

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, October 16, 2023**

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

Members Present: Chris Behn, Devin Klein Corrigan, Megan Moffroid, Peter Monte (Chair)
Staff Present: Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary)
Others Present: Kevin Babic (Sugarbush), David Conger (Dubois & King), Jon Hammond (Sugarbush), Caelyn M., Steve Roy (WLA), Margo Wade (Sugarbush), Jim Westhelle (Sugarbush)

The meeting was called to order at 7:02 pm.

Application #2023-02-CU-PUD submitted by Sugarbush Mountain Resort for Final Plan Review for the redevelopment of the former Rosita's Restaurant site and a change of use at the adjacent former Sugartree B&B. The Rosita's project proposes creation of a four-story building housing 28 studio apartments (seven on each floor) along with four floors of congregate living. The congregate living units meet the definition of Boarding House. Each Boarding House contains 24 single occupancy bedrooms with shared living, dining, kitchen and bathroom facilities. A total of 38 residential units are proposed at the sites. Twenty-eight studio apartments and 8 boarding houses within the Rosita's building and one single family and one boarding house at Sugartree. The Rosita's Building contains a total of 192 single occupancy bedrooms and 28 studio apartments. The Sugartree property contains a three-bedroom single family home attached to a 10-room boarding house (former Inn) and will typically house 25 residents. This application also includes a boundary line adjustment with an adjacent parcel that is owned by the Resort. The property is located at 2500 Sugarbush Access Road and is comprised of 13.59 acres +/-, parcel id # 005009-6 and the adjacent parcel involved with the Boundary Line adjustment is parcel id # 250030, located over two zoning districts, Vacation Residential & Sugarbush Village Commercial. Sketch Plan Review for this project took place on January 30, 2023. Preliminary Plan Review was held on April 17, 2023.

This Final Plan Review is continued from October 2, 2023.

Ms. Wade reviewed the more recently submitted application materials, noting:

- A letter had been received from the Warren Fire Department.
- A letter of acknowledgement had been received from MRVAS, with a supporting letter anticipated within the next day or so.
- A letter from Gravel and Shea mapping out the easements and agreements potentially necessary for project finalization.
- An updated landscaping plan which incorporates the stream buffer area.
- A simple signage plan for the parking area, as outlined at the October 2 meeting.
- A stream relocation plan, including a planting plan and stream restoration details.
- There will likely be no disturbance of the pine trees on the Waitsfield Telecomm side of the stream, but ANR will require replacement of any trees along the stream which are injured or removed, in order to maintain shade coverage.

Subdivision review under Sections 6 and 7 of the Land Use Regulations then commenced.

MOTION: Mr. Monte moved to find that the proposed Boundary Line Adjustment is a minor subdivision under Section 6.1 (C)(1). **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION: Mr. Behn moved to find the application complete under Section 6.4 (A). **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

As requested, Ms. Wade had provided an outline of the Subdivision Standards, and how the project as proposed satisfies those requirements. The Board agreed in most cases to accept the substance of the language proposed by Ms. Wade, as noted in the related motions below.

MOTION: A motion to accept the substance of the proposed language for **Section 7.2 (A)** passed unanimously.

Proposed language: *The existing character of the area is generally densely developed with a mix of residential and commercial buildings. Building uses range from single family homes to multi-unit condominium complexes, resort lodges, sports facilities, restaurants and retail outlets.*

The Rosita's site is nestled in a hollow ¼ mile east of the Lincoln Peak and Sugarbush villages and the proposed building is consistent with the existing development pattern.

The project as proposed is redevelopment of a previously developed site, designed to fit the proposed building onto the parcel at the bottom of an existing slope and is consistent with existing buildings and development patterns in and around the Lincoln Peak base area and zoning districts (Sugarbush Village Commercial, Sugarbush Village Residential and Vacation Residential), meet district standards and conform with the policies of the Warren Town Plan. Therefore, the proposed WFH project will not endanger public health or safety, the environment, neighboring properties, or the character of the area or district(s) in which it is located.

Therefore, the project as planned meets the intent of Section 7.2(A).

