

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY JUNE 20, 2011

Members Present: Lenord Robinson, Peter Monte, Tom Boyle, Bob Kaufmann and Chris Behn.

Others Present: Jennifer Queally, Kevin McGonagle, Michael Wing, Dick King, Bebe Whittle, Howard Whittle, Matthew A. Gray, Erik Gray, Kevin Eurich, Mark Bannon, Miron Malboeuf and Ruth Robbins.

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

1. Application **2011-04-SD**, Subdivision Amendment, and Revision to an approved plat: The applicants, Kevin J. & Jennifer D. Queally request a revision to an approved plat for the Colony Subdivision in order to create a primary driveway access to lot 6 (Parcel Id #s 005008-306) off of the right of way to lot 7. This application requires review under Article 6, § 6.7 (Revisions to an Approved Plat) and Article 7, (Subdivision Standards) of the Warren Land Use and Development Regulations.
2. Application **2011-08-CU**, Accessory Dwelling: The applicant, John D O'Neill, requests permission to install an accessory dwelling, a self-contained camper trailer, to be situated on his property for more than 30 days. The property is located at 13 Luce Pierce Rd. in the Warren Village Historic Residential District (WVR) (Parcel Id# 00010015. This application requires review under Article 2, Table 2.3, Article 4, § 4.1(Accessory Dwellings) and Article 5, (Development Review), §5.3(Conditional Use Review Standards) of the Warren Land Use and Development Regulations.
3. *Sketch Plan Review* - 70.9 Acres off of Roxbury Mtn. Rd., Parcel ID# 023008-601: The applicants, Karl & Gayle **Senor** request a Sketch Plan Review initial meeting for a proposed six lot subdivision. This sketch plan review is conducted under Article 6, § 6.2 of the Warren Land Use and Development Regulations.
4. Other Business:
 - a. Sign Minutes from Development Review Board meeting of May 6th, 2011.
 - b. Hall Properties Decision & Fox/Medico Denial

Mr. Monte called the meeting to order at 7:00 pm.

- 1) Application **2011-04-SD**, Subdivision Amendment, and Revision to an approved plat: The applicants, Kevin J. & Jennifer D. Queally request a revision to an approved plat for the Colony Subdivision in order to create a primary driveway access to lot 6 (Parcel Id #s 005008-306) off of the right of way to lot 7.

The applicant, Jennifer Queally, is requesting a revision to a previously approved plat for the Colony Subdivision that involves a change in the driveway access to her lot #6 using the right-of-way via Lot #7 which is owned by a family member. Additionally, she is requesting that the approved access to Lot #6 be retained as a secondary means to access the property as well should it be determined at a later date that it is needed. The main reason for the change was given by Ms. Queally as being the desired siting of the house and easier access by her children for walking to the shuttle for the mountain. Ideally, Ms. Queally explained, they hoped to use the access off of the driveway of Lot #7 and create a turnaround in front of the house, however it has not yet been determined if that will be possible.

Mr. Monte asked about how steep the grade was in the area of the driveway and was told the site plan indicated less than 15%. Mr. Monte also noted that the easement deed for the access

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through lot #7 also contained a provision for maintenance of the shared portion of the right-of-way.

Mr. Monte then asked for comments/questions from those in attendance. Mr. McGonagle, the owner of Lot # 8, told the Board that he had approached the Queally's about also having his driveway access off of the newly created right-of-way as well. His thought was that then all houses would face forward, improved layout for everyone, less tree cutting on his lot and he thought it would be a good thing all around. Mr. McGonagle noted that the developer was not in favor of such an arrangement and Ms. Queally denied his request. He continued to describe that with his house to be sited facing his driveway access, his once "private" backyard will now be exposed to the new right-of-way on Lot #7. His concern is that the driveway will dump out at the point on his lot that has the least amount of vegetation, thus creating car lights shining in to his house at night, especially during the winter months.

