

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, October 21, 2024**

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

Members Present: Bob Kaufmann, Megan Moffroid, Chris Noone, Jeff Schoellkopf
Staff Present: Ruth Robbins (ZA)
Others Present: Stefanie LaRock, Ted LaRock, George McCain, Lily Pigue, Willis Schenk, Andrew Volansky

The meeting was called to order by Mr. Schoellkopf at 7:05 pm.

Application # 2024-10-CU submitted by Fred & Paula Drake requesting Conditional Use approval for a setback waiver to accommodate an addition to their home at 1268 Golf Course Road, parcel id# 053000-800 in the Rural Residential District.

A site visit had been held preceding the meeting, attended by Ms. Moffroid, Mr. Noone, and Ms. Robbins; Mr. Schoellkopf had visited the site separately. The area proposed for construction had been flagged.

Mr. Volansky presented that the existing home is of a unique shape and configuration, and the owners would like to expand the kitchen area and allow more light into the space as well as provide access to the outside. Due to the unique siting, the proposed area is the only ideal location for expansion, and the five foot addition, with an overhang, will require a setback waiver of slightly less than the 30% allowed (the required setback in the District is 25 feet). He indicated that there is currently a concrete slab within the setback, but that will likely be removed if this request is approved.

Mr. Volansky also noted that included in the proposed waiver request is the kitchen area; there are also plans to add a sunroom and screened porch to the home, but these additions will be sited to be in conformance with the required setback area.

There was some discussion to clarify where the property line is located, along an existing tree line. Mr. Schoellkopf noted that the Board has the authority to grant setback waivers of up to 30%, or 7.5 feet, in this District. The request is for an approximately 6-foot incursion into the setback area.

Board members reviewed Conditional Use Standards.

MOTION: Ms. Moffroid made a motion to find that the General Standards of Section 5.3 (A) 1 – 5 are either satisfied by the application materials presented or not applicable. **SECOND** by Mr. Kaufmann.

VOTE: All in favor, the motion carries.

No Board member raised any specific Conditional Use Standards to be addressed.

MOTION: Mr. Schoellkopf made a motion to approve up to a seven-foot waiver to the side setback, as outlined in Application 2024-10-CU, subject to the usual conditions. **SECOND** by Mr. Kaufmann. **VOTE:**

All in favor, the motion carries.

Application # 2024-11-CU submitted by Lockdown Productions c/o Corinthia Richards requesting Conditional Use approval for the development of a new single family dwelling with associated infrastructure that will impact some steep slopes. The property is located at 2222 Fuller Hill Road, parcel id # 023005-200 in the Rural Residential District.

A site visit had been held earlier in the day, attended by Mr. Noone, Ms. Moffroid, Mr. Schoellkopf, Ms. Robbins, and Mr. McCain. It was noted that the site contains relatively low steep slopes, with just a few sections of more prominence.

Mr. McCain outlined that there was previously an abandoned house on the property which was removed earlier in the year, that the new structure is planned to be located at a slightly lower level than the original and set into the back tree line, and that the existing curb cut and driveway will be continued.

He further explained that the most suitable soils for installation of a septic system (mound) are on the upper plateau of the site, which will require that the forced main infrastructure will need to impact steep slopes. He pointed out that clearing and other disturbances will be minimized to the extent possible, and that the location of the lines may deviate slightly from the plans in order to account for any ledge that is encountered. Mr. McCain also explained that, while it is not known where the old septic system is, it had been abandoned for a long enough period to no longer be a potential source of contamination for the new well which is intended to be drilled. He noted that overshadowing notices had been sent as applicable, but that no impacts to existing systems will result from the new development.

Stefanie and Ted LaRock asked about impacts of the new well shield on their neighboring and nearby properties, and whether it would continue to be possible to put in a replacement system on those properties should it become necessary to do so. Mr. McCain explained that well shields do not apply to installation of replacement systems, and pointed out that it is the wastewater and not the well shield that extends into the property in question. Mr. Schoellkopf raised the possibility of moving the proposed well site slightly to the east/southeast in order to lessen the impacts on neighboring properties; Mr. McCain indicated that this could be accommodated.

MOTION: Mr. Schoellkopf made a motion to require that the well location be moved to the east/southeast to approximately where a circled number '4' appears on the submitted site plan below the word 'drilled.' **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Mr. McCain confirmed that he will provide an updated site plan showing this change.

MOTION: Mr. Schoellkopf moved to find that the applicant's engineer has testified that there will be no impact to the properties owned by Ted LaRock at 2072 Fuller Hill Road. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Board members reviewed Conditional Use Standards.

