

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
MONDAY APRIL 5, 2010

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

Others Present: Bob Ackland, Scott Beaudin, Sharon Kellerman, Brian Resnik, Gunner McCain, Ken and Judy Proulx, Cindy Carr, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order 7:00 pm.

1. **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. The road access to the property is off of West Hill Rd and this property is located in the Rural Residential District (Parcel ID#016005101). The hearing has been reopened at the requested of the applicant. This application requires review under Article 2, Table 2.2, Article 3, § 3.1 (Access, Driveway & Frontage Requirements), § 3.4 (Erosion Control & Development on Steep Slopes) & § 3.10 (Parking, Loading & Service Area Requirements) and Article 5 - Development Review of the Warren Land Use and Development Regulations.
2. **Application 2009-06-SD**: Five Lot Major Subdivision, Final Plan Review - 662 Ridge View Rd ( Continued from March 15th, 2010): The applicant, **FCC LLC d/b/a FCC Property Holdings LLC** requests a Final 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 and Meadowland Overlay Districts This application requires review under Article 2 (Tables 2.2 & 2.13) Rural Residential & Meadowland Overlay Districts, respectively); Article 6(Subdivision Review), §6.4, (Final Plan Review), and Article 7, (Subdivision Standards) of the Warren Land Use and Development Regulations.
3. **Other Business:**
  - a. Sign Minutes from Development Review Board meeting of March 15th, 2010
  - b. Election of officers for the coming year.
  - c. Establish meeting night and dates for the summer.

Mr. Monte called the meeting to order at 7:02 pm.

- 1) **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. The road access to the property is off of West Hill Rd and this property is located in the Rural Residential District (Parcel ID#016005101). The hearing has been reopened at the requested of the applicant.

Mr. Ackland told the Board that since the Board's approval on March 1, 2010, a neighbor across the street from the lot Mr. Beaudin is purchasing, have raised a concern about the location of the road cut for the driveway. In order to address those concerns, the engineer has relocated the road cut approximately 80+/- feet north of the originally approved location.

**MOTION** by Mr. Monte that the Board re-adopt the findings and approval given at the hearing on March 1, 2010 with the only change being the revised design for the driveway entrance.  
**SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

- 2) **Application 2009-06-SD:** Five Lot Major Subdivision, Final Plan Review - 662 Ridge View Rd (Continued from March 15th, 2010): The applicant, **FCC LLC d/b/a FCC Property Holdings LLC** requests a Final 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 and Meadowland Overlay Districts.

Mr. McCain opened the hearing with his three items he thought were left to be resolved regarding this application. The first was regarding the recommendations of the Warren Fire Dept. with whom he met the previous week. The items the Fire Dept requested were agreed to by the applicant and are as follows: 1) a widening of the road across from the proposed driveways for Lot 2 and Lot 4 to facilitate the passing of two fire trucks; 2) a 70 by 70 foot hammerhead turnaround where the road leaves the property; and 3) a wet hydrant, that will be gravity fed from the existing pond. [note: WFD letter yet to be submitted].

The second item was concerning an issue that had come to Mr. McCain's attention that afternoon that there may or may not be a deed restriction(s) that would limit how much subdivision can take place on this parcel. Mr. Monte noted that deed issues are not under the prevue of the DRB – that they (the DRB) can issue a permit under the regulations, but that doesn't guarantee that one can fully utilize the permit.

The last item was the addressing of concerns from the Proulx's who abut the applicant's parcel. They have expressed concern about the clearing on lot 4 for the wastewater system and would like to see some screening put in. Mr. McCain shared with the Board a prior conversation with the Proulx's where he agreed to plant up to ten softwoods around the mound system opening. Mr. McCain added though that he thought they should re-assess the site after the clearing is done to be more accurate in tree placement and what is actually needed for screening. He continued to say that they would like to utilize existing tree stock from the woods versus using nursery stock and would be approximately 6 +/- feet tall above ground at planting. Mr. Proulx commented that he may not agree to use existing tree stock from the woods though Mr. McCain noted that he thought they would look more natural versus nursery stock. Mr. Monte added that any trees that did not survive would have to be replaced. Mr. Monte asked for clarification of the location for the trees and Mr. McCain described it as: the triangle of land at the northern edge of the 50 foot brook buffer on Lot #4.

