

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY SEPTEMBER 19, 2011

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

Others Present: Tim Jones, Travis Morse, Amanda Morse, Russ Bennett, Miron Malboeuf and Ruth Robbins.

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

- 1) **Application 2011-11-CU**, Development in Stream Buffer and Setback, Development on Steep Slopes And Flood Hazard Area (Table 2.14 Flood Hazard Overlay District, (FHO): The applicant, **Travis L Morse** requests permission to construct an accessory structure, a bridge 80' long and 10' wide across the Mad River to connect two sections of his property. The property is described as a 42.77 ± acre parcel located at 4690 VT RTE 100 in the Rural Residential & Forest Reserve Districts (RR) & (FR) (parcel Id# 100006-200). The applicant requests a waiver of item (2) on table 5.1 (Conditional use Application Requirements). This application requires review under Article 2, Table 2.2 & Table 2.14; Article 3, § 3.4(Erosion Control & Development on Steep Slopes) and § 3.13(Surface Water Protection); and Article 5, § 5.3 (D) (Flood Hazard Overlay District Standards) of the Warren Land Use and Development Regulations as adopted by the Warren Select Board on August 24th, 2011
- 2) **Application 2011-12-CU**, Construct a Residential Addition in the Forest Reserve District: The Applicants, Richard W & Laura Anne **Beaudoin** request permission to construct a porch and deck as an addition to their single family dwelling. The applicants also request the maximum setback relief fro the South-western boundary of the property. The property is described as a 26.2 ± acre parcel located at 1682 Roxbury Mtn. Rd in the Forest Reserve District (FR) (parcel Id# 001012-900). The applicants request a waiver of item (2) on table 5.1 (Conditional use Application Requirements). This application requires review under Article 2, Zoning Districts & District Standards, Table 2.1, and Forest Reserve District(C) (2) Accessory Uses & Structures; (D) Dimensional Standards; (C) Supplemental Development Standards; Article 3, § 3.6 (Height & Setback Requirements); and Article 5, Development Review, of the Warren Land Use and Development Regulations.
- 3) Other Business
 - a) Sign Minutes from Development Review Board meeting of August 15th, 2011.

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

- 1- **Application 2011-11-CU**, Development in Stream Buffer and Setback, Development on Steep Slopes And Flood Hazard Area (Table 2.14 Flood Hazard Overlay District, (FHO): The applicant, **Travis L Morse** requests permission to construct an accessory structure, a bridge 80' long and 10' wide across the Mad River to connect two sections of his property. The property is described as a 42.77 ± acre parcel located at 4690 VT RTE 100 in the Rural Residential & Forest Reserve Districts (RR) & (FR) (parcel Id# 100006-200). The applicant requests a waiver of item (2) on table 5.1 (Conditional use Application Requirements).

Mr. Monte began by noting for the record that the members of the DRB had conducted a site visit prior to the hearing. Also in attendance at the site visit was the applicant, his wife and the engineer. Mr. Malboeuf asked the Board to first address the waiver request of the requirement under Table 5.1 (2) that calls for a plan drawn to scale by a licensed engineer, surveyor, land

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planner or as other approved by the DRB...Mr. Monte asked if Mr. Jones was a land planner, which doesn't necessarily need to be licensed and Mr. Jones replied that he was a land planner.

MOTION by Mr. Monte that the plans prepared by the applicant's land planner are found by the Board to satisfy Table 5.1 (2). **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

Mr. Morse briefly described the project as an 80 feet I-beam bridge over the Mad River to allow access to his property on the other side of the river for agricultural purposes – wood and an apple orchard. Mr. Jones added that a State Stream Alteration permit had been acquired last summer and that Mr. Morse now wanted to get his town permit and move forward. Mr. Monte asked if the road access routes were part of the application. Mr. Jones replied that he had only made reference to them in his stream alteration application as there were existing permitted roads that would be utilized for construction and access. Mr. Monte noted that he thought the roads that were there were most likely adequate for the machinery to construct the bridge but that if ultimately were going to be using a pickup truck they might not be ok. Mr. Morse said his jeep had been up and down the road and that there were a couple of low spots that could use some additional gravel. Mr. Monte also noted that they may come close to the limit of what the Board would consider a "steep slope". Mr. Monte continued to state that this application and possible approval would not give him permission to change/alter the roads – only to build the bridge, and that to do any improvements/changes to the roads would necessitate another application and review by the Board.

