

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, April 1, 2024**

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

Members Present: Chris Behn, Megan Moffroid, Peter Monte (Chair), Jeff Schoellkopf
Staff Present: Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary)
Others Present: Chris Burfoot, Marie Burfoot, Milford Cushman, Francis Faillace, Jenny Faillace, Gunner McCain and Daisy Scarzello.

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

Application # 2024-03-CU submitted by Jennifer and Francis Faillace requesting a Conditional Use approval for the construction of an Accessory Structure which will include a small carpentry workshop, home office space and an Accessory Dwelling. A Home Based Business (Cottage Industry) and a set-back waiver of the allowed 30% is also being sought. The property is located a 2322 Brook Road, parcel ID # 001007-600 consisting of 1 acre in the Rural Residential District.

This hearing was continued from March 18, 2024.

The updated site plan, including the items outlined to be included by the Board at the March 18 meeting, had been submitted. These included the size of the parking spaces, the location of the existing trees which provide screening, and a depiction of how the site will be graded for drainage.

MOTION by Mr. Monte to approve the site plan as presented and approve the application subject to the usual conditions as well as those conditions approved at the March 18 hearing. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Application # 2024-03-SD by Deer Road LLC [Daisy Scarzello] is requesting Sketch Plan Review for a 2-Lot subdivision. The property is located off of Deer Road, parcel ID # 417034-000 consisting of 1 acre in the Alpine Village District.

Ms. Scarzello provided an explanation of the plans for subdivision, which will provide a neighbor with .1 acres to increase that adjacent lot size to 2 acres, which will leave one remaining acre in Ms. Scarzello's parcel, on which there is a tiny house that is currently being constructed. Ms. Robbins explained that due to an unusual configuration of the lot division, she was not comfortable permitting this application as a lot line adjustment. Mr. Monte pointed out that Ms. Scarzello's lot is separated by Deer Road and what will remain will not be enough property to be a developable lot unless the land on both sides of the road is included in one parcel, and so there may be a requirement to include the .1 acre on the western side of the road in any future property transfer. Otherwise, no Board members raised any concerns to be addressed before the hearing is held for the subdivision.

MOTION by Mr. Monte to schedule a hearing for the proposed subdivision on April 15 at 7 pm. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Application # 2024-04-CU by Spyridon Matsoukas requests a Conditional Use Approval for development of a driveway on steep slopes greater than 15% to access a single family dwelling. There is no request to approve the house construction at this time. The property is located at the end of Larrow Farm Road consisting of 87+/- acres, parcel ID # 023005-500 in the Rural Residential District.

A site visit was held earlier in the day, attended by Mr. Monte, Ms. Robbins and Milford Cushman where it was observed that the proposed area for the house is an expansive flat area at the end of a lengthy road which winds back and forth to traverse a steep slope.

Milford Cushman provided information regarding the plans for site clearing at the property, explaining that the proposed plan includes clearing up to 80% of forest cover in the building envelope, 60% in a middle zone, and 40% in the lower zone of the property. No other clearing is planned, although the property is enrolled in the Current Use Program and therefore will be following the Forest Management Plan in place. Mr. Cushman explained that the percentages outlined in the plan relate to canopy coverage, not to the number of trees to be cut; this is due in part to the existence of many smaller diameter trees, leading his team to plan on maintaining a percentage of canopy rather than prescribing the number of trees of certain trunk size to be removed. He also noted that the parcel is not subject to any regulatory limitations regarding site clearing, but that the property owners would like to see viewshed protection in place, and so have requested that this approach to clearing be planned for. Mr. Cushman provided some details regarding the minimal visibility of the house site from certain vantage points once the clearing plan has been implemented; drawings depicting this are part of the report provided. It was noted by Board members that the site will also be visible from Lincoln Peak and from the top of Fuller Hill Road.

There was some discussion regarding enforceability of maintaining canopy coverage, and the provision of current aerial images to be used as a base line. It was also noted that it would be more acceptable to outline the percentages of what will remain of the canopy rather than the maximum coverage to be removed.

Mr. Schoellkopf pointed out that there is a portion of the property which contains some critical wildlife habitat and a crossing area, which should likely be noted as an advisory matter. Mr. Cushman noted that it appears the area referenced will be minimally impacted by the proposed development.

