

**Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday, March 4, 2024**

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

Members Present: Chris Behn, Megan Moffroid, Peter Monte (Chair), Chris Noone, Donald Swain  
Staff Present: Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary)  
Others Present: George McCain, Gunner McCain, 8607055629, Bob Baron, George Abad, Tom Wilson  
Viroqua, Jenny Faillace, Cheryl Swann, Scott Forbes

The meeting was called to order at 7:03 pm.

**Application # 2024-02-CU** submitted by David & Aida Budd are requesting Conditional Use approval for the construction of a driveway over steep slopes of 15% grade or more to the location for a future 5-bedroom house. The property is located at 596 Mad Meadows Road, parcel id # 023006-308, consisting of 6.6 +/- acres in the Rural Residential District.

A site visit was held earlier in the day, attended by Mr. Monte, Ms. Moffroid, and Chris Noone. Mr. Swain visited the site separately. It was noted that the entire area is quite wet, but that none of the land in the building envelope or other disturbance areas are denoted as wetlands, other than one section of the driveway.

George McCain outlined the proposal, which is for a single-family residence, wastewater system, and driveway. There is some impact to slopes of 15%, and small area of the driveway will need to cross some 25% slope. The drive will also cross a Class II wetland; and application has been submitted to the State, and preliminary verbal approval has already been provided. Mr. McCain noted that there is minimal tree cutting planned; there will be a retaining wall on the uphill side of the drive in order to minimize disturbance, and the connection to the septic leach field will use an existing woods road. A driveway and grading plan was included in the application materials, standard erosion control details are provided, and the Low-Risk Handbook guidelines will be followed. There is another Class II wetland located behind the house site, no impacts are intended in that area.

There was some discussion regarding tree cutting. Mr. McCain explained that all trees of 12" or greater diameter at chest height have been located, with the intent to cut as few of those as possible within the building envelope. No trees on slopes of 25% or greater will be cut. It was confirmed that cutting within the wetland and associated buffer area is not allowed except for what is specified in the State permit. Board members expressed that restrictions are suitable for the area north of the driveway, but that south of the driveway the wetland restrictions should suffice. Mr. McCain proposed that ½ acre of clearing be allowed west of the building envelope.

**MOTION** by Mr. Monte to allow clear cutting of not more than ½ acre in the area north of the drive, west of the building envelope, and east of the western property boundary, and no clearing within the wetland areas. The area to be cleared will be depicted on a plan submitted by the applicants within two weeks. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Mr. Swain noted that the applicant owns the parcel below this application's property; Mr. McCain confirmed that no disturbances are planned on the second parcel as part of this application.

The structure of the retaining wall was discussed. Mr. Swain noted that typically the ground on both sides of such a wall would be graded. Mr. McCain explained that the wall is intended to reduce any uphill disturbance, and that it is anticipated that ledge will be found in the location of the wall. He indicated that he could show some contours for that section of the drive, but that the materials to be used for the wall will not be determined until it is known how much will be ledge, boulders, and possibly some precast materials. The goal

is to complete as much of the wall as possible using natural materials. Mr. McCain agreed with Mr. Behn that the permanence of the wall should be assured, and that wood is not a suitable material to use in its construction.

**MOTION** by Mr. Monte to impose a condition on approval of the application that retaining walls in the location depicted on the plans must be constructed of natural ledge, stone, earthen materials, or precast engineered (non-wooden) materials. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Mr. McCain spoke of the drainage planned for above the wall, and indicated that he can show the grading around the wall and the wall height on an updated site plan. Mr. Monte noted that it has been requested that Mr. McCain include these retaining wall details in updated application materials to be submitted within two weeks for final approval.

Board members addressed erosion control standards found in Section 3.4 of the Land Use and Development Regulations (LUDRs).

Mr. McCain confirmed that the maximum finished slope of the driveway will be 11.5%.

**MOTION** by Mr. Monte to find that items 1 – 11 in Section 3.4D of the LUDRs must be satisfied as work is completed on site:

