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TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY JANUARY 7, 2009

Members Present: Peter Monte, David Markolf, Lenord Robinson and Chris Behn (arr. 7:38)

Others Present: Brian P. Lavery, Matt Groom, Dino Valadakis, Ron Zschaler, Jason Lisai, Julie Beth Hinds, David J. Blythe, Andy McMann, Alex Maclay, Margo Wade, Win Smith, Burt Bauchner, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order, 7:00 pm

1. **Application 2009-01-CU:** Conditional Use, Relocation of Single Family Dwelling & Accessory Structures on a 99.51 ± acre parcel at **1094 VT RT 100**, part of which is located in the Meadowland Overlay District. The applicants, Matthew C & C Zoe **Groom** request Conditional Use Approval for relocation and construction of Single Family Dwelling and Accessory Structures on site outside the Meadow Land Overlay District. The parcel (Id # 100002-200) is also located in the Rural Residential District. This application requires review under Article 2, Zoning Districts & District Standards, Table 2.2, Rural Residential District and Table 2.13 Meadowland Overlay District, and Article 5, Development Review of the Warren Land Use and Development Regulations.
2. **Application 2008-13-SD/PRD**, Subdivision/PRD Amendment: 2008-13-CU, Preliminary Plan Review/PRD & Conditional Use Review: **Summit Ventures NE LLC(dba Sugarbush Resort)** requests permission to amend approved permits as follows: This application is an amendment to #2005-01-PUD and #2005-01-CUD, issued by the Town of Warren Development Review Board on May 13, 2005 and amended September 21, 2005, for construction of Phases 1B and 1C of the Lincoln Peak Base Area Redevelopment Project in the Sugarbush Village Commercial (SVC) zoning district in the Town of Warren. The Project consists of replacing the previously approved Building A4 (or "Family Center") and Building B1 (a 39-unit residential condominium) with a two-phase project: Phase 1B, a three-building Skier Services Village consisting of an Adult Ski School and rental building with limited retail; a Children's Ski School with two residential units; and a Discovery Center with real estate offices, for a total of 32,500+/- SF; and Phase 1C, an 80-unit residential condominium in two buildings, with underground parking, totaling roughly 180,000 +/- SF. As part of Phase 1C, the final phase of restoration of 393 linear feet of Hotel Brook will be completed, replacement of the Village Chair lift with a new fixed-grip triple chair and modifications to the beginner terrain in the area of the Easy Rider and Out to Lunch trails on US Forest Service land. The applicant requests the creation of two new parcels and dissolution of a previously approved parcel and is requesting approval for a 4 lot subdivision. This project, located in the Sugarbush Village Commercial District(Parcel ID#25010-& 250012) requires review under Article 6, § 6.3 Preliminary Plan Review., Article 5, Development Review, Article 7, Subdivision Standards & Article 8, Planned Unit & Planned Residential Development of the Warren Land Use and Development Regulations.

3. Other Business
 - a) Review and sign minutes from 12/06/08,
 - b) Decisions
 - c) Go over January 2009 Schedules

TOWN OF WARREN, VT
 Received for [unclear] 2/16 2009
 at 10:45 AM and Received in
 Vol 198 Page 688-695

Chris Behn

TOWN CLERK

Mr. Monte called the meeting to order at 7:03 pm.

- 1) **Application 2009-01-CU:** Conditional Use, Relocation of Single Family Dwelling & Accessory Structures on a 99.51 ± acre parcel at **1094 VT RT 100**, part of

which is located in the Meadowland Overlay District. The applicants, Matthew C & C Zoe **Groom** request Conditional Use Approval for relocation and construction of Single Family Dwelling and Accessory Structures on site outside the Meadow Land Overlay District. The parcel (Id # 100002-200) is also located in the Rural Residential District.

Mr. Groom is proposing to relocate and construct a single family residence on a parcel that contains meadowland overlay. There is an existing house, which will be taken down, and a new one built further back from the road. The Board confirmed on the Meadowland Overlay map that the proposed development was not in the Meadowland Overlay District nor would it have any negative effect on the meadowlands. The site plan shows a wet area and that the proposed development is at minimum 50 feet away.

