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TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
MONDAY OCTOBER 4, 2010

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

Others Present: Sue Carter, Lucy O'Brian, Camie Bargerstock, Melissa Roberts, David Sellers, Craig Kiofach, Marc Young, Marilyn Miller, Miron Malboeuf and Ruth Robbins.

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

- 1) Application **2010-15-CU**, Revision to permit 2004-08-CU to add Mixed Use (Residential): The Applicant, **Alta Enterprises, Inc.**, requests permission for Mixed Use to modify a previously issued conditional use permit for a salon, day spa and related retail sales. The applicant proposes to continue the personal services to include an exercise studio and all related retail services. They also requests Mixed Use to add a residential apartment. The project location is at 247 Main Street, on a .25 ± acre parcel in the Warren Village Commercial District (Parcel Id# 001000-200). This application requires review under Article 2, Table 2.10 ( Warren Village Commercial District), Article 3, Table 3.1, Article 4, § 4.11 (Mixed Use) and Article 5(Development Review ), §5.3(Conditional Use Review Standards) of the Warren Land Use and Development Regulations.
- 2) Application **2010-16-CU**, Residential addition on slopes exceeding 15%: The Applicants, **Timothy D & Patricia D. Clewley**, requests permission to construct a residential addition to their existing single family dwelling at 109 East Drive, on a .6 ± acre parcel in the Sugarbush Village Residential District (Parcel Id# 210011-000). This application requires review under Article 2, Table 2.4(Sugarbush Village Residential (SVR), Article 3, § 3.4 (Erosion Control & Development on Steep Slopes) 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 DRB meeting of August 16th, 2010; Decisions.

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

- 1- Application **2010-15-CU**, Revision to permit 2004-08-CU to add Mixed Use (Residential): The Applicant, **Alta Enterprises, Inc.**, requests permission for Mixed Use to modify a previously issued conditional use permit for a salon, day spa and related retail sales. The applicant proposes to continue the personal services to include an exercise studio and all related retail services. They also requests Mixed Use to add a residential apartment. The project location is at 247 Main Street, on a .25 ± acre parcel in the Warren Village Commercial District (Parcel Id# 001000-200).

Alta Enterprises, represented by Ms. Roberts, seeks to modify their current permit to allow for a residential component and use of the commercial space for exercise classes in addition to the salon, day spa and related retail sales they currently are allowed to do. She continued to explain to the Board that the amount of space that would be devoted to commercial use would be 1250 square feet and the rest was a single unit apartment. As it turns out, the resident is also the operator of the commercial space. Since the issuance of their current permit, the stone wall at the front of the building was redone and the existing parking space meets the requirements that allow for three (3) spaces. The space behind the Alta building is shared between Alta and David Sellers. On the Alta plan four spaces were indicated for Alta and five for Mr. Sellers. Ms. Roberts also noted that any overflow could go to the parking area off of Flatiron Road where they have deeded rights. After reviewing the layout presented Mr. Monte expressed concern as it was not to scale and asked that it be redone

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*Ruth Robbins*  
TOWN CLERK

along with documentation showing the right to park off of Flat Iron Road and a parking management plan. According to the regulations it was determined that a total of seven spaces were needed. Mr. Sellers offered to work with Ms. Roberts to draw up a parking plan.

The hours of operation were discussed next with the current permit disallowing any business after 8 pm. Ms. Carter expressed a desire to not have any disturbing car doors closing before 10 am on Sundays. Mr. Monte said that the Pitcher Inn is open then so why would it make any difference – is Alta the source? Ms. Carter continued to say that every morning from 6:30 am on she listens to trucks going by to the Warren Store or the Pitcher Inn and would just like to have some peace and quiet on Sunday mornings. Mr. Monte said that was it her desire to have, starting with Alta, all the businesses not operate before 10 am on Sunday? Mr. Malboeuf noted that the location has a mix of both commercial activity and residential activity adjacent to both Alta and Ms. Carter's residence so the source of any noise may be hard to determine. Ms. Roberts pointed out that the Warren Store operates seven days a week with employees arriving at 7am for an 8 am opening and if there was to be any restriction it should be consistent with an 8 am opening time. Ms. Roberts also noted that the tenant has no intention of being open on Sunday and certainly not before 10 am.

