TOWN OF WRREN
DEVELOPMENT REVIEW BOARD
MINUES OF MEETING
MONDAY MARCH 15, 2010

Members Present: Peter Monte, Virginia Roth, Bob Kaufmann and Lenord Robinson.

Others Present: Dana Haskin, David Barber, Gretchen Barber, Gunner McCain, Felix Von Moschzisker, Brian Resnik, Tina Scharf , Craig Klofach, Miron Malboeuf and Ruth Robbins.

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

1) **Application 2010-04-SD**, Boundary Line Adjustment: The applicant, **Felix C Von Moschzisker** request a common property line adjustment between two parcels (lots 21 and 22) owned by him at 1069 Roxbury Mtn. Rd (Parcel Id 001010-902). The request is to reconfigure lot 21 from 4.63 to 2.72 and lot 22 from 3.13 to 5.05. This request substantially alters the boundary lines previously established by a subdivision approved August 18th, 2000(2000-11-SD). The applicant proposes a revised building envelope for lot 21. This application requires review under Article 2, Table 2.2, Article 3, § 3.1 (Access, Driveway & Frontage Requirements), Article 6 (Subdivision Review), § 6.4 (Final Plan Review) and Article 7, (Subdivision Standards) of the Warren Land Use and Development Regulations

2) **Applications, 2009-06-SD**(continued from March 1st, 2010): Five Lot Major Subdivision, Preliminary Plan Review - 662 Ridge View Rd.(Continued from March 1st, 2010): The applicant, **FCC LLC d/b/a FCC Property Holdings LLC** requests a Preliminary Plan Review hearing for a proposed five (5) lot major 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), §6.3, (Preliminary Plan Review), and Article 7, (Subdivision Standards) of the Warren Land Use and Development Regulations.

3) **Application 2010-02-CU**, Residential development involving slopes greater than 15%: The applicants, Scott **Beaudin** and Robert & Carol **Ackland** request conditional use approval to construct a driveway to residential house site on a 8.9 ± acre parcel adjacent (south) to 56 Retriever Run. Applicant requests the hearing be reopened due to a revision in the road cut location.

4) Other Business:

   a) Application 2010-02-CU, Residential development involving slopes greater than 15%: The applicants, Scott Beaudin and Robert & Carol Ackland request conditional use approval to construct a driveway to residential house site on a 8.9 ± acre parcel adjacent (south) to 56 Retriever Run. Applicant requests the hearing be reopened due to a revision in the road cut location.

   b) Sign Minutes from Development Review Board meeting of March 1st, 2010
   c) Election of officers for the coming year.

Mr. Monte called the meeting to order at 7:06 pm.

1- **Application 2010-04-SD**, Boundary Line Adjustment: The applicant, **Felix C Von Moschzisker** request a common property line adjustment between two parcels (lots 21 and 22) owned by him at 1069 Roxbury Mtn. Rd (Parcel Id 001010-902). The request is to reconfigure lot 21 from 4.63 to 2.72 and lot 22 from 3.13 to 5.05.

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Mr. Monte began the hearing noting that the abutting land owners, the Van Buskirks, had submitted a letter that requested Mrs. Roth recuses herself due to her past relationship with the property. Mrs. Roth stated that she had no financial interest in the property and therefore no need to recuse herself. The VanBuskirks also expressed in their letter concerns about their well and the effect the wastewater system on Mr. VonMoschzisker's would have on their water supply should it fail. Mr. McCain said that he had had a conversation with Mrs. Buskirk and thought he had alleviated their concerns, but maybe not.

Mr. McCain then explained to the Board the reasons behind the proposed lot line adjustment. Currently, the line that divides Lot 21 and Lot 22 goes through the middle of designated Meadowland. It is Mr. VonMoschzisker's desire to control the meadowland in order to assure its proper maintenance, and thus is requesting the line be moved so that all of the meadowland is included in Lot 22. Doing so will increase Lot 22 from 3.13+/- acres to 5.05+/- acres and will decrease Lot 21 from 4.63+/- acres to 2.72 +/- acres resulting in two conforming lots.

Also shown on the site plan is a building envelope at the edge of the meadowland and a proposed driveway and curb cut, the latter of which has been unofficially ok'd by Mr. Simpson, Warren DPW. Mr. McCain also noted that though there are no current plans for Lot 21, at some point in the future a house will most likely be built there. At that time, the new owner will most likely have to come before the DRB for Conditional Use Review as there are some steep slopes on the property. There are currently septic design approvals for both lots.

Mr. McCain said that the VanBuskirks issue has been ongoing and that he had the State out to confirm the septic plan and if anything, the VanBuskirks are better off now as the isolation distances are greater now than it would have been if the property had been developed several years ago. Mr. Monte noted that unfortunately there was little if anything the DRB could do as the wastewater permitting process was under the State's jurisdiction. Mr. Barber, also a neighbor, asked about his concern regarding runoff towards his property as the result of development above him. Mr. McCain said that the proposed road cut would not have any adverse effect or increase runoff that would impact the intersection by Mr. Barber.

