

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY MARCH 21, 2011

000609

Members Present: Peter Monte, Lenord Robinson, Jeff Schoellkopf and Don Swain.

Others Present: John Pitrowski, Pete Reynells, Alex Peff, Miron Malboeuf and Ruth Robbins.

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

- 1) Application **2011-04-VR**, Variance request for relief from side yard setbacks to install water storage tanks in connection with a water system upgrade required by Vermont DEC-Water Supply Division (WSD project # C-2472-09.0, PIN: BR97-0590): The applicants, **Drumleys Association & Pennmont LLP (d/b/a Common Man)**, request variance approval to locate two 5000 gallon water reservoir tanks within the setback, of their common boundary, a distance of 10.6 Feet. The placement of the tanks is an integral part of an entire system upgrade, including improvements to the existing control building (interior and roof maintenance); changes to the chlorine delivery system; plumbing and tank modifications to increase chemical contact time and reduce "short-circuiting" of flows within the tank; and the addition of raw water flow meters for each well serving the system. The Drumleys community water system (CWS) serves 34 residential condominium units and Common Man Restaurant. The project is located on a 1± acre parcel in the Vacation Residential District (VR) at 3209 German Flats Rd. (Parcel ID#006002-100). This application requires review under Article 2, Table 2.5, Article 9, § 9.6 (Variances) and Article 5 - Development Review of the Warren Land Use and Development Regulations.
- 2) Other Business:
 - a) Sign Minutes from Development Review Board meeting of March 7th, 2011.
 - b) Decisions: Danforth CU
 - c) Annual election of officers

Mr. Monte called the meeting to order at 7:07 pm.

- 1- Application **2011-04-VR**, Variance request for relief from side yard setbacks to install water storage tanks in connection with a water system upgrade required by Vermont DEC-Water Supply Division (WSD project # C-2472-09.0, PIN: BR97-0590): The applicants, **Drumleys Association & Pennmont LLP (d/b/a Common Man)**, request variance approval to locate two 5000 gallon water reservoir tanks within the setback, of their common boundary, a distance of 10.6 Feet.

John Pitrowski of Trudell Consulting Engineers outlined for the Board the proposed project that will require a variance for a side yard setback requirement to install two new tanks to replace the existing reservoir for the 40 year old (e) water system. This water system is shared by both the Drumleys condominium owners and the Common Man restaurant. Mr. Pitrowski pointed out to the Board that he believed they picked the most logical location. The septic system placed limitations as to alternative locations as well as the front yard's size in considering other places to put the system. By picking the proposed location they will be able to put in the new tanks without serious disruption in service to the users. It was also noted that the system was not being expanded, only replaced.

The Board then took a close look at Sec. 9.6 Variances and the criteria, five items that they needed to make findings on. The first one, Sec. 9.6 (A) (1) talks about any unique physical circumstances or conditions that make it such that the land owner cannot meet the regulations without obtaining a variance. The Board found that there was exceptional topographical circumstances with the Common Man lot being very small and should the water

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tanks be put on the easterly side there is the issue of the proximity of the septic tanks; the front yard area is also limited in size and placement of the tanks there would not meet the setback requirements either. Any other possible location would create significant disruption in water service to the land owners.

The Board deviated from their discussion of the variance criteria to discuss whether or not a variance was even necessary due to the definition of terms – are the water tanks a “structure” as defined under the ordinance and thus subject to the setback requirements. The general determination was that the Board was not sure that the water tanks being placed under ground are indeed a “structure” under the definition in the ordinance but decided to be conservative, err on the side of caution, and review this request as a variance. Mr. Monte noted that sub-terrain “items” such as septic systems are still subject to how there are placed in relationship to the rest of the development.

MOTION by Mr. Robinson that due to the physical characteristics of the property, the replacement of the water tanks cannot be placed elsewhere to satisfy the regulations without incurring unnecessary hardship and it is these characteristics of the parcel that are creating the need for a variance thus satisfying Sec. 9.6 (A) (1) of the criteria. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board has found that there is no possibility that the project can be developed in conformance with the regulations and therefore the authorization of a variance is necessary to enable the reasonable use of the property [criteria item (2) of Sec. 9.6 (A)] It is also noted that this is not a new development but rather the replacement of an aged system. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Robinson that as per Sec. 9.6 (A) criteria (3) the unnecessary hardship has not been created by the applicant as the water system was developed and installed some 40 + years ago. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Schoellkopf that as required under Sec 9.6 (A) criteria item (4), the variance, if authorized, will not alter the essential character of the neighborhood of district in which the property is located as the development is located underground. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the criteria of Sec. 9.6 (A) (5) is met as the variance, if authorized will represent the minimum that will allow relief and will represent the least deviation possible from the zoning regulations and from the Warren Town Plan. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board, having found that the application has satisfied the criteria for a variance under Sec. 9.6 (A) items (1) through (5) grants the variance for setback relief with the condition that the project be constructed in accordance with the plans as submitted to the Board. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

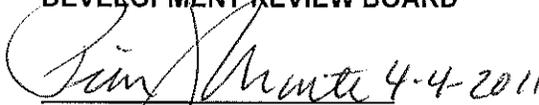
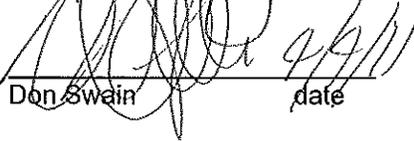
In other business the Board signed the minutes of 2/21/11, 3/7/11 and reviewed and signed the Danforth/Jones Conditional Use decision.

Mr. Monte adjourned the meeting at 7:52 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

 Peter Monte	4-4-2011 date	 Jeff Schoellkopf	4/4/11 date
 Lenord Robinson	4/4/2011 date	 Don Swain	4/4/11 date

TOWN OF WARREN, VT

Received for Record 4/5 2011

at 12:20 o'clock P M and Received in

Robinson
Vol 210 Page 609-611

TOWN CLERK