

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY SEPTEMBER 20, 2010

Members Present: Peter Monte, Jeff Schoellkopf, Chris Behn, Virginia Roth and Bob Kaufmann.
Others Present: Jack and Anneliese Lindner, David Putter, Morgan Mohrman, Leon Bruno, Anne and David Ozimek, Harley Freedman, Robin Bleier, Seth Brennan, Craig Klofach, Brian Lee, Tim Piper, Win Smith, Margo Wade, Miron Malboeuf and Ruth Robbins.
Agenda: Call the meeting to order, 7:00 pm.

TOWN OF WARREN, VT
Received for Record 113 2010
at 8 o'clock A M and Received in
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Ruth Robbins
TOWN CLERK

1. **Application 2010-11-CU**, Expansion of a Non-Conforming Use (Continued from August 30th, 2010): The Applicant, **Summit Ventures of NE, LLC** (dba Sugarbush Golf Club), and request permission for a permanent site 100' long and 70' wide for event tents below the 7th tee at the Sugarbush Golf Course. The applicant has submitted a revised project narrative (09/13/10) 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 2010-14-CU**, Front Setback Relief for a Garage, an Accessory Structure: The Applicant, **Wendy A Cox**, request permission for front yard setback relief of 6 feet from Buck Road for a residential garage. The project location is at 105 Buck Road, on a 1.7 ± acre parcel in the Alpine Village Residential District (Parcel Id# 417042-000). This application requires review under Article 2, Table 2.6, Article 3, § 3.6 (Height & Setback Requirements) 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 30th., 2010.
 - b. Decision: Newton

Mr. Monte called the meeting to order at 7:03 pm.

- 1) **Application 2010-14-CU**, Front Setback Relief for a Garage, an Accessory Structure: The Applicant, **Wendy A Cox**, requests permission for front yard setback relief of 6 feet from Buck Road for a residential garage. The project location is at 105 Buck Road, on a 1.7 ± acre parcel in the Alpine Village Residential District (Parcel Id# 417042-000).

Mr. Malboeuf explained that the applicant was seeking set back relief for the construction of a single car garage. He stated that to move the structure back to conform to the setback would then bring about another issue of development on steep slopes of 15% or greater. The setback requirement is 20 feet and relief can be given up to 30% or in this case six feet leaving a setback of 14 feet. Mr. Monte asked how far back the house was situated. Ms. Cox said that the house, which was built in 1960, does have one corner that encroaches on the setback by one +/- foot.

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MOTION by Mr. Monte that this application will not adversely affect the capacity of existing or planned community facilities or services [Sec. 5.3 (A) (1)]. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Behn that the character of the neighborhood or area affected [Sec. 5.3 (A) (2)] is not impacted by this application as that area of Alpine Village is relatively developed and there are other non-conforming homes as to the setback requirements in the area. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that Sec. 5.3 (A) items (3), (4), and (5) are not adversely affected by this application. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

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

MOTION by Mr. Monte that the DRB grant the maximum allowed setback relief of 30% or in this case a reduction of six feet to the applicant for the purpose of building a single car garage. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

- 2) **Application 2010-11-CU**, Expansion of a Non-Conforming Use (Continued from August 30th, 2010): The Applicant, **Summit Ventures of NE, LLC** (dba Sugarbush Golf Club), and request permission for a permanent site 100' long and 70' wide for event tents below the 7th tee at the Sugarbush Golf Course. The applicant has submitted a revised project narrative (09/13/10) 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 began the hearing asking if all those interested had seen the revisions that had been put together by Sugarbush. Mr. Smith asked if he could address the Board as well as those who were interested in the application. He began by stating that the resort did not want to do anything that will upset the neighborhood and they have put together a project that they think will work for everyone. Mr. Smith continued and told the audience that though it may be somewhat redundant, that he wanted to go over the details so that they heard the information straight from him.

Though what they are asking for is a "permanent" site, it actually will be restricted to a few events per year in the summer months and only of two types: wedding ceremonies [not receptions] and "après" golf outing events. On the topic of wedding ceremonies, Mr. Smith said that they would be held usually on a Saturday and before dusk. This has come about as several folks have requested using this site for their exchanging of vows due to the beauty of the setting and the view. The wedding receptions will be held where they typically have been held either at Timbers or the Gate House or smaller ones at Hogans. Mr. Smith said they had had 20 or so wedding ceremonies on site and that they had taken place between two and five in the afternoon. Mr. Smith envisioned asking permission for six ceremonies during the summer months at this site.

