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TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY JANUARY 17, 2011

Members Present: Chris Behn, Bob Kaufmann, Virginia Roth and Don Swain.

Others Present: Erin Darby Herrington, Margo Wade, Lisa Jenison, Miron Malboeuf and Ruth Robbins.

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

- 1) Application **2011-01-SD**, Minor Subdivision(Boundary Line Adjustment): The Applicants, Christopher & Elizabeth **Bolton** and John & Marilyn **Lehto**, request a Boundary Line Adjustment of 288 SF on the common boundary between there lots at 167 Buzzell Rd. (Parcel Id# 480210-000) and 66 Buzzell Road (Parcel Id# 480405-000) respectively. The applicants propose a land swap; no change in the area of each parcel: both will conform to the standards of the Rural Residential District; and no additional development is proposed with this request. This application requires review under Article 2, Table 2.2, Article 6, §6.4(Final Plan Approval); and Article 7 (Subdivision Standards) of the Warren Land Use and Development Regulations.
- 2) Application **2011-02-SD**, Minor Subdivision(Boundary Line Adjustment): The Applicants, Christopher & Elizabeth **Bolton** and David **Sellers**, request a Boundary Line Adjustment of 1185 SF on the common boundary between there lots at 167 Buzzell Rd. (Parcel Id# 480210-000) and the adjacent parcel(Parcel Id# 480211-000) respectively. The applicants propose a land swap; no change in the area of each parcel; both will conform to the standards of the Rural Residential District; and no additional development is proposed with this request. This application requires review under Article 2, Table 2.2, Article 6, §6.4(Final Plan Approval); and Article 7 (Subdivision Standards) of the Warren Land Use and Development Regulations.
- 3) Application **2011-01-CU**, Clay Brook Building - Revision to permit 2005-01-CU, to Alter Mixed Uses Lodging(Residential), Retail, Restaurant to add Personal Service(spa/massage): The Applicant, **Summit Ventures NE, LLC (d/b/a/ Sugarbush Resort)**, requests permission to add the use spa/massage, personal service, to the previously issued conditional use permit dated May 13, 2005. The applicant proposes to continue all uses previously approved. The project location is at 102 Forest Drive on a 1.25 ± acre parcel in the Sugarbush Village Commercial District (Parcel Id# 250012-000). Pursuant to Article 5, § 5.2(C), the applicant requests waiver of abutter notification for this hearing. This application requires review under Article 2, Table 2.7 (Sugarbush Village Commercial District), Article 3, § 3.10, 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.
- 4) Other Business:
Sign Minutes, Decisions

Mr. Behn called the meeting to order at 7:11 pm.

- 1- Application **2011-01-SD**, Minor Subdivision(Boundary Line Adjustment): The Applicants, Christopher & Elizabeth **Bolton** and John & Marilyn **Lehto**, request a Boundary Line Adjustment of 288 SF on the common boundary between there lots at 167 Buzzell Rd. (Parcel Id# 480210-000) and 66 Buzzell Road (Parcel Id# 480405-000) respectively. The applicants propose a land swap; no change in the area of each parcel: both will conform to the standards of the Rural Residential District; and no additional development is proposed with this request.

AND

- 2- Application **2011-02-SD**, Minor Subdivision(Boundary Line Adjustment): The Applicants, Christopher & Elizabeth **Bolton** and David **Sellers**, request a Boundary Line Adjustment of 1185 SF on the common boundary between there lots at 167 Buzzell Rd. (Parcel Id# 480210-000) and the adjacent parcel(Parcel Id# 480211-000) respectively. The applicants propose a land swap; no change in the area of each parcel; both will conform to the standards of the Rural Residential District; and no additional development is proposed with this request.

Ms. Herrington, representing the applicants, explained to the Board that this request was to correct a mistake that was made when the Bolton's built their house. At that time they believed their home was located in the Alpine Village District and thus utilized the setback requirements for that zone [15' versus 25' for rural Residential of which the parcel is located in]. Having now discovered their error, agreements have been made with the adjoining land owners on either side of the Bolton's parcel [one to the East and one to the West] for mutual land swaps of equal acreage so that the setback requirement is now complied with.

