

000644

**Town of Warren
Development Review Board
Minutes of Meeting
Wednesday February 23, 2005**

Members Present: David Markolf, Eric Brattstrom, Lenord Robinson, Chris Behn, Virginia Roth, Peter Monte (joined meeting at 7:30)

Others Present: Shelia Getzinger, Eric Haskin, Donald Whitman, Ron Zschaler, Jim Halavonich, Michael Cunningham, Jason Lisai, (Summit Ventures), Bob Ackland, (Summit Ventures), Margo Wade, (Summit Ventures).

Agenda:

- 1) Call meeting to order, 7:00pm
- 2) 2005-01-SD, Senior minor subdivision
- 3) 2002-14-PUD-AM/2002-01-CU-AM, First Public Hearing, Preliminary Plan Review to amend previous application made by Summit Ventures for The Lodge at Lincoln Peak, now know as The Gate House Expansion & Renovation, Base Area Family Center and Clay Brook Residential Development (60 Residential Units with 40 lock-outs, 68 parking spaces)
- 4) OTHER BUSINESS: Review minutes from February 9, 2005; Review notes from site visit February 16, 2005; Discuss DRB Rules of Procedure; Schedule for March & April 2005.

TOWN OF WARREN, VT
Received for Record March 10 20 05
at 9:15 o'clock A M and Received in
Vol 172 Page 644-653
Christine F. Fuller
assistant TOWN CLERK

I. Call to Order

The meeting was called to order by Vice Chair David Markolf at 7:02pm. All members listed above were present except for Peter Monte who joined the meeting at 7:30pm.

II. 2005-01-SD Senior Minor Subdivision

2005-01-SD submitted by Karl Senor on behalf of Karl Senor and Gayle Senor, seeks approval of a two lot minor subdivision of 110.2 acres located off Senor Road, Parcel # 023008-601. A small portion of this parcel is located in the Forest Reserve District. 13.1 acres will added to the adjacent existing lot at 305 Old Farm Lane. This request requires review under Article 6, *Subdivision Review*, and Article 7, *Subdivision Standards*, of the *Warren Land Use & Development Regulation*.

Mr. Markolf asked Attorney Shelia Getzinger, who was representing the applicants, to give an outline of the request. Ms. Getzinger stated that it was a straightforward boundary adjustment with a "twist". The "twist" was explained by Ms. Getzinger as being that the Senor's were financing the purchase of the 13.1 acres by Godfrey, they wanted, in the likelihood of having to foreclose for non payment, a condition included with the permit that if the Senor's did have to take the property back, the permitted line adjustment would become "null and void". (Ms. Getzinger provided a document titled *Acknowledgement Regarding Permit Status*) She went on to say that the proposed deed would prevent Godfrey from incurring any encumbrance of the subject property, including any permits, that might interfere with the repossession of the property, until

such time as the mortgage from the Senor's had been fully paid and discharged. Ms. Getzinger also stated that efforts had been made to secure financing on the Godfrey's other property, but have been unsuccessful.

Mr. Malboeuf stated that once a permit was issued, a new permit would need to be granted to undo the first. Mr. Markolf asked if after the four-year note was paid, did Godfrey have any improvement plans for the property. Ms. Getzinger said she did not know about long term, but that they had no plans at this time. She also noted that this request is not creating a separate lot, but if a separate lot makes it easier to do...Mr. Markolf quickly noted that that approach would not work as the DRB could not create a nonconforming plot, which this would be. Mr. Markolf asked about access and right of way to the 13.1 acres. Ms. Getzinger stated that no right of way has been granted to access this piece of property. She believed the intent of the purchase of this acreage was for protection and privacy.

Mr. Malboeuf stated that he did not believe that the DRB could undo a permit just because a financing agreement goes sour. Ms. Getzinger replied that any property owner could relinquish a permit. At this point Mr. Brattstrom and others spoke up saying they felt the DRB members should have the opinion of legal counsel to clarify what powers or not the DRB would have in this kind of situation. Mr. Markolf emphasized that the Board could not get involved in the financial aspects of the transaction, and the request for the condition on the permit does just that. He went on to say that the Board could do one of two things: grant a lot line adjustment and merge the parcel with the Godfrey's, or continue the hearing and get a legal opinion as to how to handle. Ms. Getzinger asked that the hearing be continued.