**MOTION** by Mr. Monte that should an approval be granted, a condition of the approval will be that after the leach filed is constructed on Lot #4, ten (10) nursery stock softwood trees of not less than six feet when planted, shall be placed in the area designated on the final plat as the "septic system screening area"; these trees are to be replaced should they become diseased or die; further, this requirement may be modified to be less than ten trees, but at least five tress, and may be not of nursery stock if agreed to by the land owner of parcels 002003-800/900 and such modification is filed with the Warren Zoning Administrator. The "septic system screening area" is all land located north of the northerly line of the water course buffer area on Lot #4. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

Mr. Monte noted that the Board had heard about the recommendations form the Fire Dept. but had yet to receive anything in writing. It was also noted, that the recommendations were included on the site plan, as Mr. McCain understood them – the site plan had not been reviewed by the Fire Dept. for accuracy. It was determined that the written decision would not be executed unless a Fire Dept. letter had been received for the application.

Mr. McCain clarified the location of the 100 foot no cut zone on the site plan as being along the southerly boundary of Lot 1 which borders the Resnik property.

**MOTION** by Mr. Monte that a condition of this permit is the establishment of a No Cut Zone located on that portion on lot #4 that is north of the southern boundary of the 50 foot water course

buffer, with exception of any cutting necessary for the leach field installation. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

It was noted that this plan will be subject to a Vermont State Stormwater permit. As such, Mr. McCain pointed out how they were meeting the requirements by the State with some dry stormwater ponds incorporated into the plan. Mr. McCain also told the Board that he is required to provide an affidavit of completion to the State upon, which he will also provide to the Zoning Administrator.

Another recommendation of the Conservation Commission was to re-figure lot #5 as it was an odd shape [due to frontage requirements]. They asked if the building envelope could be reduced. Mr. McCain said that the reason for the "odd" shape was due to some slopes that were in excess of 25% - the building envelope was fashioned to exclude those areas yet still allow for some possibility of outbuildings or options for the main house site. The Board came to the consensus to leave it as it was.

Mr. Malboeuf asked about some sort of "monument" that defines the boundaries of the building envelopes. Mr. McCain suggested that the final mylar indicate meets and bounds for the building envelopes. The Board thought that was a good idea and that it should be a standard condition going forward where appropriate.

**MOTION** by Mr. Monte that the final mylar include sufficient information to be able to locate each boundary corner of the designated building envelope within each lot and before construction on any lot the building envelope will be marked for inspection by the Warren Zoning Administrator. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Robinson that the applicant has satisfied the standards of Sec 7.2 General Standards with the conditions already voted on. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the standards of Sec. 7.3 Protection of Primary and Secondary Conservation Areas have been addressed and are found to be satisfied by the Board. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the standards of Sec. 7.4 have either been satisfied or are not applicable. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that Sec. 7.5 Stormwater Management & Erosion Control has been satisfied by the applicant. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the driveway designs and pond hydrant as shown on the site plan (revised 4/5/10) satisfy the Fire Department requirements. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Robinson that Sec 7.6 Community Services and Facilities, Sec. 7.7 Roads and Pedestrian Access, Sec. 7.8 Water Supply & Wastewater Disposal, and Sec. 7.9 Utilities have been satisfied by the applicant. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte to approve the request for subdivision subject to the standard conditions and those additionally imposed. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

3) Other Business

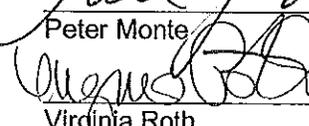
The Board discussed whether or not to continue on their meetings on Monday or revert back to Wednesdays. For now, they decided to stay on Mondays. The three members in attendance discussed the election of officers, and cast a single ballot of Mr. Monte, Chairman, Chris Behn, Vice Chairman and Ruth Robbins, Secretary. The vote was unanimous with a simple majority of the Board.

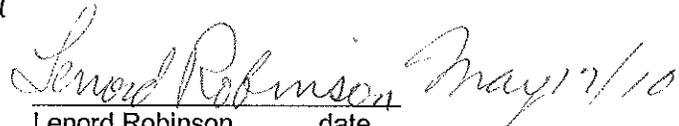
Mr. Monte adjourned the meeting at 8:31 pm.

Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

  
Peter Monte                      date 5/17/10  
  
Virginia Roth                      date 5/17/10

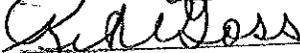
  
Lenord Robinson                      date May 17/10

TOWN OF WARREN, VT

Received for Record 5/18 2010

at 10:30 o'clock A M and Received in

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TOWN CLERK