Ms. Queally noted that a final decision had yet to be made as Grenier had not finished the engineering as to what was doable and what wasn't. She was hoping the Board would let her keep her options open. Mr. Wing, a neighbor on Lot # 5 also noted that the requested driveway location off of the new right-of-way would also create a car headlight issue for him as well. This would only be the case if a circular drive was used. Mr. McGonagle asked the DRB for a provision in the permit, if granted, for Ms. Queally to plant some evergreens to help screen the car lights. Ms. Queally noted that in a meeting with the engineer and discussing the proposed changes to her access, Mr. McGonagle was in favor of the plan until he was informed that his request for access to the right-of-way [granted with no compensation other than "neighborly love"] would not happen. Mr. Gonagle responded that his opposition was not "retaliatory" at all, as it was not his intention to interfere with their use of their right-of-way. He also noted that he intended to install his own screening to minimize the exposure to the access road.

Mr. Monte said that he saw it as two options: one, use the new drive off of lot # 7 and eliminate the original drive, or , second, allow the applicant to have both where he felt the light issue would seriously need to be addressed with screening. The issue of screening would also be applicable should a circular drive be used with just the access off of lot # 7. Ms. Queally emphasized that the use of a circular drive was not their first choice but wanted to reserve the option.

MOTION by Mr. Monte that should this application be approved, it will include two conditions: 1) a requirement of 10 spruce, fir or hemlock trees be planted on the southeast side of the driveway off of the right-of-way on Lot 37 along a 50 foot stretch, evenly spaced, beginning 10 feet easterly from the junction on the private drive [one leading to lot #6 the other to lot #7] and extending westerly along the driveway's southeasterly side; and 2) should the applicant elect to use the original drive onto lot #6, that a similar 50 foot buffer of 10 evenly spaced evergreen trees be planted along the westerly side of the driveway. **SECOND** by Mr. Behn. **DISCUSSION:** Mr. Behn suggested that part of the motion contain a stipulation that once the determination was made as to which access was to be utilized then the other access immediately becomes null and void and no longer permitted. It was also discussed that if the originally approved driveway access is the one finally utilized, then screening should not be a condition. Mr. Monte also noted that the Board could at this juncture deny the request and let the applicant come back to the Board once a determination has been made as to which driveway access will satisfy their plan. Mr. Robinson commented that he didn't think it would be that difficult for Mr. Grenier to be able to figure out which of the two accesses was better. Ms. Queally said she understood where the Board stood and asked if she could request a continuance.

MOTION by Mr. Monte that this application be continued until the August 15th scheduled meeting at 7:00 pm. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

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- 2) Application **2011-08-CU**, Accessory Dwelling: The applicant, John D O'Neill, requests permission to install an accessory dwelling, a self-contained camper trailer, to be situated on his property for more than 30 days. The property is located at 13 Luce Pierce Rd. in the Warren Village Historic Residential District (WVR) (Parcel Id# 00010015.

Mr. Eurich, who has a camper/trailer, is requesting a permit to be able to use his trailer for longer than the 30 day maximum stated in the regulations. Mr. Monte first asked him what he did for water and septic. Mr. Eurich told the Board that his septic waste was in holding tanks that needed to be pumped out periodically. Water and electric were both supplied by his daughter's home. Mr. Monte noted that a pumping schedule for wastewater was a requirement of the ordinance. [Sec. 3.15] Mr. Eurich replied that that was a necessity. The Board concurred that under Sec. 4.3 (D) they could permit the use of the trailer for longer than 30 days as long as the district standards were adhered to as an accessory dwelling. Mr. Monte then brought up the requirement of meeting setbacks. As per the site plan it was indicated that one side of the trailer was encroaching on the set back by approx. two feet. In discussion it was determined that the trailer could be relocated/shifted in order to comply with the setback regulation.

Under Conditional Use review standards, which are required in this instance, the Board proceeded as follows:

MOTION by Mr. Monte that the proposed use of the trailer satisfies the standards of Sec. 5.3 (A) items (1) through (5). **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passes.

MOTION by Mr. Monte that this approval, once granted, will be subject to the following conditions: 1) the trailer must be located in conformance with District Standard setback requirements; and 2) the septic holding tanks must be pumped out a minimum of once per calendar month while it remains on the property. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Robinson to approve the application based on the previous findings and voted on conditions. **SECOND** by Mr. Boyle. **VOTE:** all in favor, the motion passed.