MOTION by Mr. Behn to continue the hearing of the Senor's application until Wednesday March 23, 2005. **SECOND** by Mrs. Roth. **VOTE:** unanimous, motion carried.

III. Other Business

The agenda was addressed out of original order as the second applicants of the evening were not due until 8:00pm and it was now 7:30. Chairman Monte asked the members to review the minutes of the February 9, 2005 meeting.

MOTION by Mr. Monte to accept the minutes of February 9, 2005. **SECOND** by Mr. Behn. **VOTE:** unanimous, motion carried.

Notes were provided by DRB staff of the site visit conducted on Wednesday February 16, 2005. Chairman Monte asked the members to review and make any comments. Chairman Monte started off by stating that he felt upon seeing the lay of the land that promoting an access onto/through the adjacent Mirabel property was not practical and would not contribute to a system of rational connective highways. Mr. Behn added that the property was steep and generally agreed that continuing a roadway through the property served no purpose.

Chairman Monte then asked those at the site visit what they felt about the Inferno Road entrance. Mr. Brattstrom stated that he got the feeling that no one seemed to like the location that had been approved by the Select Board. Mr. Behn added that none of the options discussed were 100% perfect, but that in his opinion the Select Board location was the least aesthetically pleasing and

by far the most horrendous. Mr. Malboeuf stated that the Select Board made their decision based on safety, even though it was obvious that it would take a lot of excavating. Truth be told, he continued, there was no real good location on that part of Inferno Road for a twenty-unit subdivision. Mr. Behn then asked what the process was to get the Select Board to reconsider their decision. Mr. Malboeuf replied that there is no formal process, but that they could change their minds. However, he added, the Select Board made their decision on what they felt was the safest option. Chairman Monte suggested that they put their concerns on the record with the applicant at the next meeting and give the applicants an opportunity to go back to the Select Board.

Chairman Monte then passed out copies of the DRB's Rules of Procedure since a question had come up at the previous meeting as to how conflicts of interests were handled.

Both Mr. Brattstrom and Mrs. Roth stated that they were on the service list for the next applicant.

IV. 2002-14-PUD-AM / 2002-01-CU-AM, Preliminary Plan Review to amend previous application made by Summit Ventures for The Lodge at LincolnPeak, now known as The Gate House Expansion & Renovation, Base Area Family Center and Clay Brook Residential Development.

Chairman Monte began by asking the applicants what the plan was. Mr. Lisai spoke first thanking the board for having them. He went on to say he would give an overview of the site plan and turned to Mr. Ackland to give an introduction. Mr. Ackland stated that the emphasis of this project was to address the shortcoming of square footage in the base area that exists to meet the skier's amenity needs by creating residential space that is economically viable closer to the base area. He went on to say that to accomplish that they were proposing with this project initially 60 units in the Clay Brook building (building A-2, A-3) and another 39 units in Building B-1. Also key to their project was in trying to bring the base experience up to the mountain experience by adding 40 to 50,000 square feet of space to better service the capacity of the mountain. Mr. Ackland felt that this plan would put the resort in a more competitive stature. He pointed out that in order to improve the base area they needed some additional revenue-generating vehicle, thus the residential component. Mr. Ackland concluded by saying that they were taking off from what they had learned from The Lodge and that this approach was less than The Lodge was as far as size and density.

