TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY AUGUST 30, 2010

Members Present: Peter Monte, Chris Behn, Lenord Robinson and Jeff Schoellkopf.

Others Present: Leon Bruno, Kerry Blanchard, Andrew Newton, Anneliese and Jack Lindner, Craig Klofach, Bob Sexton, Brian Lee, Margo Wade, Jason Lisai, Miron Malboeuf and Ruth Robbins.

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

1. **Application 2010-11-CU**, Expansion of a Non-Conforming Use: The Applicant, **Summit Ventures of NE, LLC (dba Sugarbush Golf Club)**, request permission for a permanent tent site 100' long and 70' wide below the 7th tee at the Sugarbush Golf Course. The project location is at 1091 Golf Course Road on a 175.5± acre parcel in the Rural Residential District (Parcel Id# 053001-200). Event parking will be located at the golf club parking lot and incidental access to site will be via an existing right of way off Triview Road. This application requires review under Article 3, § 3.8 (Non-Complying Structures & Non-Conforming Uses) and Table 3.1 (Minimum off Street parking Requirements), and Article 5(Development Review), §5.3(Conditional Use Review Standards) of the Warren Land Use and Development Regulations.

2. **Application 2010-13-CU**, Construction of a Garage with an Accessory Dwelling: The applicant, **Andrew Newton**, request permission to construct a garage with an accessory dwelling at 168 Lower Pines Road in the Rural Residential District (Parcel Id# 005001-801). This application requires review under Article 2, Table 2.2, Rural Residential Zone, Article 4, §4.1 (Accessory Dwellings) and Article 5 (Development Review) , §5.3(Conditional Use Review Standards), of the Warren Land Use and Development Regulations

3. Other Business:
   a. Sign Minutes from Development Review Board meeting of August 16th,, 2010.
   b. Decisions, Black; Mylar, Asher /Kramer

Mr. Monte called the meeting to order at 7:12 pm.

1) **Application 2010-13-CU**, Construction of a Garage with an Accessory Dwelling: The applicant, **Andrew Newton,** request permission to construct a garage with an accessory dwelling at 168 Lower Pines Road in the Rural Residential District (Parcel Id# 005001-801).

Mr. Newton explained to the Board that his plans were to build a 24 x30 garage with a one bedroom apartment on the second level. He showed the members on the site plan submitted that it was within the building envelope and noted that the wastewater system was designed for four (4) bedrooms and that there are only three (3) bedrooms in the primary dwelling.

MOTION by Mr. Monte that the Board finds that this project will not have an adverse effect on the capacity of existing or planned community facilities or services as required under Sec 5.3 (A) General Standards item (1). **SECOND** by Mr. Schoellkopf. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Robinson that the application satisfies Sec. 5.3 (A) General Standards (2) Character of the neighborhood or area affected. **SECOND** by Mr. Monte. **DISCUSSION**: Mr. Schoellkopf asked if the structure would be consistent in scale and design as the main house and was told it would be very symmetrical to the house and the exterior finishing also similar to the house. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Behn that the standards under Sec. 5.3 (A) items (3), (4), and (5) have been satisfied by the applicant. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Behn that the standards under Sec. 5.3 (B) Specific Standards, items (1) through (11) are either met by the applicant or are found to be not applicable. **SECOND** by Mr. Schoellkopf. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the application as submitted. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

2) **Application 2010-11-CU**, Expansion of a Non-Conforming Use: The Applicant, **Summit Ventures of NE, LLC (dba Sugarbush Golf Club)**, requests permission for a permanent tent site 100' long and 70' wide below the 7th tee at the Sugarbush Golf Course. The project location is at 1091 Golf Course Road on a 175.5± acre parcel in the Rural Residential District (Parcel Id# 053001-200). Event parking will be located at the golf club parking lot and incidental access to site will be via an existing right of way off Triview Road.

Mr. Monte read the warning and then noted for the record that a site visit had taken place prior to the meeting. The DRB members at the site visit were: Mr. Monte, Mr. Robinson and Mr. Schoellkopf. Mr. Malboeuf, Warren Zoning administrator was also in attendance along with Mr. Lisai, Ms. Wade and Mr. Smith of Sugarbush Resort. Interested parties who were at the site were Mr. and Mrs. Lindner, Mr. Lee and Mr. and Mrs. Murray. In addition to viewing the site which is by the 7th tee, the members also went to Mr. Lee's home to view the site from that perspective.

