

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY JANUARY 18, 2010

000531
882000

Members Present: Peter Monte, Lenord Robinson, Chris Behn and Virginia Roth.

Others Present: Judy, Ken and Erich Proulx, Jason Lisai, Loretta & Peter Menkes, Jeffrey Resnick, Margo Wade, Brian Resnick, Gunner McCain, Paul Gilles, Dana Haskin and Miron Malboeuf and Ruth Robbins.

Agenda: Call the meeting to order, 7:00 pm.

- 1) **Application 2008-13-SD/PRD**, Revisions to an Approved Subdivision/PRD Plat: **Summit Ventures NE LLC** (dba Sugarbush Resort) is seeking approval of changes to a previously approved subdivision plat issued on April 17, 2009. The requested changes include removal of Parcel 1A and Parcel 1C. The applicant also requests Final Plan Approval of the revised plat to be submitted for the hearing. This subdivision, located in the Sugarbush Village Commercial District (Parcel ID #'s 250100 & 250012) requires review under Article 6, § 6.4 (Final Plat Approval) & § 6.7 (Revisions to an Approved Plat) of the Warren Land Use and Development Regulations.
- 2) **Application, 2010-01-SD**: Boundary Line Adjustment - 141 Sugar Ledge Rd: The applicants, Peter & Loretta **Menkes**, are seeking approval for a boundary adjustment of .19 ± acres to add to their existing lot (parcel id # 006004-800) and to be removed from a 1.5 ± acre parcel at 185 Sugar Ledge Rd. (parcel id # 006004-900). This action by order of adverse possession of the Washington Superior Court, (docket no 356-5-09 Wncv). This application requires review under Article 6, § 6.4 (Final Plat Approval) of the Warren Land Use and Development Regulations.
- 3) **Application, 2009-06-SD**: Five Lot Major Subdivision, Sketch Plan Review - 662 Ridge View Rd: The applicant, **FCC LLC d/b/a FCC Property Holdings LLC** requests a sketch plan review hearing for a proposed five (5) lot subdivision on their 21.0 ± acre parcel (Parcel ID 002003-700) in the Rural Residential District. This application requires review under Article 2 (Table 2.2) Rural Residential District; Article 6 (Subdivision Review), §6.2 (E), (Sketch Plan Review), and Article 7, (Subdivision Standards) of the Warren Land Use and Development Regulations.
- 4) Other Business:
 - Sign Minutes from Development Review Board meeting of December 14th, 2009

Mr. Monte called the meeting to order at 7:08 pm.

- 1- **Application 2008-13-SD/PRD**, Revisions to an Approved Subdivision/PRD Plat: **Summit Ventures NE LLC** (dba Sugarbush Resort) is seeking approval of changes to a previously approved subdivision plat issued on April 17, 2009. The requested changes include removal of Parcel 1A and Parcel 1C. The applicant also requests Final Plan Approval of the revised plat to be submitted for the hearing.

Mr. Lisai explained to the Board the changes they were requesting: removal of parcel 1C and Phase 1C buildings, road and driveways, pathways, new chairlift alignment and associated surface infrastructure; removal of parcel 1A accommodating the children's Ski School building as the residential component on the 3rd floor is being eliminated from the Phase 1B project thus there is no need for a separate parcel; the Discovery building is being eliminated from the Phase 1B project; depiction of the perimeter of the former Lodge at Lincoln Peak parcel [former Parcel 1A] and language dissolving this parcel back into Parcel 15; depiction of building B1 previously approved under permit #2005-01-PUD/CU issued May 13, 2005.

With the elimination of the residential aspect of the Kid's Ski School building and the Discovery Center, the overall square footage goes from 32,500 down to 27,000 square feet also with some other modifications and improvements. Also, with the removal of the Discovery Center building, additional slope work, and path/stairway areas have been changed. Mr. Lisai also reviewed the elevation drawings and floor plans for the Adult Ski School building and Children's Ski School building. It was noted that on the revised plans for the Adult Ski School building that the height of the building exceeded the height allowed under the regulations. The Children's Ski School building is now a two-story building with the peak area space having no utilization. The height calculation for the Children's Ski School building needs to be clarified.

Though Mr. Lisai presented the details of the modified buildings, it was clarified that all they wanted from this hearing was for the Board's approval on the site plan/plat revisions. He also noted that the footprints for the Adult Ski School and the Children's Ski School are as they were approved, the Adult Ski School building had minor changes, mostly in exterior appearance, and the Children's Ski School had more changes as it had been downsized in volume from the original. In further discussion, it was determined that the Board could consider the application with the revised plat but that the detail of the buildings and changes therein would have to be considered separately under a Conditional Use Amendment hearing. Mr. Monte said that if the applicant felt that a hearing was unnecessary that they could submit a memo explaining why for the Board to consider.