Mr. Lisai gave an overview of the site plan:

- Building A-1 known as the existing Gatehouse will primarily become a day lodge with cafeteria and food service facilities.
- Buildings A-2 and A-3, also known as the Clay Brook Building, will be their primary residential facility with 60 units, 40 lock-outs, underground parking, and some mountain support services such as ski patrol, Fletcher Allen Clinic, and kitchen facilities.
- Building A-4, also known as the Base Area Family Center, will be the future home to all the current temporary buildings, yurts, will house a ski shop, equipment rentals, Valley House functions, ski school and daycare.
- Minor re-orientation of poma lift

- Hotel Brook is still a component of the stream restoration with a new orientation and sufficient crossings for foot and skier traffic.
- Building B-1 is primarily a residential building (with underground parking) which the applicants are not asking for approval with this application other than footprint, location, number of units and parking/traffic analysis. They will come back later for approval on architecture and design.
- There is no road relocation as was proposed with The Lodge
- The fire station remains in the same location
- Lot G, H & I as well as the Wastewater treatment facility remain unchanged
- The Valley House functions will disappear excluding the mechanicals associated with the Mountain Water Company and some employee operations.

Chairman Monte asked what if anything they would be doing at the Sugarbush Village parking lot area. Mr. Lisai said they would be making no significant changes to the lot other than what had already been done, but that the area is indicated as a future development area. He went on to note that with the restoration of Hotel Brook they would be making sure they had any pedestrian traffic taken care of.

Chairman Monte invited the rest of the Board and the public to ask questions.

Mr. Haskin: When will the temporary buildings go away?

Mr. Lisai: They would go away fairly quickly as they represent approx. 9 to 10,000 square feet that will need to be cleared for the initial site work. There are also a lot of underground utilities that will need to be accessed. The Valley House will be more of a phased approach, as dismantling will be more involved.

Mrs. Roth: Where is the underground parking located?

Mr. Lisai: Under Buildings A-2 and A-3

Mr. Behn: Capacity?

Mr. Lisai: 64 spaces

Mr. Behn: Self- park?

Mr. Lisai: Yes

Mrs. Roth: Any changes to the current parking?

Mr. Lisai: Yes, it will be reconstructed with the intent of meeting the Agency of Natural Resources water quality standards with attention to the collection and treatment of storm water. Lot G needs to be completed and then Lot H & I.

Mr. Zschaler: When will you have lot G completed?

Mr. Lisai: By the end of this construction season and prior to the Family Center being opened.

Mr. Zschaler: You have indicated that Building B-1 is not part of this application?

Mr. Lisai: Yes, it is not part of Phase One.

Mr. Zschaler: It indicates that it is a stand alone building... does that mean something else might be attached?

Mr. Lisai: The description was to indicate that our primary focus for this building is for residential use.

Mr. Zschaler: so you are not planning any additions to that building?

Mr. Lisai: Right now the best information I can give you is that this is the building footprint and that it will comprise approx. 39 units comprised of 1,2, and 3 bedroom units, with underground parking. We are looking to have some flexibility.

Mrs. Roth: How will the construction of Buildings A-1, A-2 impact the day skier?

Mr. Lisai: It impacts them from the standpoint that we have re-oriented the basic services to the Family Center, so that the flow and staging area is in that location.

Mr. Zschaler: How did you come up with 39 parking spaces for Building B-1? Typically when you have two and three bedroom units you will have more than one vehicle.

Mr. Lisai: We are making the same assumption as we did on our previous application of one car per unit.

Mr. Zschaler: And the overflow cars... where do they go?

Mr. Lisai: They will go to the main lot.

Mr. Monte: Will there be a change in ownership? Will the units be condominiums? Timeshares?

Mr. Lisai: Yes, both. Whatever the market is.

Mr. Monte: Do your submittals to date include the deed provisions?

Mr. Lisai: No, what we intend to do is we have draft condo documents that we used before that we would work with.

Mr. Monte: However, the parking is different, as is the actual ground location.

Mr. Ackland: The final condo docs will reflect all that.

Mr. Behn: It will be of interest as far as what the ownership rights are in respect to parking – especially with a timeshare situation, who gets to park when.

Mr. Lisai: We will do as we did before and allow parking in the garage only for those in residence. If it's not your week, park in the main lots.

Mr. Behn: You don't have a breakdown on ownership?

Mr. Ackland: As of now it is either whole or quarter.

Mr. Lisai: You will find in Exhibit 4 a project comparison of real estate and parking comparing The Lodge, this project proposal and existing conditions. The chart shows total day skier parking under this proposal as 1339 where we had an approval of 1397 with the Lodge project.