MOTION by Mr. Behn that with the property conforms to the standards for the Rural Residential District, Article 2, Table 2.2. **SECOND** by Mrs. Roth. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Behn that the DRB classifies this as a Minor Subdivision, Boundary Line Adjustment, Article 6, Sec. 6.1 (C) (1) and as per Sec. 6.2 (E) will proceed to Sec. 6.4 Final Plan Approval. **SECOND** by Mr. Kaufmann. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Behn to grant Final Plan approval, application #2011-01-SD, as presented by the applicant, for the boundary line adjustment between the Boltons and the Lehtos [to the West]. **SECOND** by Mr. Kaufmann. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Kaufmann to grant Final Plan approval, application #2011-02-SD, as presented by the applicant, for the boundary line adjustment between the Boltons and Mr. Sellers [to the East]. **SECOND** by Mr. Behn. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Behn that the Board finds the standards of Article 7 Subdivision Standards Sec. 7.1 through 7.9 either satisfied or not applicable for application 2011-01-SD Bolton/Lehto. **SECOND** by Mrs. Roth. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Behn that the Board finds the standards of Article 7 Subdivision Standards Sec. 7.1 through 7.9 either satisfied or not applicable for application 2011-02-SD Bolton/Sellers. **SECOND** by Mr. Kaufmann. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Behn that the Board grants the Subdivision/Boundary Line Adjustment approval for both application 2011-01-SD Bolton/Lehto and application 2011-02-SD Bolton/Sellers. **SECOND** by Mr. Kaufmann. **VOTE**: all in favor, the motion passed.

- 3- Application **2011-01-CU**, Clay Brook Building - Revision to permit 2005-01-CU, to Alter Mixed Uses Lodging(Residential), Retail, Restaurant to add Personal Service(spa/massage): The Applicant, **Summit Ventures NE, LLC (d/b/a/ Sugarbush Resort)**, requests permission to add the use spa/massage, personal service, to the previously issued conditional use permit dated May 13, 2005. The applicant proposes to continue all uses previously approved. The project location is

at 102 Forest Drive on a 1.25 ± acre parcel in the Sugarbush Village Commercial District (Parcel Id# 250012-000). Pursuant to Article 5, § 5.2(C), the applicant requests waiver of abutter notification for this hearing.

Ms. Wade came before the Board requesting the addition of a new use for the commercial space located in the Clay Brook building at Sugarbush Resort. This request will be a revision to permit # 2005-01-CU which allows for mixed use in the Clay Brook building. Currently they are permitted for the following uses: lodging, retail and restaurant. They are requesting to add personal services to that list of uses. Ms. Wade explained to the Board space formerly used as office space for Clay Brook real estate is to be converted to be used as two massage rooms. The real estate office will be relocated to the Farm House building that has been newly constructed. More specifically, the space is in the northeast corner of the Clay Brook building where the Surefit company was but is now a general store and the offices are behind there. Ms. Wade also noted that the massage rooms will be "dry" rooms as they will not have bathroom facilities until summer time. She continued to say that the lack of bathrooms in the short term should not be a problem as they expect the majority of clients to be those who are staying at Clay Brook and will just be coming down from their unit. It was also noted however, that there is no internal access so those coming from one of the Clay Brook units will have to go around outside the building to get to the massage rooms. Though this set up is not necessarily ideal, this is what the resort was going to do for now stated Ms. Wade.

Ms. Wade also noted the following: that the intensity of the use compared to the real estate business is probably somewhat less – the maximum of three clients and three masseuses; parking is ample and the majority of the clients will most likely be already parked there as guests of Clay Brook; staff will be at the 22 acre site as are all other resort employees; VT Dept of Public Safety permits have been obtained; the change from Surefit to a general store is retail to retail thus no change in use; no change in signage, only in the message on the sign.

The applicant has also requested a waiver of abutter notification noted Mr. Malboeuf. He told the Board that he did not see a problem due to the fact that there were no physical changes and that the change had little difference in impact from the previous use. Mr. Swain also noted that maybe the Board should waive the parking requirement as well since there were overlapping/complementary uses and due to there being 1400 spaces should not be an issue.

MOTION by Mr. Kaufmann that the Board waives abutter notification. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Behn that the Board waives the parking regulation under Sec. 3.10 for designated parking for the additional use of personal services due to the expanse of existing parking that is available. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passes.

MOTION by Mr. Swain that the standards under Conditional Use Review Sec. 5.3 (A) and (B) have been found by the Board to be satisfied or not applicable. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Swain that the Board approves the addition of Personal Services as a Conditional Use to the commercial area of the Clay Brook building. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passes.

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MINUTES OF MEETING
MONDAY JANUARY 17, 2011

Mr. Behn adjourned the meeting at 8:17 pm.

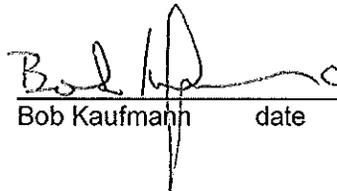
Respectfully submitted,

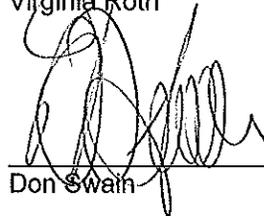
Ruth V. Robbins
DRB/PC Administrative Assistant

Development Review Board


Chris Behn date 02/22/2011


Virginia Roth date 2/21/11


Bob Kaufmann date 02/27/2011


Don Swain date 1/21/11

TOWN OF WARREN, VT
Received for Record 2/23 2011
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TOWN CLERK