- Development, including building envelopes or footprints, driveways, parking areas and septic systems, will be sited to avoid areas of steep and very steep slope in order to minimize the need for site clearing, grading, cut, and fill.
- Existing drainage patterns and vegetation will be retained and protected to avoid altering or relocating natural drainage ways, and to avoid increases in the amount of stormwater runoff being discharged into drainage ways as a result of site compaction, the unnecessary removal of vegetative cover, or re-contouring the land surface. Any proposed regrading will blend in with the natural contours and undulations of the land.
- Terracing for building sites will be minimized, and structures will be designed to fit into rather than alter the slope, by employing methods such as reduced footprints, stilt and step-down building designs, and by minimizing grading outside the building footprint.
- Driveways and roads will follow the natural contours of the land, and shall not exceed an average finished grade of 12% over any 50-foot section.
- Disturbed areas will be kept to the minimum necessary to accommodate proposed development, and areas of site disturbance and construction will be phased so that only areas where active construction is taking place are exposed. Temporary soil stabilization measures will be used as necessary to stabilize disturbed areas prior to establishing a final grade. Site stabilization measures, including the establishment of perennial cover and non-vegetative protective measures, shall be installed by October 15th. No site disturbance or construction shall occur between October 15 and May 1st, unless specific measures for winter construction, erosion prevention, and sediment control are approved.
- The topsoil removed from all disturbed areas will be stockpiled and stabilized in a manner that minimizes erosion and sedimentation and allows for replacement elsewhere on the site at the time of final regrading. Topsoil shall not be stockpiled on slopes of greater than ten percent (10%).
- Cut and fill slopes will be rounded off to eliminate any sharp angles at the tops bottoms and sides of regraded slopes, and shall not exceed a slope of one vertical to two horizontal (1:2), except where retaining walls, structural stabilization or other accepted engineering methods are proposed. Structures will be set back from the tops and bottoms of such slopes an adequate distance (generally

sue feet plus one-half the height of the cut or fill) to ensure structural safety in the event of slope collapse.

- Clean fill shall be used and compacted sufficiently to support proposed structures and uses.
- Rock outcrops will be avoided or, where determined by the Board to be a hazard, will be removed or stabilized. Explosives shall be used only in accordance with accepted practices and applicable state regulations; the Board, as a condition of approval, may require notification of adjoining property owners prior to blasting.
- Proposed temporary and permanent stormwater management and erosion control measures are consistent with best management practices recommended by the state, appropriate to site and soil conditions, and will be adequate to prevent stormwater from entering disturbed areas on-site, to minimize erosion and maximize stormwater retention, infiltration and treatment on-site, and to minimize stormwater runoff and sedimentation from the site.
- Permanent vegetation will be re-established and maintained on undeveloped disturbed slopes in accordance with an approved landscaping plan for the site.

**SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Conditional Use standards were reviewed.

**MOTION** by Mr. Behn to find that the General Standards (1 -5) of Section 5.3 of the LUDRs are satisfied by the application materials presented. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

No Board member felt that specific Conditional Use standards needed to be addressed, but reminded that clearing limits had been outlined.

**MOTION** by Mr. Monte to approve application #2024-02-CU, subject to the conditions imposed during the hearing and the usual conditions applied to approval. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

**Application # 2024-02-SD** submitted by Jason Fiorita for May Valley LLC requesting Sketch Plan Review for a 2-Lot subdivision of an 80+/- acre parcel. Lot 1 will be 1.2 +/-acres that will encompass the existing house. The rest of the acreage, 78 +/- acres will contain the remaining lands as Lot 2. The property is located at 964 Lincoln Gap Road, parcel id # 003002-000 consisting of 80 +/- acres in the Rural Residential District

Gunner McCain outlined that the parcel has an existing duplex, which will be part of the 1.2 acres to be divided from the rest of the property. He explained that a larger subdivision will be applied for going forward, to create several lots from the remaining 80 acres. He confirmed that this larger portion of the property is able to support the driveways and infrastructure needed to develop those several lots. He also indicated that he and applicants are aware of the streams on the parcel. Mr. McCain explained that the development of housing is all planned to be within approximately 700 feet of Lincoln Gap Road, with about 20 acres of the 80-acre lot being developed.

Mr. McCain requested that preliminary and final review take place at this hearing; Mr. Monte advised that, due to only sketch plan review being warned, this was not possible.

Mr. Monte requested that some level of evidence of possible development on the remaining acreage be presented during the preliminary/final review for this application.

Mr. McCain noted that a replacement leach field will be installed for the duplex, and that preliminary soil testing has taken place on the remaining portion of the property. He also explained that curb cut details are still being worked out; currently the house is served by the existing curb cut and a right-of-way to the 1.2-acre lot.

Board members raised no issues regarding the existing lot and house that needed to be addressed in the preliminary/final review of the application.

**MOTION** by Mr. Monte to hold the preliminary and final review for this application on March 18, 2024 at 7:00 pm. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

**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 x36 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.

This hearing was continued from January 29, 2024.