Mr. Monte: Why do you need almost sixty less parking spaces this time around?

Mr. Lisai: There are just not sixty spots to be had plus we have forty-two less units.

(See attached Project Comparison)

Mr. Monte: As I remember our conversation when we were considering the Lodge proposal, there was not enough parking for those two peak days a year. I guess we have the choice of either requiring that more area be opened up or to leave less of a scar for parking and ask the resort to find a way to deal with it for those two days.

Mr. Lisai: What we do rely on is our comfortable carrying capacity, of which we are not looking to increase. We do count cars and have had over 1200 in the parking lot on a couple of peak days this year. The goal is not to increase capacity, but to increase comfort and the skier experience. If the capacity increased, we would have to increase our parking.

Mr. Monte: What would increase carrying capacity?

Mr. Lisai: Lift system and terrain. Currently our total mountain capacity is 7600, and at Lincoln Peak it is 4120

Mrs. Roth: Do you have any provisions for additional conference space?

Mr. Lisai: Our approach is that we can use the facilities differently depending on the time of year, weekday versus weekend and such.

Mrs. Roth: Wasn't that one of the original goals to have more conference space?

Mr. Ackland: It was, but we aren't going to get the conference business until we improve our base. We have to walk before we run.

Mr. Behn: This seems to be a radical departure from the philosophy behind The Lodge. There isn't the tie-in to Sugarbush Village. Are you creating your own space?

Mr. Ackland: We have come to realize that we can't do it all at once, and that our greatest need is to address the base of the mountain as a first step. Nothing will work if that isn't addressed first. Nothing. Until we fix two buildings that were built in 1959 and 1962, nothing will work. There will be subsequent steps that will tie into the village. We can't do it all at once. The Lodge was an over ambitious step that obviously didn't make it.

Mr. Lisai: To go comment further, with the Lodge we were unable to expand into the base area. This plan allows that with the support from the real estate component. We do realize that to make the area function and flow, we need integration into the Village area and to enhance the commercial activity over there.

Mr. Zschaler: Going forward, I believe there are plans for improving the Valley House Lift. How does that change your comfortable carrying capacity?

Mr. Lisai: If you look at our Master Plan from 1996, it does call for a bump up to a high-speed quad. We're not sure we would do that. It could end up being a fixed grip quad or the high-speed

quad. We don't know at this time what we are going to do. Whatever we end up doing, will be consistent with the trail pod up there. The modification we are making to the beginner terrain is minimal as to the comfortable carrying capacity. They are small numbers, like 25, 35.

Mr. Monte: You're not seeking any approvals for any lift changes at this time? Or alterations to the ski trails?

Mr. Ackland: No, just the relocation of two magic carpets.

Mr. Monte: As far as this plan is concerned, the comfortable carrying capacity is the same.

Mr. Lisai: Yes.

Mr. Behn: An upgrade to the Village lift would not change the carrying capacity?

Mr. Lisai: No, it's a teaching lift, and even as a triple lift, the chair spacing will be such that it will be the same. We do not want to overcrowd the beginner terrain there.

Mr. Behn: The work to the Gate House. Is that a replacement, rebuild??

Mr. Lisai: It is going to be a replacement now, pretty much the same footprint, and straighten out some walls.

Mr. Ackland: We're going through the analysis now, and it's pretty evident that replacement is how we're are going to go.

Mr. Behn: What is the timeframe of all this?

Mr. Ackland: The plan is to have the operational aspects done by 12/15/05. (The Gate House & A-4, the Family Center)

Mr. Behn: What is the increase in base lodge capacity?

Mr. Lisai: There is a slight increase in first round Without the Valley House it is about a 235-seat gain.

Mr. Markolf: That does not include restaurant/bar/café seating?

Mr. Lisai: No it does not.

Mr. Behn: So the Valley House is razed the following year?

Mr. Ackland: Yes, sometime in '06.

Mr. Monte: As to bonding for this project – it does not appear as if you are affecting public facilities to the degree that you were with The Lodge. Has the storm water treatment been completed?