MOTION by Mr. Markolf that the application meets the standards as described under Table 2.13 (E) (1) (a). **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

Mr. Monte asked if there was any public comment, and hearing none, suggested the Board move forward to Conditional Use review. Mr. Markolf had some questions about how the house was going to look and if the applicant had submitted any elevation drawings. Mr. Groom said he did not have any elevation drawings but that his plan was for a traditional farmhouse like building that would have a low carbon footprint, relatively small and the use of recycled materials wherever possible. Mr. Markolf also asked about any future development plans. Mr. Groom said it was his intention to build more homes [maybe eight or nine?] on the parcel but without some detailed engineering information did not know what would be possible. The single home he initially has planned will not interfere with any plans down the line.

MOTION by Mr. Monte that the requirements of Section 5.3 Conditional Use Review Standards (A) General Standards items (1) through (5) are found by the Board to be satisfied by the application. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that Section 5.3 (B) Specific Standards are not applicable to this application. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board grant Conditional Use approval subject to the usual conditions that the applicant is required to conform to the plans as submitted. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

- 2) **Application 2008-13-SD/PRD**, Subdivision/PRD Amendment: 2008-13-CU, Preliminary Plan Review/PRD & Conditional Use Review: **Summit Ventures NE LLC (dba Sugarbush Resort)** requests permission to amend previously approved permits. The Project consists of replacing the previously approved Building A4 (or "Family Center") and Building B1 (a 39-unit residential condominium) with a two-phase project: Phase 1B, a three-building Skier Services Village consisting of an Adult Ski School and rental building with limited retail; a Children's Ski School with two residential units; and a Discovery Center with real estate offices, for a total of 32,500+/- SF; and Phase 1C, an 80-unit residential condominium in two buildings, with underground parking, totaling roughly 180,000 +/- SF. As part of Phase 1C, the final phase of restoration of 393 linear feet of Hotel Brook will be completed, replacement of the Village Chair lift with a new fixed-grip triple chair and modifications to the beginner terrain in the area of the Easy Rider and Out to Lunch trails on US Forest Service land. The applicant requests the creation of two new parcels and dissolution of a previously approved parcel and is requesting approval for a 4 lot subdivision.

The applicant had been in to see the DRB for Sketch Plan Review on December 3, 2008. Ms. Wade gave an update noting that they had delivered the application binders on December 16,

2008, had sent out abutter notification on December 19, 2008 and had provided a binder that contained their Act 250 application. Mr. Lisai told the Board they had met with the Warren fire Department on December 22, 2008 and had scheduled a meeting with the Warren Select Board for Tuesday January 13, 2009 as there were some conflicts and they couldn't make the meeting of January 6, 2009. DRB staff passed out copies of letters from the Fire Department, Select Board and an email from an abutter who though unable to attend wanted Interested Party Status.

Mr. Lisai said that they received good feedback from their meeting with the Warren Fire Department and that as a result there would be some modifications to the site plan. Sugarbush has also given the Fire Dept. a draft code analysis from their architect and engineer which will also be submitted to the State safety division. Mr. Monte asked if the Fire Dept. expressed any concern about the ability of their existing equipment to be able to handle a potential fire emergency at the proposed buildings. Mr. Lisai replied that they focused their discussion on just the 1B phase and that it did come up. Mr. Markolf said that it was his understanding that Phase 1B posed no problems but that Phase 1C would require further review. Mr. Lisai added that it was their intent to build as per the codes so that the construction would be done in such a way as to be deemed safe. He continued to say that it was his hope to dedicate a single meeting with the Fire Dept. to review Phase 1C and that they were only asking for partial findings on Phase 1C in their Act 250 application.

Mr. Lisai said that it was their goal to get through the Phase 1B components and then went through the "punch list" they had: * parking plan, * replacement of 'heli-lot', * capacity discussion, * presentation of additional renderings, * meeting with DPW (to be scheduled), * 4-way intersection and traffic flow discussion, * future development locations and * project comparisons. To start, Mr. Lisai suggested that they could combine the discussions of the parking plan, the 4-way intersection and the project comparisons.

