

000600

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY JUNE 21, 2010

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

Others Present: Marcella & Raymond Gratton, Chris Austin, Cindi Jones, Charles Snow, Peggy Rodrigues, Don Swain, Rudy Elliot, Miron Malboeuf and Ruth Robbins.

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

- 1) **2009-12-CU**, Conditional Use – Setback Relief from a stream for an Accessory Structure. The applicant, the **Town of Warren**, seeks a conditional use approval for setback relief of approximately 28' from a stream. The applicant has submitted a Zoning Application to place a thirty-two foot (32') by eight foot (8') mobile office trailer on the present town garage site at 119 School Rd. This site is part of a 40.6 ± acre parcel, which includes the Warren Elementary School and Brooks Field, and is located in the Warren Village Historic Residential District, (Parcel Id# 001002-300). This Application requires review under Article 2, Table 2.3 Warren Village Historic Residential (WVR), Article 3, § 3.13(Surface Water Protection) and Article 5, Development Review of the Warren Land Use and Development Regulations.
- 2) **2010-07-CU**, Conditional Use application to construct a single family dwelling on a .92 acre parcel: The applicants, **John & Shelley M. Davis**, request conditional use approval to reestablish the findings of fact and notice decision of a conditional use permit, 2006-01-CU. This project is located at 1571 Sugarbush Access Rd. and is in the Rural Residential District on a .92 ± acre parcel (Parcel Id # 005006-700). This application requires review under Article 2, Table 2.2, Rural Residential District (RR), Article 3, § 3.13, Surface Water Protection, & Article 5, of the Warren Land Use and Development Regulations.
- 3) **2009-02-SD**, Minor Subdivision, 4 lots, Final Mylar Review - 323 Carleton Rd. The applicant, **Denise D Durling**, request a Final Plan Review hearing for a 4 lot subdivision of 65.5 ± Acres located off West Hill Rd at 323 Carleton Rd in the Rural Residential District.(Approved by the Board on January 22nd, 2010)
- 4) **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)
- 5) Other Business:
 - a) Sign Minutes from Development Review Board meeting of May 17th, 2010.

Mr. Monte called the meeting to order at 7:04 pm.

- 1- **2009-12-CU**, Conditional Use – Setback Relief from a stream for an Accessory Structure. The applicant, the **Town of Warren**, seeks a conditional use approval for

setback relief of approximately 28' from a stream. The applicant has submitted a Zoning Application to place a thirty-two foot (32') by eight foot (8') mobile office trailer on the present town garage site at 119 School Rd. This site is part of a 40.6 ± acre parcel, which includes the Warren Elementary School and Brooks Field, and is located in the Warren Village Historic Residential District, (Parcel Id# 001002-300).

This application was originally heard on December 14, 2009 at which time the DRB did not make a final decision due to the time of year and the necessity for the applicant to provide a soil erosion and runoff plan which could only be best developed after the winter season. Ms. Jones, the Warren Town Administrator, presented the plan to the Board that was produced by the engineers at FA&A (Forcier Aldrich & Associates). Along with a site plan, a narrative erosion control plan was submitted that stated in part: "Because there is no significant soil disturbance, increase in impervious surface or additional run off caused by this project, no additional erosion control measures are needed." The trailer, which is approx. 60 feet from the stream, is located on a gravel parking area, and as Ms. Jones pointed out, the ground surface is such that there will be no excess runoff as a result of the addition of the 8x26 foot trailer. Ms. Jones also reminded the Board that they had expressed some concern about the parking of the school bus within the stream buffer area. With the limited space and additional Town garage vehicles/equipment, the Town three years ago provided space above the Town Garage adjacent to the elementary school for the school buses to park and be able to plug in the winter months explained Ms. Jones.

Sec. 3.13 Surface Water Protection (B) (1) was found to be satisfied by the Board at their December meeting.

MOTION by Mr. Kaufmann that Sec. 3.13 (B) (2) is satisfied. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that Sec. 3.13 (B) (3) is satisfied and maintained. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Robinson that Article 5, Sec. 5.3 (A) General Standards items (1) thru (5) are satisfied by the applicant. **SECONDED** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

The determined that Sec. 5.3 (B) Specific Standards was not applicable to this application.

MOTION by Mr. Kaufmann that the Town Garage site is limited to the parking of Town trucks, equipment and Town Garage employee vehicles. **SECOND** by Mr. Robinson. **VOTE:** three in favor, one abstained, the motion passed with a majority of the Board members.