Mr. Lisai: The majority of the storm water project has been completed. The balance is minor (collection) We would like to suggest that that not be part of the bonding at this time.

Mr. Monte: You're saying you'd like not to have to do a bond this time?

Mr. Ackland: I'll be up front with you – We will be messing with the roads: the alignment of Village Road and crossings in various areas for utilities.

Mr. Monte: Would you in your cost estimates include what the "put back together" cost would be for any road disruption and separately also the balance of the storm water treatment to be done.

Mr. Lisai: Yes.

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD Minutes of Meeting February 23, 2005,

Mr. Markolf: On the roads... One of the things I liked a lot about the old plan was the elimination of that bad intersection, the 3 way stop design (the top of the Access Road with Inferno) Now the problem is back.

Mr. Lisai: We are still in the process of having our traffic impact analysis done, it's not complete yet. Expect it soon. However the intersections do pass (C) the level of service test, though by 2010 will be a D.

Mr. Markolf: Is your answer that you're working on it or it is what it is?

Mr. Lisai: Our answer is that this is our proposed road alignment.

Mr. Zschaler: You're saying that is going to be a 4-way stop intersection?

Mr. Lisai: Yes, I believe that will be a 4-way stop intersection.

Mr. Zschaler: I can see a problem with cars backed up down the Access Road on a slippery/greasy day...

Mr. Markolf: It's possible that a right turn only lane might help...

Mr. Lisai: I believe the thinking is that that may create more of an unsafe situation than letting the cars backup for what I believe is only a few seconds.

Mr. Markolf: So we are working on a plan?

Mr. Lisai: We will go with the recommendations of the experts.

Mr. Markolf: I'm not necessarily saying you should go with the plan you had with the Lodge. But I do need some extra work done to that intersection.

Mr. Lisai: We will base it on the safest way to operate that intersection.

Mr. Zschaler: Do you have a large enough turning radius for the touring buses?

Mr. Lisai: Yes, we have had some challenges but they have been tested.

Mr. Malboeuf: Do you know what your plan is for turning radius?

Mr. Lisai: No., I don't have that info with me.

Mr. Monte: It seems to me that we have a smaller project in scale, somewhat of a different mix of residential and business uses. Some difference in geography being covered that has somewhat less of an imposition on adjoining or other interested parties. I think we should identify the key areas of concern:

- Cost(s) information for the Bond
- Concerns about the intersection(s)
- Sugarbush Village Parking Lot (Displacement) **
- Hotel Brook (width of repairian zone and crossings, and how it looks)
- Detailed recommendation from Warren Fire Department (letter)
- Proposed condo/timeshare documents (parking conditions)

** Mr. Ackland acknowledged that a problem exists that needs to be better managed. There is no easy answer. It is a problem that exists now and not solely related to the proposed project. Mr. Monte asked if the Board should be dealing with it if it actually was an issue separate from the project. It was noted that it is contained within the application.

Mrs. Roth: What do you have planned for the other seven months of the year?

Mr. Ackland: That's a good question. We currently still have programming in development. What I can tell you is that we are looking at summer camp/daycare camp/ mountain bike camp type offerings. The restaurants would also be open. There are still other possibilities being looked at.

Mr. Monte asked to review the proposed heights of the buildings. Mr. Lisai laid out the elevation drawings to show the height calculations.

MOTION: Mr. Monte Move to continue this application until 7pm on Wednesday March 23, 2005. **SECOND:** by Mr. Markolf **VOTE:** Unanimous, all in favor, motion carried.

Chairman Monte also requested that the applicant please have any requested information to the Board two week prior to the next hearing, and that any other interested parties have their comments/concerns to the Board one week prior to the next hearing.

Discussion ensued regarding the worksheet and the procedure as to review. The concern was to not have to spend a lot of time going over items that had already been reviewed in detail, and hadn't changed with this new proposal, and to hi-light those parts that were new. The worksheet/regulation criteria will still be gone over item by item.

MOTION: Mr. Monte moved to adjourn the meeting. **SECOND:** by Mr. Markolf. **VOTE:** unanimous, motion carried at 9:55 pm