Mr. Lisai began with some statistical information. The absolute busiest day they have recorded in recent history was during the 2006/2007 season where they had 8800 guests at Sugarbush Resort [Sugarbush Resort being comprised of both Lincoln Peak, Mount Ellen and associated properties and businesses]. Typically, 75% of their business is at Lincoln Peak and 25% at Mount Ellen. Those percentages shift however during peak times to 60% at Lincoln Peak and 40% at Mount Ellen. If you take 60 % of 8800 you get 5280. According to GMTA, about 550 would use the MadBus for transportation and Mr. Lisai said that very conservatively, another 800 from the mountain bed base would either walk, slide or ski to get to the mountain. The industry average for people per car is 2.6. On peak days, according to their count, that number jumps to 2.8 average. [$5280 - (800 + 550) = 3930 / 2.8 = 1403$ needed parking spaces, 1523 if using 2.6 average]

Ms. Hinds said that she had gone over two years worth of data with the traffic consultants and determined a "freak peak day" with the maximum observed parked cars and came up with a number of 1452 cars amongst all the lots [at Lincoln Peak]. She continued to state that that number exceeds the total design capacity [not including the 'heli-lot', Sugarbush Village lot or garage] and that hypothetically you'd be short 74 spaces assuming you needed to park 1452 cars. At Mount Ellen, using an observed peak number, you'd have an excess of 642 parking spaces. Mr. Smith added that when those occasions arise where the Lincoln Peak lots are full, they will redirect people to Mount Ellen where they have the option to take the shuttle or MadBus back to Lincoln Peak. Mr. Lisai then shared some additional data on skier visits. Prior to 2001, the average skier visit was over 315,000 to 325,000 with a peak average of 350,000 during the 1995/1996 season. Since 2001 the skier visit average has been less than 300,000. Last year, there was a slight swing to the positive with an average just above 300,000.

Ms. Hinds then reviewed the numbers of the various parking lots, comparing their design capacity to the highest observed number – the latter not always being on the same day. It was also noted that a variable to take into consideration when looking at the numbers on certain dates is whether or not there was much snow, the efficiency of plowing, amount of snow removal and whether

there were mini coopers or hummers in the lot. Mr. Lisai reminded the Board that the construction of 1B would not affect parking but that it would make some improvements and changes to traffic flow with a designated drop off for the kids ski school. Ms. Hinds also noted that the current heli lot accommodates approx. 60 to 70 cars and that the underground parking with Phase 1C will have 72 to 80 spaces. Mr. Lisai was asked about how he might address better use of the 22 acre lot as he had mentioned in the prior meeting that it could be better managed. He replied that he needed to better “coach” the individuals who were responsible for plowing as well as supervise the employees who park there. It was also asked how many staff they had out in the lots and the reply was that on a peak day there could be eight to twelve at Lincoln Peak and four to six at Mount Ellen.

Mr. Lisai noted that the jitney service along with the MadBus provided ease of access and smoother traffic flow on weekends and holidays. Mr. Smith noted that in addition to the use of the jitney by employees from the 22 acre site that they had a right-of-way through Snowcreek past Club Ten that many employees used as a pedestrian avenue for access to the mountain. It was clarified that there is no signage for the access through Snowcreek, that internal communications made the employees aware of that pathway. Mr. Smith told the Board members that in the summer months, they have an agreement with Club 10 for use of their parking area [approx. 40 spaces] for employees in return for some mowing.

Mr. Lisai said that where this was leading to, the movement of people amongst the lots, especially the 22 acre lot, was about the previously approved/required pedestrian path from the 22 acre site across Inferno Road and up along the western side of Inferno Road to the southern side of the parking area. He continued by saying that they had communicated to the DRB that there were challenges to the construction of that path due to environmental concerns, water quality and its proximity to Clay Brook. Ms. Hinds said that the existing culvert is undersized, there are difficult grades and erodible soil types. In an ideal world, one would put together a project to replace the culvert with a properly sized box type culvert and new decking. She continued to point out that the current culvert was identified in the water remediation plan as contributing to erosion upstream – a condition that would exist independently of the ski area.

