TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY JUNE 7, 2010

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

Others Present: Mac Rood, Karen Hewitt, Douglas Condit, Arthur Dreher, Ellen Smith, William J. Pastuszek, Sandy Carter, Brian Sullivan, Jason Lisai, Jim Sanford, Richard Shapiro, Dick King, AJ Lampher, Tim Jones and Ruth Robbins.

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

1) **2010-04-CU**, Construction of a 84' high telecommunications tower: (continued from May 17th, 2010) The applicants, **Vermont RSA Limited Partnership and Cellco Partnership each d/b/a Verizon Wireless, & Summit Ventures** request conditional use approval for the construction of an 84' high telecommunications tower, stealthed to resemble a pine tree; the mounting of up to 15 panel antennas behind artificial tree branches; and the installation of a 12' x 24' equipment shelter adjacent to the stealth tree. This project is located at the end of Upper Village rd. in the Forest Reserve District (Parcel Id# (250020). This application requires review under Article 4, § 4.18 (Telecommunications Facilities) of the Warren Land Use and Development Regulations.

2) **2010-04-CU**, Expansion of a Non Conforming Use, the Warren Cemetery: The applicants, the **Warren Cemetery Commission & the Town of Warren** request Conditional use approval to expand the development of cemetery plots and accessory roads on approximately 2 acres of a 22.35 acre parcel off Cemetery Rd; This parcel is owned by the Town of Warren(parcel Id #001001-100) and is located in the Warren Village Historic Residential District The applicants also proposes excavation on slopes exceeding 15% . This application requires review under Article 2 .Table 2.3(WVR), conditional uses, (6) cemetery and Article 3, §'s 3.4 (Erosion Control & Development on Steep Slopes) & §3.8(Non-Complying Structures & Non-Conforming Uses), (B) of the Warren Land Use and Development Regulations. *(applicants request a continuance until June 21st, 2010)*

3) **2010-06-CU**, Clay Brook Foot Bridge: The applicant, the **Mad River Path Association (MRPA)**, request conditional use approval for the construction of a foot bridge, sixty (60') feet long and five (5') feet wide over the Clay Brook. The purpose of the foot bridge is to connect the section of the Mad River Path that crosses Riverside Park to the section of the Mad River Path that crosses the Golden Lion property. This project is located in the Rural Residential District and the Flood Hazard Overlay District (FHO). The development also requires setback relief form surface waters. The proposed foot bridge involves two parcels; a 1 ± acre parcel owned by the Town of Warren at 63 Stewart Wood Rd (Parcel Id # 100001-500) and a 4.32 ± acre parcel owned by the Golden Lion Riverside Inn, Inc. at 731 VT Rte 100, (Parcel Id # 100000-700). This application requires review under Article 2, Table 2.2, Rural Residential District (RR), & Table 2.14, Flood Hazard Overlay District (FHO), Article 3, § 3.13, Surface Water Protection, & Article 5, of the Warren Land Use and Development Regulations.

4) **Other Business:**
   a) Sign Minutes from Development Review Board meeting of May 17th, 2010.

Mr. Monte called the meeting to order at 7:05 pm.

1- **2010-04-CU**, Construction of a 84' high telecommunications tower: (continued from May 17th, 2010) The applicants, **Vermont RSA Limited Partnership and Cellco**

000595

Partnership each d/b/a Verizon Wireless, & Summit Ventures request conditional use approval for the construction of an 84' high telecommunications tower, stealthed to resemble a pine tree; the mounting of up to 15 panel antennas behind artificial tree branches; and the installation of a 12' x 24' equipment shelter adjacent to the stealth tree. This project is located at the end of Upper Village rd. in the Forest Reserve District (Parcel Id# (250020).

Mr. Monte began the hearing stating that this was a continuance from the last meeting on May 17th. He also mentioned that they had received the email from Mr. King with comments from one of his clients, Mrs. Shapiro. Additionally, a letter had been submitted by Wendell and June Anderson who were not in favor of a tower in the proposed location.

Mr. Sullivan, attorney for the applicant, said that they had been successful in obtaining permission from Mr. Austin to relocate the tower site closer to the edge of the bear habitat and thus further away from the nearest residents. This new location would be about 300 feet further up the hill which will put the tower site 890 feet away from the Shapiro's and 515 feet away from the closest corner of the undeveloped lot. Since this agreement with the VT Fish & Wildlife Dept. only occurred a couple of days ago, the applicant has not had ample time to put together the appropriate maps etc. for the Board's review. They did however have a rendering of a plain tower versus the tree tower, some photo simulations and information regarding the other sites considered and why they didn't work. Mr. Monte asked for a summary of why the other locations would not work. Mr. Sullivan said that those on the list from Mr. King were from a FCC database that included licensed operators that may have had antennae such as a ham operator or dispatch radio operator. Since terrain is an overriding factor in cell tower location, this list was not even considered. Any of the other locations did not meet the objectives of area of coverage that was desired. Speaking for the land owner, Sugarbush Resort, Mr. Lisai said that National Forest Land is not an option as it is generally not allowed and if attempted the process for approval is lengthy with rare positive results. Mr. Lisai did not now of an attempt for locating a cell tower in National Forest land in Vermont.