MOTION by Mr. Monte that that the Board grants Conditional Use approval with the conditions as previously voted on. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

- 2- **2010-07-CU**, Conditional Use application to construct a single family dwelling on a .92 acre parcel: The applicants, **John & Shelley M. Davis**, request conditional use approval to reestablish the findings of fact and notice decision of a conditional use permit, 2006-01-CU. This project is located at 1571 Sugarbush Access Rd. and is in the Rural Residential District on a .92 ± acre parcel (Parcel Id # 005006-700).

Mr. Austin was before the DRB for the Davis' who want to build a single family house but the Conditional Use approval obtained by the previous owner in 2006 has since expired. He also noted for the Board that Mr. McCain had updated the engineering on the site and that they

had a current state wastewater permit for a three bedroom house. The Board found that nothing substantial had changed that would adversely effect the protection of surface waters and maintaining the required stream buffer. As such, Mr. Monte made the following motion:

MOTION by Mr. Monte to reiterate the following findings [#10, #11 & #12] from the 2006 approval as still being true and valid with this application:

- It was determined by the DRB that no structure shall be erected within 100 feet of the near edge of Wheeler Brook as shown by the high water mark.
- It was determined by the DRB that there will be no development, excavation, landfill or grading within 50 feet of the top of the bank.
- It was noted by the DRB that the location of the leach field as shown on the site map, falls within the 50-foot buffer zone and thus does not comply.

SECOND by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that given the findings previously re-stated and thorough review of the updated site plan, it is found by the Board that Conditional Use approval is not required for this application. **SECOND** by Mr. Kaufmann. **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% .

Mr. Snow and Mr. Malboeuf presented to the Board the site plan for the expansion of the Town Cemetery. There are currently only 12 sites left. Landworks has prepared a site plan working with Mr. Snow and with some suggestions from Mr. Malboeuf. There are some "mounds" that were leftover from a previous gravel extraction that will be leveled out and part of an existing field area will be incorporated into the plan. There will be a slight extension of the parking area and a better organization of the roads. Mr. Malboeuf also pointed out that though it is town owned property it has never been through any review and technically should be reviewed under Conditional Use review for a pre-existing non-conforming use and development on steep slopes. Discussion took place about drainage, to which Mr. Robinson seemed to think should not be a problem due to the type of existing soils being so sandy. Erosion control measures were also discussed. Mrs. Rodrigues expressed concern about the road that was proposed that came right along her property line and its installation potentially harming her spruce trees which act as a buffer.

With needed more information about erosion control measures, and with Ms. Rodrigues asking to bring in an arborist to speak to the protection measure for her trees, it was suggested that the members do a site visit on their own and continue the application to a future date.

MOTION by Mr. Monte to continue this hearing on the Town Cemetery application until July 7, 2010 at 7:00 pm. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

- 4- **2009-02-SD**, Minor Subdivision, 4 lots, Final Mylar Review - 323 Carleton Rd. The applicant, **Denise D Durling**, request a Final Plan Review hearing for a 4 lot subdivision of 65.5 ± Acres located off West Hill Rd at 323 Carleton Rd in the Rural Residential District. (Approved by the Board on January 22nd, 2010)

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The Board took a look at the final mylar for the Durling Subdivision and found some inconsistencies/inaccuracies in the setback designations. They also suggested that the road maintenance agreement be split into two documents instead of one as presented. The applicant came prepared to request a mylar filing extension of 90 days.

MOTION by Mr. Monte to continue this review until July 19th at 7:00 pm. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

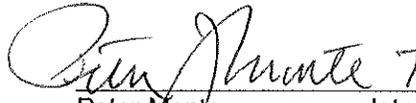
In other business the Board signed the FCC LCC decision and the second page of the Von Moschzisker mylar.

Mr. Monte adjourned the meeting at 8:42pm.

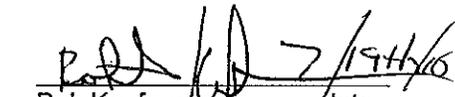
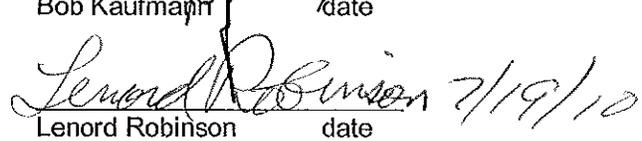
Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD


Peter Monte date

Virginia Roth date


Bob Kaufmann date

Lenord Robinson date

TOWN OF WARREN, VT

Received for Record 7/20 2010
at 10:15 o'clock A M and Received in
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TOWN CLERK