- 3) *Sketch Plan Review - 70.9 Acres off of Roxbury Mtn. Rd., Parcel ID# 023008-601:* The applicants, Karl & Gayle **Senor** request a Sketch Plan Review initial meeting for a proposed six lot subdivision. This sketch plan review is conducted under Article 6, § 6.2 of the Warren Land Use and Development Regulations.

Mr. Bannon appeared in front of the Board for the land owners, the Senors. In his presentation of what they were looking to do, Mr. Bannon told the Board that this parcel in its entirety had been on the market for some time [approx. four years] and as such the owners were now considering a subdivision to help in selling all or part(s) of the property. As a starting point, they were looking at dividing the 70 .9 +/- acre parcel into six lots of anywhere from eight to sixteen acres in size. Mr. Bannon said the purpose of the owners at this point was to get some very preliminary feedback from both the DRB and anyone in attendance such as neighbors as to their suggestions and issues regarding this property. As such, Mr. Bannon has not done any engineering reports but has walked the land with the realtor. Due to a brook that runs through the property there is a challenge of needing a bridge to access the land on the other side for a possible two lots. Mr. Monte asked if a stream alteration permit from the state would be needed. Mr. Bannon said that yes it would be required and a bridge or an oversized culvert would be most likely needed. He continued to summarize by telling the Board that the road into the property was about 4300 feet long which is currently an existing logging road. There is a dip at the entrance as well as less than desired sight lines and Mr. Bannon would propose moving the road entrance about 150 feet to the south.

Neighbors, Mr. and Mrs. Whittle noted that they had spring rights that they wanted to make sure were protected even they do not utilize the spring at this time. Mr. Bannon said they would most definitely be protected. Mr. Bannon also told the Board that the parcel was not in the Forest

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Reserve or the Meadowland Overlay Districts, just Rural Residential. Atty. King, who was representing an adjoiner, Eden Rock, asked about clearing areas. Mr. Bannon indicated that it was the land owner's intent to treat any clearing as it would be in the Forest Reserve with selective cutting for views and that the house sites were approx. 100 feet by 200 feet. Mr. Monte suggested that at an early stage that language should be proposed for the allowances and /or restrictions for tree cutting and share it with those who were interested. Mr. Malboeuf also suggested that the applicant have a conversation with the Select Board about the location of the road access and a conversation with the Conservation Commission about any primary and secondary conservation areas.

Mr. Gray, and his brother, were in attendance as they have land adjacent to this parcel and ther has been some issue over the access to their property. Mr. Monte said that should access be for more than just the proposed subdivision then the road will have to be such as to accomadate additional use and as Mr. Malboeuf pointed out, logging equipment can denigrate a residential access road. Mr. Monte also noted that a road agreement for the purpose of maintenance will most likely be required for any subdivision taking place with a provision for attorney fees. Mr. Monte also noted that any issue about a right-of-way was not under the jurisdiction of the DRB. Mrs. Whittle did note that the Senor's have allowed for riding trails on the property. It was brought up that the subdivision regulations required underground utilities. Mr. Bannon said that underground for the whole 4300 feet of access to the lots would be a challenge.

It was discussed as to when a site visit might be needed, if in essence they needed another, more formal Sketch Plan review or aim for a Preliminary Plan Review. A site visit was determined as being needed, and Mr. Bannon thought another Sketch Plan review would be a good thing along with a sight visit. Mr. Behn also reminded the applicant that the Fire Dept. would want to review the plan and would most likely be asking about the potential for a fire pond. It was also suggested that clustering the housing would allow for easier utility access and would eliminate the need to cross the stream. Though clustered housing is not characteristic of the neighborhood, the general feeling was that it was isolated enough that it might not make any difference. Mr. Bannon said he would take all the comments and suggestions back to the land owners.

MOTION by Mr. Monte to continue this application until the August 15th meeting. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

In other business the members signed the minutes of the previous meeting and a decision. The meeting was adjourned at 8:40 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

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Peter Monte date
Lenord Robinson 8/15/11
date
Bob Kaufmann 08/15/11
date

Chris Behn 08/15/2011
date

Tom Boyle date
TOWN OF WARREN, VT
Received for Record 8/16 2011
at 10:30 o'clock A M and Received in
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Rebecca
TOWN CLERK