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TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY FEBRUARY 1, 2010

TOWN CLERK
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M and Received in at 1:36 o'clock
Received for Record at 1:36
2010
TOWN OF WARREN, VT

Members Present: Peter Monte, Virginia Roth, Lenord Robinson and Jeff Schoellkopf.
Others Present: George Robinson, Mark Bannon, Ronni Donnenfeld, Kinny Perot, Gunner McCain, Brian Resnick, Miron Malboeuf and Ruth Robbins.
Agenda: Call meeting to order, 7:00 pm.

- 1) Applications, **2010-03-SD**: Two Lot Minor Subdivision, Final Plan Review – 1804 Prickly Mtn. Rd: The applicant, **George Robinson**, requests a Final Plan Approval for a proposed two (2) lot subdivision on his property, a 3.8 ± acre parcel (Parcel ID 418296 -000) in the Rural Residential District The application requires conditional use for a structure setback from a stream. This application requires review under Article 2 (Table 2.2) Rural Residential District; Article 5, § 3.13(Surface Water Protection, Article 6(Subdivision Review), §6.4 (E), (Final Plan Approval), and Article 7, (Subdivision Standards) of the Warren Land Use and Development Regulations.
- 2) Application, **2009-06-SD**(continued from January 18th, 2010): 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.
- 3) Other Business:
Sign Minutes from Development Review Board meeting of January 18th, 2010

Mr. Monte called the meeting to order at 7:27 pm.

- 1- Applications, **2010-03-SD**: Two Lot Minor Subdivision, Final Plan Review – 1804 Prickly Mtn. Rd: The applicant, **George Robinson**, requests a Final Plan Approval for a proposed two (2) lot subdivision on his property, a 3.8 ± acre parcel (Parcel ID 418296 -000) in the Rural Residential District The application requires conditional use for a structure setback from a stream.

NOTE: For the record, Lenord Robinson has recused himself from the proceedings on George Robinson's application as they are related.

Mr. Bannon began the hearing outlining for the Board what Mr. Robinson wanted to do. Over the years Mr. Robinson has acquired several of the small Alpine Village lots which currently resemble a "saw-tooth" configuration totaling approx. 3.8 acres. At one end there is enough land to support a wastewater system [mound system] and the construction of a single family dwelling. The request is to subdivide the 3.8 acres into two lots: one of approx. 1.4 acres which is know as Lot 2 and will contain the proposed house, and the remaining acreage of approx. 2.4 acres know as Lot 1 which it is not known at this time whether or not it is developable.

In order for Mr. Robinson to do this, Mr. Bannon said that they were asking for setback relief from a stream that runs through the property. The requirement is 100 feet and they are requesting a reduction to 50 feet. Mr. Bannon explained that the other setback requirements of the mound system from the house, and from the stream that the relationship between the three, house,

wastewater system and stream, was such that there was no other alternative. If the house was moved away from the stream, then that would put the wastewater system closer to the stream which was not at all desirable. It was also noted that the stream was uphill from both the house and the wastewater system thus any disturbed area would flow away from the stream. Mr. Bannon also told the Board that the stream runs through ledge and carved in enough to keep it from (over)flowing down towards the house.

There also exists an old [over 20 yrs] cellar hole that lies within the buffer zone. The intention is to fill it and restore the area to the proper vegetated state. Ms. Donnenfeld asked for clarification of the distances of the house and the mound from the property line that is shared with her property. Her concern was to minimize the impact of the house on her home and its view. Ms. Perot asked what the options would be if the proposed well site turns out to not be any good. Mr. Bannon said that the site was pretty tight but that according to Mr. Robinson, dousing had indicated that that would be a very good site. He also added that even with dousing results, one really doesn't know until they actually drill.

Mr. Monte commented that it appears as if there really are not any other site alternatives without encroaching into the 100' buffer. Mr. Robinson pointed out that even in crossing the brook to the land on the other side that it was wet and not a good option. In an aside, it was mentioned that the Fire Department had sent an email to Mr. Malboeuf that they had reviewed the plans, saw no major concerns, and would be issuing a letter shortly. Discussion also took place about whether screening was called for in addition to the existing vegetation between the Robinson lot and Ms. Donnenfeld lot.

