

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, January 29, 2024**

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

Members Present: Chris Behn, Megan Moffroid (present for the latter part of the second hearing), Peter Monte (Chair), Chris Noone, Jeff Schoellkopf
Staff Present: Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary)
Others Present: Alivia, George Abad, Glen Acker, Jane Cunningham, James Kohl, Anson Montgomery, Rebecca Montgomery, Amantha Rouleau, Jared Rouleau, Ron Ryan

The meeting was called to order at 7:07 pm.

Application # 2024-01-CU submitted by Anastasia & James Kohl are requesting a Conditional Use approval for a Cottage Industry with the construction of a 28 x 36 two-story barn with solar panels that will be used as a cannabis grow facility. The property is located at 46 Cider Mountain Road, parcel id # 012001-800 consisting of 5.1 +/- acres in the Rural Residential District.

A site visit was held earlier in the day, attended by Mr. Kohl, Mr. Monte, Mr. Noone, Mr. Schoellkopf, and Ms. Robbins. At the site, the location of the structure was marked with stakes, and nobody raised any concerns about the siting of the building.

Mr. Monte explained that Vermont's Secretary of Agriculture has determined that cannabis production does not fall under the definition of 'Agriculture' and so a building such as the one proposed does not fall under the exemption for agricultural structures. He also noted that cannabis licensing is through the Cannabis Control Board (CCB), and that the DRB is reviewing the proposal for compliance with Warren's Zoning Regulations regarding Cottage Industries and Conditional Use.

Mr. Monte noted that if the application is approved, it will be required that a site plan be filed with the Town providing dimensional information as a record of what was approved. Mr. Kohl noted that he would like to build out the full 5000 square feet that is allowed, with a 32' x 52' 2-story building over a full basement.

Mr. Kohl was asked to outline the specific activities which the building would be used for. He indicated that cannabis would be grown inside the building, and stored in the building until delivered. He mentioned the possibility of housing an apartment in the building; Mr. Monte explained that appropriate wastewater permitting would need to take place in order to make that possible, and that an Accessory Dwelling Unit would need to be applied for and a hearing warned for review of that use. Mr. Kohl noted that he would prefer to apply for an ADU at a future point if he decided to incorporate one into the proposed building.

Mr. Monte confirmed with Mr. Kohl that the growing operation would require lighting. Mr. Kohl explained that windows are not necessary to the cannabis growing operation, but that the building will include windows for aesthetic purposes. He indicated that they would be screened from the inside, and that no light would enter or leave the building through windows. He also confirmed that all outdoor lighting will be on motion detectors with timers incorporated. Mr. Monte pointed out that exterior lighting must all be downcast as well, and that associated requirements are specified in the Land Use and Development Regulations.

Mr. Kohl explained that the exterior of the building will be designed to replicate a typical accessory structure for a primary residence, and that he is in communication with neighbors to ensure that the visual impact is minimized.

It was discussed that the lot on which the structure is planned is a separate lot from the parcel on which the Kohls' residence is located, but under common ownership. Board members pointed out that this structure and use cannot be approved as accessory unless the lots are merged by deed. They explained to Mr. Kohl that the structure should be sited in such a way that the lot may be divided again along the same line as currently exists, with all structures meeting appropriate setback dimensions on all sides.

Mr. Kohl indicated that there are three employees other than himself who will be working at the site; this complies with the number of employees allowed (6) under Cottage Industry use. It was noted that the business owner must reside on the parcel used for the cottage industry.

Traffic impacts were discussed. Mr. Kohl explained that no retail sales will be taking place at the site, and that he does all the shipping/transporting of finished product in his personal vehicle.

Mr. Kohl indicated that water is used in the growing operation, but that no wastewater is created in the process. He believes that there is enough wastewater capacity at the house to enable providing toilet facilities for employees. It was advised that this be confirmed by Mr. Kohl.

Odor and noise considerations were discussed. Mr. Kohl explained that he will use charcoal filters in a fresh air exchange system, and that the building will be soundproofed. He indicated that the only noise production is from fans running. He also confirmed that there will be no fuel, hazardous materials, or hazardous waste generated or stored on site.

Mr. Monte explained that the Board will need to determine that the structure is visually compatible with the neighborhood, and that the site plan submitted should include building elevations.

Mr. Montgomery asked about the possibility of fertilizers and other chemicals entering the water table. Mr. Kohl explained that all products used are organic, that there is minimal dirt runoff from the plants, and that the growing medium is composted once the plants mature. Mr. Montgomery sought assurance that nitrogen levels in ground water would not be excessive; Board members indicated that there did not appear to be a risk of any magnitude to be addressed.

No other questions were raised by meeting attendees.