Mr. McCain then provided some information about the proposed road, noting that a road profile and erosion and sedimentation plan have been submitted as part of the application materials. He explained that the existing woods road is too steep to be repurposed as a drive to the house site, which is planned to be on a level area at the top of the proposed road. The new 1900-foot road will impact some areas of greater than 15% slope, but does not cross any areas greater than 25%. No stream crossings are included in the plans, although there will need to be some encroachment during construction within the 50-foot setback area for an unmapped seasonal waterway. Mr. McCain and Mr. Monte confirmed that this is not a buffer required to be maintained by the Land Use and Development Regulations (LUDRs). Mr. McCain also noted that pull-offs at regular intervals are depicted on the plans, and that the road will be subject to both construction and operational stormwater permits from Vermont DEC.

Mr. Behn indicated that input from the Fire Department should be requested to ensure that vehicles will be able to access the house site if necessary. Mr. McCain explained that it is not allowed to disturb the wetlands on the parcel in order to create a fire pond, but that there are plans to install a small swimming pool at the site.

Mr. McCain confirmed that utility lines will be placed underground from Larrow Farm Road to the house site, using the woods road which provides a route that does not need further clearing of tree canopy.

MOTION by Mr. Monte to find that the intrusion on steep slopes requested in the application is necessary in order to enable development on a more level portion of contiguous land on the parcel.

SECOND by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

The findings necessary for development on steep and very steep slopes were reviewed. Mr. Cushman confirmed that the only steep slope clearing proposed is what is necessary for development of the driveway.

MOTION by Ms. Moffroid to condition approval upon stumps from trees cut in any area greater than 25% slope being left in the ground. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

Mr. McCain indicated that no ledge has been observed on the areas of the site where development is to take place, and he does not anticipate a need for any blasting to take place.

MOTION by Mr. Behn to find that, with the condition imposed related to stumps on very steep slopes, the standards outlined in Section 3.4 (D) (1) – (11) of the LUDRs are satisfied. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

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) of the LUDRs are all satisfied by the application materials presented. **SECOND** by Mr. Schoellkopf. **VOTE:** All in favor, the motion carries.

The specific standards of Section 5.3 (B) were reviewed, and it was noted that Fire Department input will be pertinent to finding that those standards are met. Requirements related to site clearing/landscaping plans were specified as well.

MOTION by Mr. Monte to impose on a condition on approval of this application that the tree cutting limits depicted on Site Plan Sheet T2 be established such that in Zone A not less than 20% of the canopy coverage, in Zone B not less than 40% of the canopy coverage, and in Zone C not less than 60% of the canopy coverage shall remain now and forever more; and that on the remainder of the property trees will not be cut unless dead, dying, or diseased, except as prescribed by any timber stand improvement plan in place as part of the Current Use Program. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

MOTION by Mr. Monte to continue the hearing for Application #2024-04-CU until April 15 at 7 pm in order to review any input provided by the Fire Department and to consider final approval of the Application. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Application # 2024-01-CU submitted by Anastasia & James Kohl 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 March 18, 2024.

Ms. Robbins explained that the applicants had requested another continuation, as the engineered site plan is not yet finalized.

MOTION by Mr. Monte to continue the hearing for Application #2024-01-CU until April 15 at 7 pm.

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

Application # 2024-05-PUD/CU Reaffirmation/reapproval of previously approved application #2018-02-PUD/2018-03-CU, submitted by Ken Steadman, whereas it was recently discovered that the Mylar was filed 16 days beyond the required date. The property is located at 71 Golf Course Road, is approx. 2.5 acres and in the Vacation Residential District (VR).

Ms. Robbins provided a copy of the original Decision.

MOTION by Mr. Monte to readopt all the former findings and conclusions, as well as reapproval of the project as outlined in Applications #2018-02-PUD/2018-03-CU, as there has been no relevant change in the physical facts or in the language of the Land Use and Development Regulations since the original approval was issued. **SECOND** by Mr. Behn. **VOTE:** All in favor, the motion carries.

Other Business:

Minutes were signed.

Decisions were reviewed and signed.

The upcoming schedule was reviewed.

Adjournment

The meeting adjourned at 8:33 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Chris Behn Date

Jeff Schoellkopf Date

Megan Moffroid Date