

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY DECEMBER 6, 2010

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

Other Present: Mark Bannon, Ben Plewak, Butch Hartshorn, Sarah Wright, Giles Smith, Matt Groom, Douglas Ricketts, Miron Malboeuf and Ruth Robbins.

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

- 1) Application **2010-17-CU**, Residential development on slopes exceeding 15% and setback relief from a stream: The Applicant, Benjamin **Plewak**, request conditional use review to develop a 4 +/- acre parcel at 861 West Hill Rd in the Rural Residential District, (Parcel Id# 016002-000). The property is owned by Gary J & Frances G. Plewak. The project driveway includes development on slopes exceed 15% and the proposed residential structure requires setback relief form a stream on the property. This application requires review under Article 2, Table 2.2, Article 3, § 3.4(Erosion Control & Development on Steep Slopes) and §3.13(Surface Water Protection); and Article 5 (Conditional Use Review) of the Warren Land Use and Development Regulations.
- 2) Application **2010-09-SD**, Sketch Plan Review; The applicants, Matthew C & C Zoe **Groom**, request **Sketch Plan Review** for a proposed subdivision located at 1094 VT Route 100. The project, located in the Rural Residential District, will involve slopes greater than 15% and setbacks from wetlands. This application requires review under Article 2, Table 2.2, Article 3, § 3.4(Erosion Control & Development on Steep Slopes) and §3.13(Surface Water Protection); Article 6, §6.2 (Sketch Plan Review) of the Warren Land Use and Development Regulations.
- 3) Other Business:
 - a) Sign Minutes from Development Review Board meeting of November 15th, 2010.
 - b) Decisions:
 - 2010-11-CU, Expansion of a Non-Conforming Use
 - 2010-08-SD, Revisions to an Approved Plat t

Mr. Monte called the meeting to order at 7:17 pm.

- 1- Application **2010-17-CU**, Residential development on slopes exceeding 15% and setback relief from a stream: The Applicant, Benjamin **Plewak**, request conditional use review to develop a 4 +/- acre parcel at 861 West Hill Rd in the Rural Residential District, (Parcel Id# 016002-000). The property is owned by Gary J & Frances G. Plewak. The project driveway includes development on slopes exceed 15% and the proposed residential structure requires setback relief form a stream on the property.

Mr. Bannon of Bannon Engineering was representing the land owners and explained to the Board that there were two issues: one of steep slopes and the other of a request for stream setback relief. He continued to tell the members that the parcel was a 3.7 acre lot that had an existing building lot. A road cut has been approved by the Road Commissioner that meets the site line distances. However, coming off the driveway to the building site is a little steep remarked Mr. Bannon. Though the Bradley Brook runs through the back of the parcel, the waterway of interest is a small two to three foot wide stream that runs through the front of the lot. Mr. Bannon also told the Board that there was no issue with the state wastewater permit which calls for a mound type system and that they will be bringing in sand/fill and no replacement field will be required.

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While reviewing the standards for stream setbacks Mr. Monte noted that the required 50 foot buffer seemed to be ok and asked if there would be any disturbance to the buffer area during construction. He was told no, that the request was relief from the 100 foot setback requirements Mr. Monte also asked why the house could not be moved in such a way that it could be compliant and was told that in order to construct a home on this lot you need to have access from the driveway. The driveway is limited in its location due to the length necessary to keep the grade reasonable. Mr. Bannon and the Board tried re-arranging the site plan only to come up with issues with the topography creating difficulty in getting a good driveway access and entrance into the garage.

Mr. Monte asked about erosion control features and Mr. Bannon told him that the only necessary feature was the use of silt fencing. Mr. Monte then asked if the plan with the erosion control measures would conform to the State standards if it were a larger project and Mr. Bannon stated yes. Mr. Schoellkopf also noted that under Sec. 3.13 Surface Water Protection that the key requirements were that the proposed development would not have an undue adverse effect upon the ability of the stream to carry floodwater, the quality of the stream due to potential erosion and runoff and the natural beauty of the stream and its keeping with the historic settlement pattern of the area. The rest of the Board agreed that those items were satisfied.