MOTION: A motion to accept the substance of the proposed language for **Section 7.2 (B)** passed unanimously.

Proposed language: *As demonstrated in associated project submittals and as included above, the project as proposed conforms to municipal bylaws and regulations and is in conformance with the policies of the Warren Town Plan by providing:*

- *Redevelopment at the base of Lincoln Peak and Sugarbush villages,*
- *Support of the economic viability of Sugarbush Resort and other businesses that contribute to the Valley's attractiveness as a four-season resort destination,*
- *Workforce housing opportunities to Sugarbush employees, and potentially other area business employees,*
- *A housing project that is workforce housing, where Sugarbush works with its employees to offer affordable rents, typically at 30% of monthly income, which include utilities, will be served by GMT's Mad Bus public transit system, and with water and wastewater services provided by existing systems (MWC, MWT, and LPWT),*
- *A project located within existing settlement areas, is redevelopment of a previously developed site, incorporates energy saving measures, modern construction techniques, and will be renewable ready,*

- *A project located on existing GMT public transit system routes, proposed electric vehicle charging nearby, and is within walking and biking to the Lincoln Peak base area, and*
- *A partnership with the Town of Warren to plan and construction the Sugarbush Access Road Shared Use Path.*

Therefore, the project as planned meets the intent of Section 7.2(B).

MOTION: A motion to accept the substance of the proposed language for **Section 7.2 (C)** passed unanimously.

Proposed language: *The proposed project continues the settlement pattern of the districts in which it is located, specifically:*

- *Is located within ¼ mile of the Lincoln Peak and Sugarbush villages, is consistent in design, layout and scale of the area and is surrounded by existing suburban, in density, developments,*
- *Within easy access to thousands of acres of open land with lower density and little development within ¼ mile for the project site and with access to recreation opportunities and public lands in the area,*
- *On a previously developed site with connection to existing roads, planned and existing paths, and utility and open space corridors intentionally design into the proposed project.*

Therefore, the project as planned meets the intent of Section 7.2(C).

MOTION: A motion to accept the substance of the proposed language for **Section 7.2 (D) and (E)** passed unanimously.

Proposed language: *The proposed project has been designed to conform to zoning district standards, and general standards with regard to frontage, lot and yard requirements (Section 3.7), including:*

- *An appropriate density for the site and districts,*
- *An appropriate lot layout for the intended use,*
- *Compliant side lot layout, and*
- *A complaint boundary line adjustment, Therefore, the project as planned meets the intent of Section 7.2(D).*

The project proposes the building envelope is the area located within the 40-foot front setback from the edge of the Sugarbush Access Road right of way and the 25-foot setback from property lines in the Vacation Residential District. The Sugarbush Village District requires no setbacks. All required setbacks have been drawn on the site plans (Exhibits 6-13), therefore the building envelope has been established, and the project as planned meets the intent of Section 7.2(E).

MOTION: Mr. Monte moved to condition approval upon a requirement that the applicant promptly replace dead or dying trees on the site except where such replacement is prohibited by law. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion passes.

MOTION: A motion to accept the substance of the proposed language for **Section 7.2 (F)**, with the condition imposed related to tree replacement, passed unanimously.

Proposed language: *The project proposes removal of existing vegetation within the building envelop and along the proposed stormwater ditch/stream realignment. Where feasible, existing vegetation will be retained, especially along the northern and northwestern portions of the site. A robust planting plan and riparian mitigation plan are included to integrate the proposed project with the site and natural surroundings, create a pleasing approach along the Sugarbush Access Road, use native species and prevent the introduction of non-invasives, therefore the project provides:*

- *A vegetated buffer between developed and undeveloped portions of the project to protect water quality and/or other natural features,*
- *Provides for stormwater infiltration and management,*
- *Provides screening of development to increase privacy, reduce noise and glare, and soften the visual impacts,*
- *Incorporates street trees along the driveway to create a canopy effect and maintain a pedestrian scale,*
- *Preserve existing wooded area along the northern and northwestern sides of the project, and*
- *Establishes buffers along the proposed stormwater ditch/stream realignment, therefore the project as planned meets the intent of Section 7.2(F).*

MOTION: A motion to accept the substance of the proposed language for **Section 7.2 (G)** passed unanimously. Ms. Wade explained that satisfaction of many of these standards will also be required for Act 250 approval.