Scott Forbes was present on behalf of the Kohls, and reviewed some of the application information with the Board. There was a list of items from the previous meeting that were covered.

- The maximum number of employees was confirmed to be four, with it likely that only three people other than the owners would be on site.
- Grenier Engineering will be addressing the issue of wastewater capacity, ensuring that there is enough for employee use of the facilities. The current system is designed for a flow of 600 gallons per day; the requirement for each employee is 15 gallons per day. More capacity will be developed if required.
- Scott Forbes provided elevation drawings he had produced, depicting the maximum height of the structure.
- He also had created a site map, showing setbacks from the pond (220 feet), property lines, setback from the road (70 feet from center line), the existing tree canopy that will not be disturbed along one edge of the property between the new structure and the Cunningham property, and trees that will be left in place around the building. All dimensions are depicted on the drawing. He noted that Grenier will be providing a formal site plan.
- The legal work for the merging of the two lots is underway, and will be completed before construction begins.
- Exterior lighting will be downcast.
- Parking locations are depicted for three employees.
- It is expected that Grenier will be on site in two weeks to begin work on evaluating the septic system and developing a formal site plan.

**MOTION** by Mr. Monte to impose a restriction on the cutting of trees, except for those which are dead or dying, within 50 feet of the northerly boundary of the parcel on which the barn will be constructed. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to increase the number of employee parking spaces from three to five for the final plan. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Tom Wilson asked if the exterior lighting is compliant with Dark Sky guidelines, specifically requesting that no light be cast beyond the property line. He also requested that contractor and construction equipment parking be kept at the site as much as possible, and to the north side of Cider Mountain Road when parking on the road is necessary, as that portion of the road is less vulnerable to erosion. Finally, he asked if any new power lines are necessary, and requested that back up electricity be provided by batteries rather than generators.

Ms. Robbins explained that electricity will be generated through a solar installation with battery backup, and Scott Forbes noted that a standard electricity connection will suffice.

Mr. Monte explained that the DRB cannot practically address parking, as any notice of violation is provided with a 30-day period to be remedied. Scott Forbes affirmed his understanding of the parking concerns raised, and offered to comply with the request.

**MOTION** by Mr. Behn to require that exterior lighting meets Dark Sky guidelines, within the allowance that State regulations provide for cannabis cultivation licensing. **SECOND** by Mr. Monte. **VOTE:** All in favor, the motion carries.

Mr. Monte noted that there are a few items still to be satisfactorily outlined, and the Board members passed several related motions.

**MOTION** by Mr. Monte to impose a requirement that lavatories in the main dwelling must be made available to employees when on the premises, and that adequate capacity must be demonstrated. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to require that, before commencement of construction, the lot on which the dwelling is located be merged with the lot containing the growing building by recording of appropriate deeds in the land records. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to find that the proposed new construction is compatible with the aesthetics of the neighborhood. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Behn to require that an engineer's site plan be provided within two weeks, prior to DRB approval of the application. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

It was noted that the items listed in Section 4.8 (B) (1) – (12) provide limitations on how the business is operated that must be adhered to.

**MOTION** by Mr. Monte to find that the Conditional Use General Standards (1 -5) of Section 5.3 of the LUDRs are satisfied by the application materials presented. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion carries.

**MOTION** by Mr. Monte to continue the hearing for application #2024-01-CU on March 18, 2024 at 7:00 pm. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

**Other Business:**

Ms. Robbins reported that a letter was received from the Rouleaus regarding their application for approval of fill as a base for garage construction, asking to have their application removed from the agenda as they had no further information to present.

**MOTION** by Mr. Monte to deny the pending application #2023-07-CU submitted by Jared and Amantha Rouleau, noting that the denial is without prejudice, due to the incompleteness of the information they have been able to provide. **SECOND** by Mr. Behn. **VOTE:** The motion carries with Mr. Swain abstaining.

In response to comments from Mr. Abad, Mr. Monte explained that an engineering solution is needed, and that denying without prejudice allows for rehearing the application if an appropriate solution is found.

A revised Decision for the Baron application #2021-16-CU-Amended was signed, as a related appeal settlement in Environmental Court stipulated a restatement of the Findings of Fact and Conditional Use Decision.

Minutes were signed.

The upcoming schedule was reviewed.

**Adjournment**

The meeting adjourned at 8:49 pm.

Respectfully submitted,  
Carol Chamberlin, Recording Secretary

**Development Review Board**

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Peter Monte, Chair      Date

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Chris Behn                      Date

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Chris Noone                      Date

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Megan Moffroid                      Date

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Don Swain                      Date