The Board reviewed the appropriate Cottage Industry regulations, and determine which need further information before being addressed.

Mr. Monte referred to Article 4, Section 4.8 (B)(1)-(12) of the Land Use Regulations, which require that a cottage industry permit requires that the owner and operator shall reside on the lot and that the parcel may only be subsequently subdivided if specific conditions are met; therefore, the two lots must be merged.

MOTION by Mr. Monte to require that the applicant merge the subject lot with the lot containing the existing dwelling into a single lot, which must remain in common ownership unless the subdivision process is subsequently successfully completed. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

An explanation of the need to keep appropriate distances between the structures in order to potentially satisfy any future subdivision setback requirements was provided again to Mr. Kohl.

Sections (2) and (3) of the Cottage Industry standards (Section 4.8 (B)) will be addressed once there is a site plan and rendering of the building, including elevations, submitted.

Mr. Kohl confirmed that there will be a maximum of four employees at any one time on site.

MOTION by Mr. Monte to find that Section 4.8(B)(4) is satisfied in that there will be no more than six employees at all times. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Mr. Kohl confirmed that all material required by the business, and all transportation off site of finished product, is undertaken by him in his personal vehicle.

MOTION by Mr. Monte to find that Section 4.8(B)(5) regarding the generation of traffic is satisfied by the plans presented. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Sections (6) and (7) require that Mr. Kohl indicate parking locations, water supply, and wastewater information on the site plan to be submitted. Water and wastewater needs shall conform with State regulations; Mr. Monte cautioned that ADA requirements may be pertinent.

Noise and light impacts were reviewed with Mr. Kohl earlier in the hearing.

MOTION by Mr. Monte to find that Section 4.8(B)(8) regarding performance standards is satisfied based upon the testimony presented. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Section (9) will be addressed when the site plan is available.

It was noted that the language contained in Section (12) will need to be included in the permit when issued.

The Board then reviewed Conditional Use Standards as they relate to the application.

MOTION by Mr. Monte to find that the General Standards of Section 5.3(A)(1), (3), and (4) are satisfied by the materials and testimony presented. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Specific Conditional Use Standards were discussed, and it was indicated that there may be a requirement to leave some trees in place, depending upon the site plan submitted. Ms. Cunningham noted her preference for there being a buffer left between the proposed building and the property line. Mr. Kohl indicated his willingness to put specifics on the site plan and provide the information to neighbors prior to the Board's review.

Board members requested that the stream and pond on the property be depicted on the site plan, as well as the planned locations and types of outdoor lighting fixtures to be installed.

MOTION by Mr. Monte to continue this hearing until March 4, 2024 at 7 pm. **SECOND** by Mr. Schoellkopf. **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 is continued from December 18, 2023.

Mr. Monte noted that there has been written communication received from the Rouleaus, with the most recent being a request to continue the hearing to a later date, as no work can be done at the site while the ground is frozen. Mr. Monte asked for confirmation that an engineer has been retained; Mr. Rouleau indicated that he is working with Gunner McCain, and has provided him with photos and previous drawings. He and Ms. Rouleau explained that core samples of the material will be taken when suitable weather arrives.

Mr. Monte explained that if the application is denied, an application for the same development may not be submitted in the future; he also indicated that any potential violation matter remains on hold while this application is reviewed and decided upon.

Mr. Abad raised several issues related to the Rouleaus' business operations; Mr. Monte explained which matters the Board may or may not discuss during this hearing.

After some discussion of continuing the hearing until early May, it was agreed that a letter should be provided by the Rouleaus' engineer sooner than that.

MOTION by Mr. Schoellkopf to require receipt of a letter from the Rouleau's engineer by March 4, 2024; the letter should outline the plans of the process to be completed and a timeline for completion of the work, to demonstrate a good faith effort to determine if the fill placed on the site will support the proposed garage structure. **SECOND** by Mr. Monte. **VOTE:** The motion carries with Mr. Behn opposed.

MOTION by Mr. Monte to continue this hearing until March 4, 2024 at 7 pm. **SECOND** by Mr. Noone. **VOTE:** The motion carries with Mr. Behn opposed.

Other Business:

Board members acknowledged the passing of Virginia Roth, noting that this marks the beginning of a new era in Warren, for both the DRB and otherwise. Appreciation was expressed for the perspective she provided to enhance the DRB's work, and the knowledge of town history and so forth that she was able to share.

Mylars were signed. The upcoming schedule was reviewed.

Information was disseminated regarding a recent legal land use settlement in Town.

Adjournment

The meeting adjourned at 8:43 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Chris Behn Date

Chris Noone Date

Megan Moffroid Date

Jeff Schoellkopf Date