The other type of event would be an "après" golf event which would not occur on a Saturday as that is their prime golf day and these types of events tend to take place during the week [frequently on Mondays] and earlier in the day. A golf event would be before dusk and not involve any type of music and would only use this tented site if it could not be handled at Hogans. Mr. Smith went on to say that the maximum shotgun tournament they could accommodate would be 142 participants. So as not to interfere with regular membership usage of the course, they try to limit these type of golfing events to pre July and post August.

On the issue of traffic, Mr. Smith said that for a wedding ceremony the set up would involve setting up chairs, sometimes a trellis and that's about it – there are no port-a-potties or other equipment. This could be done via the golf course with the only exception being if there was heavy dew that would cause slippery conditions for the vehicle(s). In that case they would want to access the site via Triview but there would be no parking, just the unloading of chairs. As for a golfing event if a port-a-potty is required Mr. Smith thought it would only be one, and it could be transported over the golf course thus not needing to use the access off of Triview. Again however, should the course be slick and traction is not good, then they might need to use Triview. Not all events would be tented – the resort does not own the tent and it adds an additional cost of \$2500 to the event therefore you may not see tents at all events and the tents will go up and come down and not left for several days due to the cost. Golf events will not have any amplified music and there will be no parking on Triview Road. The only people he could see needing access via Triview would be the bride and her bridesmaids as they typically need and want to make their entrance so that it somewhat of a surprise without people seeing them come across the golf course. Again, no parking, just being dropped off.

In summation Mr. Smith said that that was their vision and intent for the use of the area being discussed – they felt it was a unique location of which there was not an equal alternative – it was a level site with an outstanding view that folks have requested. Mr. Behn asked for clarification as to the site being referenced as the “7th green” versus the “7th tee” and Mr. Smith said it “just below the 7th TEE. Mr. Monte asked for the tent dimensions that they wanted to be able to use. The reply was that the size of the green space was 100 x70 and that was the maximum size tent they were requesting.

A discussion then took place between resident(s) of Triview and Mr. Smith as to the visibility of the tent from their homes. Mr. Smith disputed just how visible it would be whereas the residents claimed they could see it as they did this past summer season. It was also clarified that though there was an incidence where the tent was left up for “days”, that going forward that will not be the case. Mr. Lindner then brought up the issue of the Triview Road ownership – DRB Chairman Mr. Monte asked if Sugarbush had the right, by easement or any other legal device which makes anything they are proposing to do via Triview Road legal and lawful? Mr. Brennan of 695 Triview Road spoke up and told the Board that his parcel is located on both sides of the road and though not complete, his attorney has yet to find any mention of an easement or right-of-way in the title search. Mr. Monte noted that Sugarbush has submitted a legal opinion saying they do have to legal right to do what they are proposing via Triview Road but that the Board would entertain any other submittals that refuted this but also noted that the legalities of the situation was not under their prevue – just verifying that the right existed.

Mr. Smith asked the audience if their concern was more about the golfing events or the wedding ceremonies or both. One Triview resident replied that it was both, the issue of using the access from Triview Road, and increased traffic and noise having a negative impact on the neighborhood. Another resident stressed that her concern was the traffic. A third resident spoke about a wedding event that took place on August 28th that though it started out pretty normally in the late afternoon, developed into a “drunken brawl” by 9 pm with fireworks going off at 11:20 pm from the vicinity of the 7th tee. He continued to emphasize that controlling an event of this type is difficult if not impossible. Mr. Monte spoke up and pointed out that what was described was a wedding reception not a wedding ceremony which was what the applicant was asking permission to do going forward. Mr. Smith countered that the event in question was not one that was hosted by Sugarbush Resort but by a nearby B&B on Golf Course Road. Sugarbush did give permission for the B&B to use some of their property for parking, but the neighbor(s) said more than just parking was going on.

When asked about the two proposed types of events having alcohol, Mr. Smith replied that some, not all of the wedding ceremonies might have a champagne toast and the golfing events would