Proposed language: *Energy efficient site design and layout, existing and proposed trees and shrubs to provide wind barriers and to reduce heat loss or gain, no significant changes to roads and utility corridors, and accommodation for alternative transportation modes have been incorporated into the redevelopment plan to the greatest extent feasible, therefore, the project as planned meets the intent of Section 7.2(G).*

MOTION: A motion to accept the substance of the proposed language for **Section 7.2 (H)** passed unanimously. The documents submitted indicate there is currently no intent to further develop or subdivide these parcels.

Proposed language: *The application has stated there is no additional development planned for the Rosita's and Sugartree parcels, therefore, the project as planned meets the intent of Section 7.2(H).*

Ms. Wade and Mr. Conger outlined some aspects of the wastewater treatment planned for this development, noting that the existing leach fields will be used to the extent possible, and that the remainder will be treated by the existing facility. They also noted that the water supplies to be used both have source protection plans, and that all appropriate permitting will be or has been obtained from the State. The Board confirmed that these aspects of the project are under the purview of the State's Wastewater and Water Supply programs.

MOTION: A motion to accept the substance of the proposed language for **Section 7.3 (A-C)** passed unanimously.

Proposed language: *The project parcels are not located in the flood hazard or meadowland overlay districts (Primary Conservation Areas) and contains no designated archaeological and historic sites, nor ridgelines or knolls (Secondary Conservation Areas). Minor impacts to slopes greater than 25%, or 15% to 25%, wetlands, surface waters and associated buffers, and wildlife habitat and corridors have been minimized to the greatest extent feasible or improved. Portions of the project parcels are located in Zones 2 and 3 of the groundwater source protections areas for the Club Sugarbush Public Community Water System (WSID #5657) and Sugarbush Resort Administration Complex Public Non-Transient Noncommunity Water System (WSID #VT0020345). The potential sources of contamination from existing development are considered low and moderate risks and include parking areas, and buildings. Therefore, the project as planned meets the intent of Section 7.3(A-C).*

It was noted that open space requirements are not relevant to the proposed boundary line adjustment.

MOTION: Mr. Monte made a motion to find that Section 7.4 (A) is not relevant to this boundary line adjustment proceeding. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

MOTION: Mr. Monte made a motion to find that Section 7.4 (B-D) is not relevant to this boundary line adjustment proceeding. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

MOTION: A motion to accept the substance of the proposed language for **Section 7.5 (A-J)** passed unanimously.

Proposed language: *The proposed project is required to apply for and receive stormwater operational and construction permits and a stream alteration permit from the VT Department of Environmental Conservation. These VT permits address all stormwater management and erosion control measures included in this section, therefore, the project as planned meets the intent of Section 7.5(A-J).*

Community services standards were addressed; it was noted that letters from both the Warren Fire Department and Mad River Valley Ambulance Service are required.

MOTION: A motion to accept the substance of the proposed language for **Section 7.6 (A-C)** passed unanimously.

Proposed language: *The proposed project will not create an undue burden on municipal facilities or create an unreasonable demand for public services. Up to one family may reside in the Sugartree House, which exists today, and the Rosita's building design does not accommodate families with children. The applicant has met with both the Warren Volunteer Fire Department and Mad River Valley Ambulance Service. The Fire Department has provided an Ability to Service letter (Exhibit #32). A letter from the ambulance service is anticipated. Therefore, the project as planned will not add school aged children to the school system and will not place undue burden or unreasonable demand for public services and meets the intent of Section 7.6(A-C).*

Ms. Wade confirmed that the designated walkway will be paved and lit, and separated from the driving lane by a curb. No new road name is planned. Site distances at the access point have been determined to be 180' or longer.

MOTION: A motion to accept the substance of the proposed language for **Section 7.7 (A-O)**, with a condition that site distances be not less than 150' in both directions, passed unanimously.