Mr. Monte asked about the changes in the use that have been made since the project narrative had been submitted with the application. Mr. Lisai replied that the hours of operation would be only during daylight hours until dusk – with dusk varying by time of day depending on the time of year. He also noted that only non-amplified music would be allowed. Ms. Wade continued with the outline of what the resort wanted to do with the modifications as discussed at the site visit. She said that it was their intent to host golf club related events at the site by the 7th tee along with additional resort related functions. They are requesting 8 to 12 functions at this site per golf year, the year being defined as the period from mid May to mid October. Each event would run two to four hours and a golf event could begin as early as nine am and an end to an event would be "dusk" which at the height of the summer could be as late as nine pm.

All parking will be provided by the existing parking at the golf club [which can accommodate up to 90 vehicles] and participants will either walk to the 7th tee or be transported by golf cart. The Triview Road access will only be utilized by the transportation of handicapped participants, elderly with mobility issues and the members of a wedding party. Mr. Monte asked if they had any numbers that would give a clearer picture of what the traffic might be in transporting those individuals noted via Triview Road. Mr. Lisai recounted past experience where they hosted the Adaptive Golf outing where there was occasion to aid disabled individuals with transportation, and with a bride and many as four or five elderly individuals. Ms. Wade also told the Board that there would be no parking on Triview Road. She also added that if they exceeded the 90 spots by the Club House they had the ability to use Lincoln Peak for parking and shuttle guests from there.

Additionally, equipment for the event will be delivered via Triview Road, such as tents, food, beverage and portable toilets said Ms. Wade. The portable toilets will only be utilized periodically as facilities are available at the Club House. She explained that one port-a- let is needed for every fifty people. Power, if needed, would be provided by a portable generator, that would be relatively quiet, similar if not quieter than the mowing equipment they use.

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Ms. Wade summarized her presentation by saying that the golf course had been in operation since the 1960's and that a variety of events have taken place over the decades and felt that establishing a dedicated tent location did not constitute a significant change in their operations. Mr. Monte asked if they had documentation of how many times they have had tents with 200 people to date. Mr. Lisai responded that it usually has been in close proximity to the club house or been held at the mountain and then shuttled people to the golf course. Ms. Wade noted that though they would be introducing some noise to the Triview area, they were not expanding the use of the golf course as functions have been taking place there for some time. Mr. Monte did say that this is a new location that does have an impact on the neighborhood.

The next item the applicant brought up was that of the road [Triview Road] and Sugarbush's right to be able to have access to the golf course. The applicant submitted a letter from attorney Robert H. Rushford of Gravel & Shea which had attached the documentation showing Sugarbush's ownership of the road. Mr. Lisai did say that they hadn't actually exercised their right to use the road on a regular and ongoing basis. Mr. Monte also said that the DRB did not try legal titles and ownership issues as it was not under the Board's authority.

With the applicant having finished their presentation, Mr. Monte opened the hearing to comments from the audience. *[NOTE: for the record, included in the file are letters submitted by the following: Kevin Dunckley, 746 Golf Course Rd.; Steve & Anne Fleming and Robert & Lolli Leeson, 545 Triview Rd.; Patrick Dunckley, 746 Golf Course Rd.; Catherine Dunckley, 746 Golf Course Rd.; Vincent & Linda Dunckley, 774 Golf Course Rd.; David & Kathleen Kinne, 24 Triview Rd.; Jack & Anneliese Lindner, 169 Triview Rd.; Harley Freedman & Ena Sandler, 607 Triview Drive;Morgan & Ashley Mohrman, 512 Triview Road]*