MOTION by Mr. Monte that before any structure(s) are built on Lot 21, the owner must obtain Conditional Use Review approval from the DRB to satisfy Section 3.4 Steep Slopes if any slopes of 15% or greater will be affected by the development.. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that should this application be approved, it is subject to a Town of Warren Road Access permit being obtained prior to any development of Lot 21. **SECOND** by Mr. Kaufmann. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Robinson that the Board approves the request to relocate the boundary line between Lot 21 and Lot 22 as shown on the site plan with the conditions as previously voted on. **SECOND** by Mrs. Roth. **VOTE**: all in favor, the motion passed.

2- **Applications, 2009-06-SD**(continued from March 1st, 2010): Five Lot Major Subdivision, Preliminary Plan Review - 662 Ridge View Rd.(Continued from March 1st, 2010): The applicant, **FCC LLC d/b/a FCC Property Holdings LLC** requests a Preliminary Plan Review hearing for a proposed five (5) lot major subdivision on their 21.0 ± acre parcel (Parcel ID 002003-700) in the Rural Residential District.

Mr. McCain started the hearing by saying that it was clear from the sketch plan review process that there were concerns expressed by the Conservation Commission that needed to be addressed. As such, Mr. McCain had a Wildlife Biologist visit the site and submit a report which the members have for review. The Conservation commission also submitted a letter outlining some suggestions they had. After the Board reviewed Ms. Scharf's report, Mr. Monte reviewed

Sec. 7.3 do verify that just the *presence* of animals does not make the area a conservation area, rather it has to be considered *critical habitat* and/or *corridors*. Mr. Monte then asked Ms Scharf if she would summarize her report and tell the Board if there were in fact any critical habitats or corridors they should be aware of.

Ms. Scharf told the Board that she did not find or observe any critical wildlife habitat. She also reviewed both the VT Fish and Wildlife winter deer yard maps as well as the Arrowwood Natural Heritage maps and found no points of interest in the subject area. This did not surprise her since the area has a northwest orientation which does not lend itself to a deer wintering area. Other than deer wintering areas, when looking at "critical habitat" Ms. Scharf considers species such as bear, bobcat and fishers, as they are more sensitive to the kind of habitat that they prefer. Ms. Scharf described the types of features she looked for that might be considered critical habitat for those critters and did not observe any. She went on to say when asked what her definition of critical habitat was and said it was "that which is absolutely needed for the well being of the animal". She added that deer can be considered "habitat generalist" as they are everywhere and their needs are not as specific as those for bear or bobcat.

Ms. Scharf also addressed what were wildlife "corridors". She noted that a lot of what Mr. Haskins has described about the deer on his property is what she would call a "run" versus a "corridor". Her definition of a corridor is that it is very narrow, limited passage way of habitat that connects two larger areas. Ms. Scharf went on to illustrate what a corridor was versus a "run" with observations she made while doing her review in Warren for this project. She also commented that residential development is not always all bad as the plantings such as fruit trees can provide food and things such as bird feeders will attract rodents for bobcat to feed on. What can be more damaging in her estimation, can be loose dogs as an impact on surrounding wildlife.

Mr. McCain then went over some of the other issues that had been raised. He presented the Board with a reconfiguration of Lot 5 to meet the road frontage requirement and also told them they were providing a 100 foot not cut zone along the south boundary of Lot 1 (easterly of Resnik) to aid in breaking of any development clearing. Mr. McCain also noted that he had had a conversation with the Proulx who had expressed concern about clearing on Lot 4 for the wastewater system. They discussed providing up to as many as ten trees, not nursery stock, but from the woods, of local softwoods to provide screening.

The Board then discussed the requests/suggestions in the Conservation letter. One member asked if visual impact was under the prevue of the CC. They felt that most items had been addressed.

MOTION by Mr. Monte to conduct a Final Plan approval hearing on Monday April 5, 2010. **SECOND** by Mr. Kaufmann. **VOTE**: all in favor, the motion passed.

3- **Application 2010-02-CU**, Residential development involving slopes greater than 15%: The applicants, Scott **Beaudin** and Robert & Carol **Ackland** request conditional use approval to construct a driveway to residential house site on a 8.9 ± acre parcel adjacent (south) to 56 Retriever Run. Applicant requests the hearing be reopened due to a revision in the road cut location.

MOTION by Mr. Monte to reopen the hearing on the Conditional Use review for Beaudin/Ackland at the applicant's request to be heard on April 5, 2010. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

The Board reviewed and signed minutes and adjourned at 8:50 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

5-3-10
Peter Monte date

5-3-10
Bob Kaufmann date

5-3-10
Virginia Roth date

5/3/10
Lenord Robinson date