acres in the Alpine Village Residential District.

A site visit was held prior to the meeting, attended by Mr. Schoellkopf, Mr. Monte, Ms. Robbins, Mr. McCain, and Mr. Swain. It was noted at the site that there are some steep slopes on the property, that the driveway takes the only available route to the house site to minimize encroachment, and that it is likely that a modest home is all there is likely septic capacity for.

It was confirmed that: the site's slopes are presented in color on the application materials; septic area availability is limited by neighboring property well shields; an erosion control plan and road profile have been submitted.

MOTION by Mr. Monte to find that there is no disturbance of very steep slopes of 25% or greater, except as necessary to enable reasonable development of the lot. **SECOND:** The motion was seconded by Mr. Behn. **VOTE:** All in favor, the motion passed.

The standards of Section 3.4 (D) were reviewed by the Board.

MOTION by Mr. Monte to find that the road layout and design and the proposed placement of the building envelope and septic facilities minimize the need for site clearing, grading, cut and fill, and satisfy the remaining criteria of Section #.4 (D) (1)-(11). **SECOND:** The motion was seconded by Mr. Schoellkopf. **VOTE:** All in favor, the motion passed.

It was explained that the lot is part of the original Alpine Village layout, and that no building envelopes were established in that process. Mr. McCain explained that he would like to enlarge the proposed building envelope to be within the Alpine Village District setback allowances, excluding any areas of 25% or greater slopes. He noted that the setbacks are planned based upon the private drive being the front of the parcel.

It was agreed that approval should be conditioned upon receipt of an updated site plan, depicting the building envelope as outlined by Mr. McCain, with 15' side and rear setbacks and a 20' front setback.

Conditional Use Standards were reviewed.

MOTION by Mr. Schoellkopf to find that the General Standards outlined in Section 5.3 (A) (1)-(5) are either satisfied or not applicable. **SECOND:** The motion was seconded by Mr. Behn. **VOTE:** All in favor, the motion passed.

No Board members felt that there were specific standards which needed to be addressed.

MOTION by Mr. Monte to grant Conditional Use approval as requested, subject to the conditions imposed during the hearing and the usual conditions. **SECOND:** The motion was seconded by Mr. Swain. **VOTE:** All in favor, the motion passed.

Other Business:

Jeff suggested that a preliminary list of findings and conclusions be prepared in advance of the next meeting, for which continuation of the hearing related to Sugarbush workforce housing has been scheduled. It was agreed that this should be compiled by Sugarbush, and shared with other interested parties.

Board members who were not present at the August portion of the Sugarbush hearing will watch the recording.

Mr. Behn raised questions regarding recent violations in Alpine Village, Ms. Robbins outlined her plans for proceeding, and received related advice from Board members.

Ms. Robbins reviewed the status and outcomes of other recent appeals.

The meeting adjourned at 9:00 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Chris Behn Date

Megan Moffroid Date

Jeff Schoellkopf Date

Donald Swain Date