Mr. Lindner went first with a list of comments/concerns. His first comment was to request that the applicant be instructed not to conduct any events at the 7th tee location until they are permitted especially since they have been conducting activities without prior permitting. Mr. Monte responded that he wasn't sure if the DRB could issue such a directive but then asked the applicant what if any plans they had for future events. Mr. Lisai said that they did have a wedding ceremony scheduled for the 7th tee location in October of about 125 people with no tent involved and the reception will be held at Timbers. Mr. Lindner's second comment was that he thought Sugarbush golf club had no right-of-way for commercial use via Triview Road. Additionally, he stressed that for the past 37 years Sugarbush has never maintained the road nor contributed to its upkeep. Mr. Lisai responded that that was true, as they also had not exercised the use of their right-of-way. Mr. Lisai also reiterated that he believed that the road issue, ownership and its condition, was not a matter under the prevue of the DRB. Mr. Behn asked if going forward it was Sugarbush's intention to contribute to the maintenance of the road and Mr. Lisai said that was a conversation for Sugarbush and the Triview Road property owners. Mr. Lindner continued with his list of comments pointing out to the Board that he thought the proposed access was in clear violation of Sec. 5.3 (A) (2) as it was a complete change in the character of the neighborhood and could possibly result in a reduction of their property values. Mr. Lindner stressed that there were several other very beautiful areas that could be utilized that would not be located so near to a residential neighborhood.

The next neighbor to speak was Mr. Lee. He first asked for some clarification on the capacity of both the golf course and the club house. Mr. Lisai said that the golf course could comfortably handle 144 golfers, maybe even up to 150. The club house, known as Hogan's, can accommodate 120 people including the use of the deck area. Mr. Lee went on to say that he thought there were several more logical, safer locations that would not be as detrimental to the neighborhood and would also have better access. Mr. Lisai responded that not all wedding ceremonies are held at the 7th tee as other locations are also utilized, but that to remain competitive and offer their customers what they are looking for/asking for, this location is important to the mix of options. Mr. Lee emphasized that he really felt that the detrimental effect

such events would have on his neighborhood were such that with all the other options available this one should not be included. Mr. Lisai took a few minutes to list events, mostly golf outings and the Chamber of Commerce mixer. Mr. Lee said it sounded like they were doing well without the tent site. Mr. Lisai said they've done "ok" but have also gotten feedback from those using Hogan's that it is a challenging site and be outside on the golf course. From a business perspective, added the location on the 7th tee makes perfect sense. Mr. Lee continued listing his concerns as follows: effect on the character of the neighborhood, safety with the possibility of patrons who have had too much to drink, increased cars, trucks on Triview, potential noise above and beyond what they already have with golfers passing by. He pointed out and questioned how "wedding type activity" is included under golf course use as outlined in the ordinance. Mr. Lee also questioned lighting that would be used and the possibility that it would be in use longer than the event for the purpose of breaking down the site. Mr. Lee also did no think that the existing parking would be sufficient for an event of 200 people and also had concerns about the general security for the neighborhood with that many people at an event. How would emergency vehicles get around? In conclusion, Mr. Lee said that he supported the viability of Sugarbush and the golf course but at the same time urged the DRB to deny the additional use at the 7th tee because of its adverse impact on the adjacent rural residential neighborhood.

Mr. Lisai responded to the comments made by saying that there was a lot of good input, that no one owns a view, that we have a process in the State to deal with issues such as this, and that we will all learn a bit more about property rights. For clarification, Mr. Lisai said that the resort would not envision a 200 person event at the same time they had 140 people on the golf course. He also said that at the site visit the owner (Mr. Smith) made some modifications to the plans and that they would be submitting a revised description. Mr. Monte asked if they had a wedding that was independent of the golfers are you going to actually turn away golfers? Mr. Lisai said that they would clarify how they would handle say a 150 guest wedding and golfers utilizing the course. Mr. Lisai continued and said that he did not totally agree with all of Mr. Lee's comments, such as any event would be done in a controlled manner as to not create any security concerns i.e. liquor consumption, noise.

Mrs. Lindner asked for a written revision of the narrative since changes have been made since the original submittal. Mr. Lisai assured her they would be putting together a new narrative. As to the number of events, she pointed out that with twelve between Memorial Day and Labor Day, that that constituted approximately one per week, and with time to set up, have the event, and then take down the set up, the neighbors are then subjected to three to four days of disruption with commercial traffic.

Mr. Bruno spoke next and stated that he lived on the Golf Course Road and had been there for 43 years. He added that his property is surrounded on three sides by the Sugarbush Golf Course. Mr. Bruno said that when one buys property here they have to understand that it is important to help the valley grow economically. He said he was also a golfer and that it was his experience that Sugarbush was good about controlling the golfers when they had a scheduled event going on. He specifically mentioned one time when he could not get on the course due to a corporate event taking place. Mr. Bruno stated that he had no concerns about Sugarbush's proposal but at the same time appreciated the concerns expressed by the residents of Triview. He too has traffic and noise from activities at the golf course but believes that we need all the quality commercial activity the valley can get.