Mr. Malboeuf emphasized that as long as there was parking at the 22 acre lot with pedestrians crossing Inferno Road and walking up to the ski area, due to low visibility there was a risk of someone getting hurt. Mr. Lisai readily agreed but said that the constructability in that location was difficult and did not think it was entirely Sugarbush's responsibility. It needed to be looked at jointly as it involved a Town Road, Sugarbush's property and waters of the State. In the interim Sugarbush has come up with some reasonable measures to help assure the safety of their employees but they also cannot prevent anyone from walking up the Inferno Road. Mr. Smith added that he has observed, on a daily basis, only a few if any employees walking in that area, and if anything, he has seen more frequently local residents walking their dogs. Both Mr. Smith and Mr. Malboeuf agreed that safety was not to be minimized.

It was brought up again that there is a path that employees sometimes use through Snowcreek, which may need to be signed. Mr. Monte said that whether it was a Sugarbush problem or a town problem, if it is a safety problem then the DRB must deal with it. Ms. Hinds reiterated that a partnership between the Resort, the Town and the Friends of the Mad River would have a good shot at getting some funding if they put a project together due to the positive results of improving that culvert. Mr. Monte said that how the result was achieved was not part of the DRB's responsibility – only that safety measures were satisfied.

Mr. Lisai said that they though the permit requires the pedestrian pathway be done, that they had previously asked if they could postpone the building of the pathway and re-evaluate it at the next phase. Mr. Monte asked if we were now at that “next phase”. Mr. Lisai said there was no real date in the permit as to when the pathway should be completed and that it was their request to postpone it further in order to do more research. Mr. Monte stated that if the original pathway was not to be done right away, then if what they were proposing as an interim “safety valve” of

using the path through Snow Creek, then signage would most definitely be needed. That was of course assuming that the alternative path was satisfactory to the Board members. Mr. Lisai stated that they had invested a great deal of money and built the path along the Access Road and that they would build paths that intend to be used and maintained at a reasonable cost. The Access Road path is used more in the summer than the winter though people so walk their dogs or snowshoe on it in the winter months.

Mr. Smith added that it has always been their intent to provide pedestrian access to the SHARC, the Village and such, where it is practically needed. Mr. Monte asked about the later shifts and was told that the jitney wasn't needed as those people were able to park closer that the 22 acre site. Mr. Markolf verified that the plan to put in a pathway hadn't really changed, that the applicant wanted more time and Mr. Lisai said that yes, further conversation needed to take place to work out how it would get done.

Mr. Bauchner, Warren Select Board Chairman, asked to be recognized to share some concerns. He said that the Select Board members had discussed the project the night before and had come up with three specific concerns that all revolved around public safety. The first he talked about was Inferno Road, how it has sharp drop offs and limited shoulder space, putting any pedestrians at risk. As the Select Board felt it was a "ticking time bomb", and Sugarbush had committed to creating the pathway, they strongly advocated for the pathway to be done sooner versus later. He added that he was aware that the solution, the creation of the pathway, presented some difficulties and was challenging, but that their bottom line was that in the interest of public safety it had to be done.

Mr. Bauchner said that if the partnership of the Town was needed to get the job done, that though he could not commit with out the full Board voting for such, that he felt the Board would be open to providing some assistance in looking at grants to help fund the replacement of the culvert. Mr. Smith asked if they could not re-examine the real need for the originally committed pathway and see if there were any better solutions – if none, then let's look at what State or Federal monies might be available to help fund this particular project. Mr. Smith added that going forward with the proposed Phase 1B was a risk on their part as it was development that did not provide a revenue stream as it was comprised of mostly all services. Therefore every single cost has to be scrutinized. After some more discussion of how the Town and Sugarbush would talk further as to the resolution of the issue, Mr. Monte made it clear that it would be on the DRB's "punch list" of items to be sorted out during their review process.