MOTION by Mr. Behn that the Board approves the revised plat as presented. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

The Board discussed seeing the applicant on February 15th for the specific changes to the buildings. The applicant was also informed that they should notify the Fire Department about the changes in the plat. It was suggested that the applicant might want to file for a waiver of notice to the abutters for the CU hearing.

- 2- Application, 2010-01-SD: Boundary Line Adjustment - 141 Sugar Ledge Rd:** The applicants, Peter & Loretta Menkes, are seeking approval for a boundary adjustment of .19 ± acres to add to their existing lot (parcel id # 006004-800) and to be removed from a 1.5 ± acre parcel at 185 Sugar Ledge Rd. (parcel id # 006004-900). This action by order of adverse possession of the Washington Superior Court, (docket no 356-5-09 Wncv).

Attorney Gilles reviewed for the Board the Superior Court adverse possession case which has brought this applicant in for a boundary line adjustment. The amount in dispute is .19 acre and its addition to the Menke's property will create a conforming setback which was previously non-conforming. In turn, the subtraction from the Kelleher's property does not create a new non-conforming lot. Mr. Monte reminded the applicant that when the mylar was ready that a digital copy should also be provided for the lister's office.

MOTION by Mr. Monte that the Board classifies this application as a Minor Subdivision under the regulations. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board considers this a Final Plan approval [per Sec. 6.4] and that they approve the boundary line adjustment as presented as it conforms to the regulations under Sections 7.2 through 7.9 of the Warren Land Use and Development Regulations. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

- 3- Application, 2009-06-SD: Five Lot Major Subdivision, Sketch Plan Review - 662 Ridge View Rd:** The applicant, FCC LLC d/b/a FCC Property Holdings LLC requests a

sketch plan review hearing for a proposed five (5) lot subdivision on their 21.0 ± acre parcel (Parcel ID 002003-700) in the Rural Residential District.

Mr. McCain presented the information for the proposed five-lot subdivision for Sketch Plan review. He explained that the former Shulevitz property was currently owned by an entity called FCC Property Holdings who was seeking to subdivide the property consisting of approx. 21 +/- acres with an existing 4500 square foot dwelling. Mr. McCain said that the lots have been created as single family homes though they could be seen as primary dwellings with guest homes on an adjacent lot. All lots have been designed with their own on site water and wastewater systems. [all wastewater systems will be mond systems and will not require replacement areas.] He also noted that there were no wetlands issues.

With this being only Sketch Plan review, a courtesy notice was sent to the abutters though formal notice is not yet required at this stage. It was also noted that the Conservation Commission will want to be notified. The general layout has the dwelling that sits on a knoll with ten acres and then four smaller lots surrounding it of two to four acres each. Mr. Monte asked about the existence of steep slopes – anything 15% or greater. Mr. McCain said that there were some over 15 % and that they have avoiding anything over 25%. He continued to say that they have avoided anything in the 15 % to 25% range “where practical” and where not practical will treat tem accordingly as to erosion control measures. Mr. McCain also noted that this project would trigger the need for a State CGP (construction general permit). When asked, Mr. McCain said that all the lots will have deed language requiring the participation in the maintenance of the common road. Mr. McCain said at this point he did not know about the formation of a homeowners association. All lots have the appropriate frontage to meet the requirements except for lot 5 which has a right-of way as part of its frontage.

Mr. Monte then opened up the hearing to those in the audience to hear their comments and concerns. The comments from the abutters ranged from concern about the change from a tranquil view to that of a rooftop; that the lots proposed were too small and denigrated this coveted area of East Warren, even to the degree of putting a proposed home in the view shed of the existing home which is on the market for over one million dollars, to the concern about possible contamination of a brook by the development nearby. Unfortunately, Mr. Monte noted, the regulations do not speak to marketability and allows for as little as one acre subdivision.

Mr. McCain said that he would be sure to take all comments back to his client. He also noted that he thought there was a case for marketability and that not all homeowners put a premium on seclusion and privacy. When asked by the Board, Mr. McCain said that some of the lots would be visible from elsewhere where others would be less so if at all. In response to the concern about the brook, Mr. McCain said that there would be an adequate buffer to ensure that the brook is protected.

The Board discussed when to have a site visit and decided on Friday morning January 22nd at 9 am. They further decided with a **MOTION** by Mr. Monte to continue the hearing of Sketch Plan review until Monday February 1, 2010. Mrs. Roth **SECONDED** the motion and the **VOTE** was unanimous. Preliminary Plan review is tentatively planned for Monday February 15, 2010 which will require official warning.

Mr. Monte adjourned the meeting at 8:58 pm. The next meeting of the DRB is scheduled for Monday February 1, 2010.

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TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING - 1/18/10

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte 2/1/2010

Peter Monte date

Virginia Roth 2/1/10

Virginia Roth date

Chris Behn date

Lenord Robinson 2/1/2010

Lenord Robinson date

TOWN OF WARREN, VT

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at 11 o'clock A M and Received in

Vol 204 Page 531.534

Ruth Robbins

TOWN CLERK