Mr. Lindner replied that he was not against economic activity but felt strongly that there were several other areas that would allow for growth that would not adversely affect the Triview neighborhood. Mr. Behn asked the applicant what specific criteria were used in selecting this site for their event activities. Mr. Lisai replied that the primary criteria were the view which is exceptional as well as the fact that it didn't interfere with the flow of the golfers. He continued to say that prior to the economy taking a dive this site had been looked at as a possible place to

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relocate the clubhouse to. Unfortunately it will be some time before that is a consideration. He continued to say that yes, there were some lovely locations elsewhere but they would involve taking space away from parking, or the practice range or extensive regrading.

The next to speak was Mr. Sexton, the owner of Beaver Pond Inn on Golf Course Road. He emphasized that he has found the Sugarbush folks to be good neighbors and responsible business people. In the four years that he has been operating the inn he has not had a single negative experience related to the events or everyday golfers at the golf course. He said he understood the concerns expressed by other s but asked if it wasn't also a mandate to encourage economic development? Mr. Monte said that no, economic development was not a mandate of the DRB. Mr. Monte continued to say that he felt the underlying premise of the ordinance was that the landowner had the right to maximize the value of the property subject to adhering to the rules that avoid undue impositions to others, which indirectly might promote economic development.

The Board considered discussing a list of possible conditions but hesitated to go through the ordinance standards until the revisions from Sugarbush had been put in writing and shared with the neighbors. Mr. Robinson made a comment that he had lived here 81 years (so far) and after being up on Triview Road earlier he could clearly see why the site was often requested as a wedding site as the view was truly one of the best in the valley and there was plenty of room between the fairways.

MOTION by Mr. Monte that the following items be included as conditions in an approval should one be given.

- Maximum of 12 events to be held between May and October in any given year.
- Hours for each event to be limited to between 9am and dusk.
- All patrons using the site and service to the site by the resort be from the clubhouse and Golf Course Road with the exception of: a) persons who are physically disabled, b) the bridal party and c) furnishings for the events such as tents, port-a-lets, food, tables/chairs. These exceptions may access the site via Triview Road.
- Any generator used at the site may not exceed 50 decibels in noise.
- No amplified music.
- No parking on Triview Road.
- Each event limited to 150 guests, not including staff.
- Maximum tent size to be used at the site not to exceed 50 by 100 feet.

SECOND by Mr. Robinson. **DISCUSSION**: Mr. Schoellkopf asked if the timeframe could be better defined so that the breaking down of the event was not disruptive. Mr. Lindner asked that if there was no parking on Triview Drive, where would the service vehicles park? After some brief conversation it was determined that a "delivery site" would need to be designed and reviewed by the DRB if the service vehicles were not going to be driving down to the site and potentially parking while making a delivery on Triview Road. Mr. Lisai stated that it was not their intention to block Triview Road. Mr. Monte said he thought an "access road" would be appropriate but wanted to see a plan.

Mr. Monte also asked the applicant for the revised project description , lighting plan and the verification of decibels for the generators. He also said he wanted to leave the motion on the table for either a vote or withdrawal later. Mr. Lee reiterated his concern for safety on Triview Road with the possibility of additional truck traffic and if improvements might need to be made to the road. Mr. Monte said it would help him in his deliberations if he knew more quantitatively the number of truck visits to the site for an event via Triview Road. Is it three trucks with six visits or ten trucks with many more visits? Mrs. Lindner asked how it would be handled as to keeping people from accessing the site via Triview who are not part of the exceptions? Mr. Lisai said that

with a wedding they have pretty good control of directing who goes where. She suggested that maybe there should be some signage or monitoring.

MOTION by Mr. Monte to continue this hearing until Monday September 20, 2010 at 7:00 pm. **SECOND** by Mr. Schoellkopf. **VOTE**: all in favor, the motion passed.

In other business the members signed the Black decision and the Asher /Kramer mylar.

Mr. Monte adjourned the meeting at 9:35 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte 9/20/2010 date

Jeff Schoellkopf 9/20/2010 date

Chris Behn 09/20/2010 date

Lenord Robinson date

TOWN OF WARREN, VT
Received for Record 9/21 20 10
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Vol 207 Page 519-524
TOWN CLERK