Mr. Zschaler was recognized to speak and added that the pedestrian safety issue definitely existed having traveled through there for over 35 years. He pointed out though that there was another problem in that the 22 acre site was originally approved with one generous curb cut but somehow two are being utilized. He felt this presented additional safety issues as the site lines were not ideal. Mr. Lisai addressed that concern and said that in the summer months they block the old curb cut with a boulder, but in the winter it's removed, they plow and sand to reduce the slip and fall factor, but it unfortunately invites vehicles to utilize it. He said that they needed to find some sort of barrier that worked for the winter months. Mr. Smith said that if the issue is that if it (the old curb cut) is being used inappropriately, then it will be fixed. Mr. Zschaler also asked what the capacity was of the Heli Lot. Since it is not a formally designed parking lot, there is no capacity number associated with it but as many as 143 cars have been observed as using the Heli lot. Mr. Zschaler noted that in a 2006 application that it was designated as a temporary 200 car parking lot.

Mr. McMann, a neighbor to the mountain resort, shared his thoughts saying that he has rarely if ever seen pedestrian traffic on that section of Inferno Road. In his view, one would either be taking the Snow Creek path or the jitney – walking anywhere else did not make sense.

Mr. Monte asked to break down the issues before them as follows: 1) number of parking spaces needed and number they currently have, 2) flow of traffic, and 3) pedestrian issues. On # 1,

parking spaces, Mr. Monte confirmed that with the construction of Phase 1B that there would be no change in the parking spaces utilized. Mr. Lisai stated that the main thing that would change the day skier parking would be a substantial increase in their comfortable carrying capacity – i.e. bigger lifts, more capacity up the hill, more ski terrain – that would require more parking, but they are not proposing those kinds of changes. The question was asked about the two residential units proposed in Phase 1B regarding where those folks would park. The answer was that they planned on making a request of the Clay Brook HOA for the use of some of their parking via a valet. With Phase 1C, the underground parking will satisfy the parking needs as well, and basically there are no significant changes numbers wise from the original permit - Mr. Lisai stated that they felt they had ample parking.

The members seem to informally agree that there were no major issues with parking at this time. Mr. Blythe asked if in confirming that there would be no net change in parking availability in this next phase, was there any information showing that a given lots capacity was changing? Mr. Lisai said that there were no capacity changes to the existing lots for Phase 1B. Though Phase 1C will eliminate the use of the Heli lot, that parking area was never part of any formal permit or parking space counts and has just evolved on its own as a convenient place to park – one that can only be used when the ground is frozen.

Mr. Monte then moved onto item # 2, traffic flows, specifically the four-way intersection at the top of the Access Road. Ms. Hinds showed the Board work their engineers had done that involved using a template made from specs acquired from the Warren Fire Dept. for the truck(s) used to service Sugarbush and then applying that to the as built dimensions of the intersection. Mr. Behn asked if they took into consideration winter time conditions. Ms. Hinds said they could not manage for all conditions, but that the diagram did show the intersection was adequate for the fire trucks to be able to stay within the lines when turning. Granted, there will be some constraints in the winter, said Ms. Hinds. It gets to the point she continued, that it is less an engineering issue but more of a comfort level of the town as to the amount of congestion at that intersection. Though there was an assumed level of growth, it has not occurred and therefore the traffic analysis and engineering standards that might warrant a right turn only lane do not exist. Mr. Lisai added that in conversation with the Fire Dept. that they had discussed an alternative should the intersection be bottle-necked for some reason. There is a parking lot access road that goes by the CB1 Building that would allow for fire personnel to get to the station, though that access would not be appropriate for the fire truck, said Mr. Lisai.

Mr. Bauchner asked Ms. Hinds where the cars were on the diagram showing the turning for the fire truck. He continued to point out that there were approx. 20 days a year that 700 people use that single access/egress and that traffic can be backed up way down the Access Road. Mr. Lisai reminded the group that the situation had prior approval. Mr. Monte noted that once an application is submitted for changes or modifications that all other aspects can be considered fair game for re-review. Mr. Bauchner said that the Select Board was bringing it back up due to their responsibility for public safety – that in the event an ambulance needs to get through for a resident, or a fire truck is required, if it's a day that is one of the mountain's peak days, there will be a problem. Mr. Smith said that when they have ambulance emergencies, which do happen on peak days, that people do come out and aid in directing traffic. Mr. Bauchner noted however that the ambulance does not have to make the right-hand turn at that intersection which is their primary concern. Mr. Smith offered that a plan should be put in place so that the staff that is in the parking lots will know how to immediately respond to directing traffic in the event of an emergency and facilitating emergency vehicles such as fire trucks.