MOTION by Mr. Behn that due to the driveway profile and its need to be sited as shown, encroachment into the 100 foot stream setback in the amount of no more than 500 square feet, including the entire perimeter of the structure as well as the drip edge, and with development not allowed closer than 75 feet of the stream as measured from the top of the stream back, will be permitted. **SECONDED** by Mr. Schoellkopf. **VOTE:** three members in favor, two opposed, the motion carried with a simple majority of the Board.

With Conditional Use review steep slopes must be addressed. Mr. Bannon stated that there were no natural slopes greater than 25% but there are some 15% slopes that are impacted. The Board determined that the driveway was the only impact on the slopes which was minimal. Mr. Hartshorn asked about combining the driveways with the parcel belonging to the applicant's parents but that would involve crossing a stream and impact on wetlands. Mr. Monte asked how to best locate certain points such as the stream setback, so as the Zoning Administrator would be able to enforce the standards. Mr. Malboeuf suggested that it should be the engineer who certifies that the project has been constructed as per the plans and conditions of the permit issued by the DRB.

MOTION by Mr. Monte that prior to the issuance of a Certificate of Compliance a licensed engineer must certify in writing that all construction meets the final plans and conditions of the permit including but not limited to the stream setback and driveway location. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board allow a second area of encroachment into the 100 foot stream setback for the wastewater system as shown on the plans submitted, not to exceed 250 square feet and not to come any closer than 75 feet of the stream as measured from the top of the stream back. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

The Board verified that the erosion control plan was adequately outlined in its entirety on the site plan submitted by Bannon Engineering.

Mr. Schoellkopf noted that in reviewing the steep slopes on the site that the Board finds that there is no other location suitable for development with less impact other than a site that would require a stream crossing and potential impact on wetlands. Mr. Behn also noted that

upon his site inspection that there was no valued vegetation that would be impacted by this proposed development.

MOTION by Mr. Schoellkopf that none of the slopes created by this proposed development to be more than 3 to 1 with vegetated stabilization. **DISCUSSION:** Any slope greater than 3 to 1 will need to have some type of retention structure. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the already voted on conditions are sufficient to satisfy the standards of Sec. 7.3 (C) Secondary Conservation Areas. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Behn that Article 5.3 (A) items 1-5 are found by the Board to be satisfied. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Schoellkopf to approve the application subject to the conditions already voted on and the standard conditions that the project be constructed as per the plans and specs submitted. **SECOND** by Mr. Behn. **VOTE:** four in favor, one opposed, the motion passed with a majority of the Board voting in the affirmative.

2. Application 2010-09-SD, Sketch Plan Review; The applicants, Matthew C & C Zoe Groom, request **Sketch Plan Review** for a proposed subdivision located at 1094 VT Route 100. The project, located in the Rural Residential District, will involve slopes greater than 15% and setbacks from wetlands

Mr. Groom and Mr. Bannon presented to the Board a potential approach to the development of a parcel of land located at 1094 VT Route 100, noting the issues and challenges of conservation areas located on the property. The applicant was looking for feedback from the Board and had some questions that needed answers so as to have some direction in going forward. Mr. Bannon walked the members through the site plan that showed where the Meadowland Overlay District boundaries were, class 2 wetlands and some slopes towards the back of the parcel. Mr. Bannon first asked the Board about the Meadowland Overlay District as he was concerned as to whether or not he was using the correct map. Mr. Monte replied that despite any other maps that might be out there, that the map of record is the one, as interpreted by the Planning Commission from the original orthophoto maps, dated January 14, 2008.

Mr. Bannon also spoke to the class 2 wetland on the property and told the Board that any crossing would occur at the narrowest part to minimize impact. He also noted that the class 2 wetland would be governed by required permits from both State and Federal agencies. Any crossing of the wetlands will necessitate some setback relief. Mr. Monte also told the applicant that they would need to present their plans to the Conservation Commission for their feedback and suggestions as well. Mr. Groom did point out that there was an old farming road that crossed the wetlands and that the character of the area at that point was not as vibrant a wetland as one might typically expect.

The applicant also wanted to know about the Board's feeling of using the wetland area and the meadowland overlay area as either a "village green" or "common area" in a PRD. Mr. Monte read from the regulations that it would be allowed as open space. Mr. Monte did point out though, that any PRD would be subject to a maximum number of units equal to the number that could be built in a regular subdivision configuration meeting all criteria. Mr. Bannon also asked the Board about their thoughts about development along that section of