Proposed language: *The project as proposed incorporates:*

- *No new roads, intersections, curb cuts, lots, or significant changes to the alignment of the existing driveway,*
- *The applicant is coordinating with The Bridges Resort, Waitsfield Telecom, and the Warren Selectboard and Road Foreman members. All entities are supportive of the project and proposed design and have committed to work with the applicant to execute any needed easements and/or agreements.*
- *The proposed project will not result in unsafe road conditions as demonstrated by the DuBois & King September 22, 2023 Trip Generation and Parking Assessment Memorandum.*
- *Simple e911 numbers will be placed on a post at the south end of the driveway and on the face of the building near the main entrance door.*
- *The proposed parking capacity includes 12 spaces onsite at Rosita's, 14 spaces onsite at Sugartree and 67 spaces on the adjacent Parcel 2B, which totals 93 parking spaces. An additional 153 parking spaces, located within five minutes' walking distance to the project site, can be developed in the future should additional parking be required. Additional design and permitting will be necessary to construct this additional parking capacity.*
- *Bus stops will be located on the south and north sides of the Sugarbush Access Road at the Rosita's and Bridges driveway aprons.*
- *Proposed pedestrian walkways internal to the site will connect to existing and planned offsite pedestrian facilities to provide safe and convenient pedestrian circulation to the west, south and east of the project site.*
- *Bike racks will be provided at locations convenient to the building residents.*
- *Easements and/or right of ways will be established as needed to implement the project.*

Therefore, the project as planned meets the intent of Section 7.7(A-O).

Water supply and wastewater disposal standards were addressed further.

MOTION: A motion to accept the substance of the proposed language for **Section 7.8 (A-F)** passed unanimously.

Proposed language: *The proposed project is required to apply for and receive water and wastewater permits from the VT Department of Environmental Conservation. These VT permits address all water and wastewater requirements included in this section. No waivers under this section are requested. Therefore, the project as planned meets the intent of Section 7.8(A-F).*

Utilities and utility lines were discussed. Ms. Wad noted that visual impacts from above ground lines will only affect the property owner. It is planned to keep the existing overhead line to the first Telecomm pole and be buried from there to the new building.

MOTION: A motion to accept the substance of the proposed language for **Section 7.9 (A-B)** passed unanimously.

Proposed language: *Utility systems, existing and proposed, are included on the DuBois & King civil plans (Exhibits 6 to 13), the majority of which are buried. Easements will be exchanged, as needed, as outlined in the Gravel & Shea letter dated October 13, 2023 (Exhibit 31). Therefore, the project as planned meets the intent of Section 7.9(A&B).*

MOTION: A motion to accept the substance of the proposed language for **Section 7.10 (A)** passed unanimously.

Proposed language: *Simple e911, and standard parking and access signs are proposed, therefore, the project signage meets the intent of Sections 3.12 and 7.10.*

MOTION by Mr. Monte to find that the Subdivision Standards have been met and to approve the proposed subdivision subject to the timely receipt of a support letter from MRVAS. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to continue the hearing for Application 2023-02-CU-PUD until November 6, 2023 at 7 pm. **SECOND** by Ms. Klein Corrigan. **VOTE:** All in favor, the motion carries.

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 October 2, 2023.

MOTION by Mr. Monte to continue the hearing for Application 2023-07-CU until November 20, 2023 at 7 pm. with a status report to be provided regarding procuring expert testimony required. **SECOND** by Mr. Behn. **VOTE:** The motion carries with Ms. Klien Corrigan abstaining.

Other Business:

The upcoming schedule was reviewed.

Ms. Klein Corrigan reported that the Selectboard is nearing completion of their review of the draft LUDRs, and asked for DRB feedback regarding the proposed language related to regulating development on steep slopes. Agreement was expressed regarding the change to a limit of 20% rather than the current delineation between steep (15% - 25%) and very steep (25% and greater) slope regulations; there was also agreement that there should be some minimal amount of disturbance on slopes permitted that does not lead to Conditional Use review (currently 1000 square feet).

The meeting adjourned at 9:10 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Chris Behn Date

Devin Klein Corrigan Date

Megan Moffroid Date