

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
MONDAY JUNE 6, 2011

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Members Present: Lenord Robinson, Peter Monte, Tom Boyle, Don Swain and Virginia Roth.

Others Present: Miron Malboeuf and Ruth Robbins.

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

- 1) Application **2011-05-VR/CU**, Conditional Use/Variance request for Development on Steep Slopes to improve an existing Right -of-Way: The applicants, Edward J Jr & Constance **Medico** & John L & Margret **Fox**, request a variance or conditional use approval under sections 3.1, Access, Driveway and Frontage Requirements and 3.4, Erosion Control & Development on Steep Slopes, of Article 3, General Regulations. They seek approval to use an existing Right Of Way (ROW) for a single family residential structure. The ROW provides access from the 4 ± acre parcel, owned by Edward J Jr & Constance Medico, to German Flats Rd. and is principally located on a 93± acre parcel with approximately 263 feet of road frontage, owned by the New England Forestry Foundation (parcel Id # 006004-300). The project is located on a 4 ± and a 93 ± acre parcel in the Rural Residential District (RR) off German Flats Rd. This application requires review under Article 2, Table 2.2, Article 9, § 9.6 (Variances) and Article 5 - Development Review of the Warren Land Use and Development Regulations. The Board requests that the applicant obtain a Town of Warren Road Access Permit before it reviews this application.

- 2) Other Business:
  - a) Sign Minutes from Development Review Board meeting of May 16th, 2011.

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

1. Application **2011-05-VR/CU**, Conditional Use/Variance request for Development on Steep Slopes to improve an existing Right -of-Way: The applicants, Edward J Jr & Constance **Medico** & John L & Margret **Fox**, request a variance or conditional use approval under sections 3.1, Access, Driveway and Frontage Requirements and 3.4, Erosion Control & Development on Steep Slopes, of Article 3, General Regulations.

Mr. Malboeuf began by telling the DRB members that after the Select Board had denied Mr. Fox's Road Cut request, he had called Mr. Fox who told him that he did not wish to go forward. Mr. Malboeuf said he didn't know if required a "closing out" of the application or a "denial" of the application – it was up to the Board to take some sort of action though.

Mr. Monte noted that the applicant had originally requested a Variance which turned into a Conditional Use request. He then said they should address the Variance request first.

**MOTION** by Mr. Monte that the DRB denies the Variance request because the requirements of Sec. 9.6 (A) (2) and (5) are not satisfied as the applicant has not submitted a plan for adequate erosion and drainage controls, nor has the applicant demonstrated that the request represents the minimum that will afford relief and represent the least deviation possible from the zoning regulations and from the Warren Town Plan. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

Before looking at the Conditional Use standards, Mr. Monte directed the members to look at Sec. 3.4, Erosion Control & Development on Steep Slopes first. Additionally, the Board also considered Sec. 3.1 which specifically provided standards for Driveways [Sec. 3.1 (C)].

**MOTION** by Mr. Monte that the Board finds the requirements of Sec. 3.4 are not satisfied by the applicant; these requirements apply because Sec. 3.4 (B) (1) makes them apply for any section of driveway that exceeds an average gradient of 12% or more over a 50-foot section; and the applicant has not submitted an erosion control plan as required by Sec. 3.4 (C) thus the Board is not able to make the findings required by Sec. 3.4 (D). **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

As a result of the above determination, Conditional Use Review is not necessary as Sec. 3.4 has not been satisfied.

**MOTION** by Mr. Swain that he Board finds that the road design submitted is inadequate as it does not provide a 25 foot level area at the intersection with German Flats Road within the 50 foot right-of-way. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board denies the application due to the findings already voted on. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

2- Other Business

In other business the DRB members reviewed and signed the minutes from May 16<sup>th</sup>. Mr. Malboeuf briefly went over the applications coming before the Board at the next scheduled meeting date.

Mr. Monte adjourned the meeting at 7:35 pm.

Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

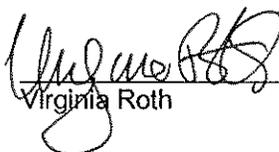
DEVELOPMENT REVIEW BOARD

  
Peter Monte                      date

  
Tom Boyle                      date

  
Lenord Robinson              date

Don Swain                      date

  
Virginia Roth                      date

TOWN OF WARREN, VT

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