Mr. Schoellkopf spoke of this being a valid plan to replace a SFR where there has been an empty lot, and noted that on-site testimony had asserted that the overall impact on slopes above 25% is less than 1000 square feet. It was indicated that the house site straddles a man-made hill. Ms. Robbins confirmed that impacts to slopes are intended to be minimized, and that erosion control plans have been submitted with the application materials.

MOTION: Ms. Moffroid made a motion to find that the General Standards of Section 5.3 (A) 1 – 5 are either satisfied by the application materials presented or not applicable. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

Mr. McCain noted that notes on the curb cut application/permit include that the existing culvert will be cleaned up/replaced as requested by the Road Foreman.

MOTION: Mr. Schoellkopf moved to find that the applicant's engineer has confirmed that work completed will adhere to the Low Risk Handbook, silt fence will be in place as appropriate, a culvert headwall will be installed if necessary, vegetation will be reestablished as needed, and the small swale, to be developed for drainage to the northeast corner, will be vegetated. **SECOND** by Ms. Moffroid.

VOTE: All in favor, the motion carries.

MOTION: Mr. Schoellkopf made a motion to empower the Zoning Administrator to determine if a curb cut permit would have been required at time of the original house's construction, and if it is determined to be so, the owners will obtain a permit. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

The Specific Standard (7) related to Protection of Natural Resources was reviewed. It was discussed that allowance could be made for moving the house site slightly if needed, without creating further impacts to the sloped areas.

MOTION: Mr. Schoellkopf made a motion, based upon the plan submitted and observations made during the site visit, to allow for a building envelope extending 10 feet in each direction from the house footprint as depicted on the application site plan. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION: Mr. Schoellkopf made a motion to approve Application 2024-11-CU, subject to the conditions imposed during the hearing and the usual conditions. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Application # 2024-12-CU submitted by Willis Schenk requesting Conditional Use approval for an addition to a residential home that is pre-existing and non-conforming due to encroachment into the 50 foot stream buffer. The property is located at 1490 Lincoln Gap Road, parcel id# 003003-800 in the Rural Residential District.

A site visit had been held earlier in the day, attended by Mr. Noone, Ms. Moffroid, Mr. Schoellkopf, and Ms. Robbins. At the visit, it was noted that there is a stream flowing on the property, although it does not appear as a blue line on the official USGS map. The current house is located 35 to 45 feet away from the stream.

Board members consulted the sections of Article 3 which address surface water protection, and Mr. Schoellkopf noted the exceptions allowed for development within the 50-foot stream buffer, which include as Section 3.13 (D) an allowance for the expansion or enlargement of structures in existence prior to the effective date of the Regulations with approval of the DRB.

MOTION: Mr. Schoellkopf moved to find that the house existed prior to the adoption of Zoning Regulations by the Town, as it was built in 1966. **SECOND** by Mr. Kaufmann. **VOTE:** All in favor, the motion carries.

Ms. Moffroid pointed out that the site is relatively level, and that runoff from the house area is not likely to run toward the stream.

Board members reviewed Conditional Use Standards.

MOTION: Ms. Moffroid made a motion to find that the General Standards of Section 5.3 (A) 1 – 5 are either satisfied by the application materials presented or not applicable. **SECOND** by Mr. Kaufmann.

VOTE: All in favor, the motion carries.

The Specific Standard (7) related to Protection of Natural Resources was reviewed.

MOTION: Mr. Schoellkopf made a motion to condition approval of the application on a requirement that a naturally vegetated (no mowing allowed) buffer area of 20 feet be maintained along the stream. An amendment proposed by Ms. Moffroid to reduce that area to 15 feet was accepted. **SECOND** by Mr. Noone. **VOTE:** All in favor, the motion carries.

The applicants were encouraged to put up silt fence between the construction area and the stream while work is underway.

In response to a question from Ms. Pigue, it was confirmed that an additional permit would be required for construction of a deck, even though the final plans for this application are for a smaller addition than originally proposed. There was some discussion and agreement among Board members that no major impacts were likely to be created by the addition of a deck.

MOTION: Mr. Schoellkopf made a motion to condition approval of the application upon maintenance of a minimum of a 40 feet vegetated buffer between the stream, the structure as proposed to be enlarged, and any future additions to the structure. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

MOTION: Mr. Schoellkopf made a motion to approve Application 2024-12-CU, subject to the conditions imposed during the hearing and the usual conditions. **SECOND** by Mr. Kaufmann. **VOTE:** All in favor, the motion carries.

Other Business:

Minutes and Decisions were signed.

The upcoming schedule was reviewed.

Adjournment

The meeting adjourned at 8:10 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Jeff Schoellkopf Date

Chris Noone Date

Bob Kaufmann Date

Megan Moffroid Date