After the Board's thorough review of the parking plan, it was asked of the applicant to come back with a site plan drawn to scale and with the documentation showing the legal access to the Flat Iron parking location allowing for three spaces. The Flat Iron spaces are primarily to be used for guest instructors or possible overflow.

The DRB then reviewed the criteria for "mixed Uses" under Sec. 4.11 and from there went to the Conditional Use standards under Article 5, Sec. 5.3.

**MOTION** by Mr. Monte that the requirements under Sec. 4.11 have been found to be satisfied. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that Sec. 5.3 (A) (1) has been found to be satisfied. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

Discussion ensued about the residential space, and that though it technically has three bedrooms; it is leased as one unit with two residents and only requires two parking spaces which are accounted for. Due to the number of bedrooms and the potential for additional tenants in future leases, Mr. Monte said that if there were more than two vehicles then they would have to utilize the off site parking spaces.

**MOTION** by Mr. Monte that a condition be imposed that any lease of the residential space limit the tenants to two (2) motor vehicles parked on the premises and any additional vehicles of the household are required to park at the Flat Iron Road location. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that Sec. 5.3 (A) (2), (3), (4), and (5) are found to be satisfied by the application. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

Mr. Monte said that the only issues left before the Board could consider full approval would be for the submittal and review of an accurate site plan, parking management plan and documentation of legal authority to use the Flat Iron property in association with the subject property.

**MOTION** by Mr. Monte that this hearing be continued until 7pm on Monday October 18<sup>th</sup>. **SECOND** by Mrs. Roth. **DISCUSSION:** Ms. Carter raised the issue of the number of signs allowed and questioned the one utilized out on the lawn in addition to the one over the door

and thought there could be only one per business. Mr. Malboeuf, the Zoning Administrator, noted that to him the lawn sign was considered a sandwich board type of sign which is permissible. **VOTE:** All in favor, the motion passed.

- 2- Application **2010-16-CU**, Residential addition on slopes exceeding 15%: The Applicants, **Timothy D & Patricia D. Clewey**, requests permission to construct a residential addition to their existing single family dwelling at 109 East Drive, on a .6 ± acre parcel in the Sugarbush Village Residential District (Parcel Id# 210011-000).

Marc Young from Maclay Architects came before the Board representing the applicants. He told the Board that McCain Consulting had put together an erosion control plan to address the development on slopes greater than 15% which are adjacent to the area where the addition is to be built. Mr. Young explained that the purpose of the addition was to give the Clewey's more room for their growing family and to also help bridge the distance from the driveway to the house which is currently several steps higher than the driveway elevation. Mr. Young, also speaking for Mr. Lazorchak at McCain's, said they had discovered that the driveway was in need of some improvement for water drainage and that has also been incorporated into the plans. This includes some ditching on one side of the driveway and the replacement of a culvert. Silt fencing and erosion control matting are also being called for in McCain's erosion control plan. Though there do exist some slopes of 25% or greater grade, they were created as a result of the building being put in originally therefore they are not "naturally occurring".

Mr. Monte asked about any post-construction maintenance of erosion control measures, i.e. periodic cleaning of stone ditches. Upon review of the erosion control plan the Board found that follow-up instructions were included. The Board called to the attention of the owner, and any subsequent owners, the need for ongoing maintenance for erosion control as stated in the plan.

**MOTION** by Mr. Monte that the requirements of Sec. 3.4, Erosion Control & Development on Steep Slopes (C ) application requirements, have been satisfied and the Board has determined that (D) Review, (1) through (11) have either been satisfied or are not applicable to this application. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Robinson that Sec. 5.3 (A) Conditional Use Review Standards, General Standards, items (1) through (5) have either been satisfied by the application or are deemed not applicable. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board approves the application subject to the afore-voted on conditions and as per the plans and specifications submitted with the application. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

The Board adjourned at 8:22 pm. The next meeting of the DRB is scheduled for Monday October 18, 2010 at 7pm.

Respectfully submitted,

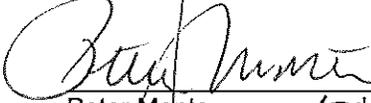
Ruth V. Robbins  
DRB/PC Assistant

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DEVELOPMENT REVIEW BOARD

 11/1/10  
Peter Monte date

 11/1/10  
Virginia Roth date

 11/1/10  
Lenord Robinson date