MOTION by Mr. Monte that the applicant be required to 1) put all the erosion control measures on the mylar prior to filing; 2) that all disturbed areas within the 50" buffer mainly the cellar hole and the fill area used for the cellar hole, that the finished grade will be away from the stream and that that area will be re-vegetated and maintained in it's natural state; and 3) all disturbed areas by construction will have a finished grade to drain away from the stream. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

The Board then reviewed and discussed Sec. 3.13 finding that the application, with voted on conditions, would meet the standards required.

MOTION by Mr. Monte that the Building Envelope (BE) can be extended from it's depicted location on the site plan towards the northwest an additional ten feet and labeled as such on the final mylar. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Schoellkopf that the Board finds that the applicant has satisfied the standards of Section 5.3 Conditional Use Review Standards. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board classifies this application as a Minor Subdivision and that the application is complete. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

Mr. Monte then proposed that they move on to Final Plan Approval.

MOTION by Mr. Monte that Sec. 7.2 General Standards, Sec. 7.3 Protection of Primary and Secondary Conservation Areas and Sec. 7.4 Open Space and Common Land are found to be satisfied with the conditions already voted on. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that Sec. 7.6 through Sec. 7.10 are found to be satisfied. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

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MOTION by Mr. Monte that the Board approves the application for a two-lot subdivision and conditional use for a reduced stream set-back with the conditions already voted on. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

- 2- Application, **2009-06-SD**(continued from January 18th, 2010): 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 is a continuation of Sketch Plan Review.

This hearing started out with a brief summary of the site visit that took place on Friday January 22nd. The site visit was attended by Board members Mr. Monte, Mr. Robinson, and Mrs. Roth. Mr. Malboeuf was there as was Mr. McCain, Mr. and Mrs. Proulx and Mr. Resnick (Brian). The report stated that they "marched" throughout the parcel and also went to the Resnick site to look out at the view over the parcel in question from the dwelling there. Mr. Monte also noted that at the end of the visit both the Proulx and Mr. McCain were left discussing the possibility of some sort of screening/buffer in the vicinity of the septic area on Lot #4.

Mr. Malboeuf shared with the group that the Conservation Commission had inquired as to whether or not they should schedule a visit to the site with a wildlife biologist. Mr. McCain replied that they had called the VT State Fish and Wildlife dept. to see about one of their biologists coming out but was told they were very busy and that they would do a database review with a Act 250 preliminary look letter and then decide if it called for a on site look. Knowing that a database review would probably be insufficient, Mr. McCain said they would pursue getting a wildlife biologist out to the site.

The next issue that Mr. McCain brought up was that of the frontage on lot #5, which after review of the decision on Fowler, he said he would re-work it so it would be more in compliance. He also said that in regard to the lot sizes, that smaller lots do not necessarily mean that the house will not be nice or in keeping with the surrounding properties. He also said that he felt that character of the area was not what was on the ground today but what was allowed by the zoning ordinance. As to protection of "views", Mr. McCain said that the applicant would entertain a 100 foot no-cut zone along the southerly border of Lot 1. Mr. Resnick claimed that intrusive knows no degree and that despite a no-cut zone any development of a structure on that lot would disturb the view from his mother's bedroom which has views on three sides. He also noted that there is an outdoor stone sitting area that would also be impacted with the construction of a house on that lot. [Lot #2].

Mr. Malboeuf asked about the "stream" or water tributary that runs down by the Proulx parcel and asked if Mr. McCain was going to provide an adequate setback/buffer area. Mr. McCain said that they more than adequately provide for a buffer area. He is also continuing a conversation with the Proulx's regarding the screening issue they started talking about at the site visit. Mr. Monte also noted that "screening" can take place on either side of the property line – that it is not just the applicant that has to provide screening. The applicant was also reminded that he would need to have a review done by the Fire Dept. In addition, the covenants must also have a provision for the payment of legal fees for enforcement purposes.

Mr. Monte adjourned the meeting at 8:58 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte 2/15/10
Peter Monte date

Jeff Schoellkopf 2/18/10
Jeff Schoellkopf date

Virginia Roth 2/15/10
Virginia Roth date

Lenord Robinson 2/15/10
Lenord Robinson date