Mr. Sullivan asked for a continuance so that they could provide additional information on the new site. Mr. Schoellkopf asked that they make sure to provide a clear comparison of a "tree" tower and one that was just a monopole tower.

MOTION by Mr. Monte that this hearing be continued until Wednesday July 7, 2010 at 7pm. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

2- **2010-06-CU,** Clay Brook Foot Bridge: The applicant, the **Mad River Path Association (MRPA)**, request conditional use approval for the construction of a foot bridge, sixty (60') feet long and five (5') feet wide over the Clay Brook. The purpose of the foot bridge is to connect the section of the Mad River Path that crosses Riverside Park to the section of the Mad River Path that crosses the Golden Lion property. This project is located in the Rural Residential District and the Flood Hazard Overlay District (FHO). The development also requires setback relief form surface waters. The proposed foot bridge involves two parcels; a 1 ± acre parcel owned by the Town of Warren at 63 Stewart Wood Rd (Parcel Id # 100001-500) and a 4.32 ± acre parcel owned by the Golden Lion Riverside Inn, Inc. at 731 VT Rte 100, (Parcel Id # 100000-700).

Mr. Rood, representing the Mad River Path Association's application, presented to the DRB the plans for a foot bridge over the Clay Brook. The Mad River Path Association (MRPA) has received a $19,000 grant and has asked the Youth Conservation Corp. to build the footbridge. The construction of the bridge will provide a connection of the path from Riverside Park to the Golden Lion Inn property and properties north. The foot bridge is located within the Special Flood

Hazard Area (SFHA). As such, the bridge will be constructed of two steel beams (16x40) that will rest on 2'x2'x4' concrete blocks that will serve as a foundation. Wood decking will be nailed to sill plates on top of the steel beams and a 42" high guardrail with cyclone fence infill will be built on either side of the bridge. The bridge will span the brook width and be elevated above the top of the bank on both sides of the brook. No excavation or stream bank alteration will be necessary, explained Mr. Rood.

Mr. Schoellkopf asked if the Friends of the Mad River were aware of the project and if they had any comments. Mr. Rood said they were aware and had no objections. Mr. Monte noted that should there be any disturbance under the bridge during construction that restoration of that area would be required. The Board then started going through the Conditional Use Standards.

MOTION by Mr. Monte that Sec. 5.3 Conditional Use Standards, (A) General Standards, (1) thru (5) are satisfied by the applicant. **SECOND** by Mr. Schoellkopf. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that in order to satisfy Sec. 5.3 (B) (7) Protection of Natural Resources & (8) Erosion Control, the applicant is required to (1) follow the construction standards of the Green Mountain Club or Appalachian Trail Mountain Club for the design and construction of trails including erosion control measures and the utilization of water bars on steep sloped areas, and (2) any areas disturbed adjacent to the bridge installation or trail construction is to be restored with similar vegetation. **SECOND** by Mr. Schoellkopf. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds as per Sec. 5.3 (D) (1) that the project is not in the Floodway but is located in the Flood Hazard Area. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Robinson that Sec. 5.3 (D) items (2), (3), & (4) are either satisfied or not applicable to this application. **SECOND** by Mr. Schoellkopf. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the Conditional Use application subject to the previously voted on conditions and with the condition that the project be built as presented in the plans by the applicant. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

3- **2010-04-CU**, Expansion of a Non Conforming Use, the Warren Cemetery: The applicants, the **Warren Cemetery Commission & the Town of Warren** request Conditional use approval to expand the development of cemetery plots and accessory roads on approximately 2 acres of a 22.35 acre parcel off Cemetery Rd; This parcel is owned by the Town of Warren(parcel Id #001001-100) and is located in the Warren Village Historic Residential District The applicants also proposes excavation on slopes exceeding 15% .

MOTION by Mr. Schoellkopf that the hearing of application #210-04-CU submitted by the Warren Cemetery Commission & the Town of Warren be continued to Monday June 21st at 7:00pm as per the request of the applicant. **SECOND** by Mrs. Roth. **VOTE**: all in favor, the motion passed.

In other business the Board signed the minutes of May 5th, the Kramer Subdivision Decision, and mylars for Menkes and Von Moschzisker. Mr. Monte adjourned the meeting at 8:42 pm.

000597

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

7-17-2010

Peter Monte date

Jeff Schoellkopf date

7-19-10

Virginia Roth date

7/19/10

Lenord Robinson date

TOWN OF WARREN, VT
Received for Record 7/20 20 10
at 10:15 o'clock A M and Received in
Vol 206 Page 594-597
Rita K Goss
TOWN CLERK