Mr. Markolf said that the driver's log of the truck housed up at Sugarbush will show that close to 90% of the time he is the one driving that truck. He continued by saying that they had come to an agreement to keep the road behind CB1 cleared, sanded and plowed so that the fire truck would not have to go through the intersection. Mr. Lisai confirmed that that was the agreement. Mr. Bauchner said that he wanted Sugarbush to know that he wanted them to be successful but at the same time he had to make sure that public safety was adequately addressed.

In further discussion, Ms. Hinds made comment that all the physical changes to that intersection would not substitute for operational knowledge – that there was currently no physical impediment to emergency vehicles maneuvering through that intersection. Mr. Monte asked the participants to address the Board and also asked if there was anything in writing that requires the maintenance of the roadway behind CB1 to be clear and open. Since there is none, Mr. Monte said that may be one of the things the Board may want to include as a condition. Mr. Lisai did note that there may be an issue with the turning radius for larger vehicles but was something he thought they could address.

Mr. Malboeuf said that he has been told by Fire Dept members that when turning right from the Access Road that the trucks end up crossing into the oncoming lane – is this still a problem? Mr. Behn said that he thought the only time it might be a problem is during the winter with snow banks narrowing the roadway. Mr. Hinds said that once you open up an intersection that you run the risk of inadvertently allowing higher speeds where the current tighter configuration keeps cars going slower. Mr. Bauchner said the problem was more of slower movement creating backups, not faster. It was also identified that the placement of the stop signs and stop lines could be adjusted so that the intersection could be more “open”. Mr. Lisai seemed to think that would be a good adjustment.

Mr. Monte asked the Board members if they felt they had enough information to make a decision on this issue. Mr. Monte also summarized the situation as such: making the intersection wider to accommodate the truck traffic but at the cost of increasing the speed of cars going around the corner. Mr. Bauchner asked if Sugarbush had trained staff for directing traffic and Mr. Lisai said yes, in addition they also employed Hunter North who also had that training. Mr. Bauchner said he'd like to see a “modest change in the geometry” at the intersection and assurances that they had two to three trained people that could respond within minutes to the intersection for traffic control. Mr. Smith said the second request was no problem but that he felt that any changes to the intersection be left to the professionals to decide. Mr. Monte said he thought that the discussion about the intersection needed to be resolved with the Fire Department to which Mr. Lisai said they had an ongoing discussion with.

Mr. Malboeuf then asked for clarification on the traffic study and when they determined “peak” periods. Historically, they heaviest volume was recorded between 3:30 and 4:30 in the afternoon. It was pointed out though that there still is a “peak” in the morning that should be recognized, as any morning traffic, though not necessarily as heavy as the afternoon, could impede the movement of fire vehicles. Mr. Monte said they would like to see the traffic study engineers address the impact of morning traffic flow, up the mountain, as it would impact emergency vehicles access. Mr. Markolf asked if the traffic study took into account Phase 1C as well as the immediate development of Phase 1B and was told by Mr. Lisai that it did. In summary, Mr. Monte reiterated that the Board would like to see a) expanded traffic summary that addresses the morning traffic impact, and b) verify whether or not the turning radius is sufficient for the fire vehicles or propose an improvement.

Mr. Lisai said the what he had left to go over was 1) the renderings, 2) the overall master plan and 3) a project comparison. Starting with the renderings, the new drawings showed how the new buildings, Phase 1B and Phase 1C looked from the four way intersection with the existing buildings. Mr. Smith commented that the object was to create convenience to the mountain for families without blocking the view of the mountain which he felt was achieved. Mr. Lisai then walked the members through the drawings explaining the different access/exit points from the buildings to the mountain. Mr. Blythe asked if the access from Mountainside would remain or if there would be some contour changes and was told that the access would be similar to what they have proposed in the past.

Mr. Lisai then went over the 2005 map that shows Sugarbush's long range master plan for potential development. He commented that the proposed Phase 1B and 1C continue to fit in to