Mr. Monte asked the Board members if they had any questions. Mr. Schoellkopf asked if the applicant had any other uses in mind other than for current use logging and to re-invigorate the apple orchard. Mr. Morse confirmed that he had no other plans. Mr. Monte said that it was a sensitive site right on the river bank that required a thoughtful approach to any grading and appropriate erosion control and runoff measures to be employed. Mr. Swain asked if the issue of equipment/trucks crossing the stream during the installation was brought up with the State. Mr. Jones said that it had come up and that when the equipment was brought in it would be closely monitored and if considered necessary a silt fence would be utilized as well as any other erosion control measures appropriate. Mr. Swain also asked when the applicant intended to start the project. Mr. Morse answered that it was too late in the building season this year and that he was looking at next summer assuming he could obtain some surplus I-beams.

MOTION by Mr. Kaufmann that the Board finds that the proposed location of the bridge is located outside of the Flood Hazard Area as indicated on the map and with the recent storm event [Irene] also according to the debris trail. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that 1) applicant is required to have professional supervision on site during the construction of the bridge [Mr. Jones can be such professional] and 2) silt fence(s) must be installed prior to and left in place on both sides of the river until the vegetation that had been disturbed due to the construction has been re-established. **SECOND** by Mr. Schoellkopf. **VOTE;** all in favor, the motion passed.

MOTION by Mr. Swain that the bridge uses are limited to personal use to gain access to the western side of the Mad River for silviculture activities. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

In discussion about the potential issues arising from the installation of the bridge, the Board made a finding that the applicant has represented that there will be no alteration of the existing topography during the construction of the bridge. Fording of the stream will take place at the

existing points of entry. This finding was agreed to by a unanimous **VOTE** to a **MOTION** made by Mr. Schoellkopf and **SECONDED** by Mr. Kaufmann.

The Board then reviewed the standards under Article 5, Conditional Use Review.

MOTION by Mr. Monte that all of the General Standards under Sec. 5.3 (A) have been satisfied. There is no undue or adverse effect by this proposed development. **SECOND** by Mr. Swain. **VOTE**: all in favor, the motion passed.

Specific Standards (B) were determined by the Board to have been already dealt with and were found to be either satisfied or not applicable.

MOTION by Mr. Monte that the existing access road to the development site is not a part of this application there is no need to consider steep slope requirements as the bridge and the abutments will not impact any steep slopes. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the application as submitted subject to the conditions already voted on and the standard conditions of a Conditional Use Approval. **SECOND** by Mr. Kaufmann. **VOTE**: all in favor, the motion passed.

2. **Application 2011-12-CU**; Construct a Residential Addition in the Forest Reserve District: The Applicants, Richard W & Laura Anne **Beaudoin** request permission to construct a porch and deck as an addition to their single family dwelling. The applicants also request the maximum setback relief from the South-western boundary of the property. The property is described as a 26.2 ± acre parcel located at 1682 Roxbury Mtn. Rd in the Forest Reserve District (FR) (parcel Id# 001012-900). The applicants request a waiver of item (2) on table 5.1 (Conditional use Application Requirements).

Mr. Bennett reviewed the current configuration of the property and described the plans for an addition of a screened porch and deck to the single family home. The property is located in the Forest Reserve District which requires 150 foot setbacks from all sides of the property. Mr. Bennett also noted for the Board that the structure pre-exists zoning and that there currently is not a survey of the boundary on file. He suggested that if the application is approved, that one of the conditions be that the boundary line related to this setback relief request be surveyed so that there is no question.

Mr. Schoellkopf asked if there was a pre-existing non-conformity, could that non-conformity be extended? Parallel to the property line? Mr. Malboeuf said he thought it could as long as it didn't increase the encroachment on the setback anymore than the structure currently did. Mr. Monte noted that one interpretation was that you could not increase the "volume" of non-conformity which would disallow any linear increase. Historically, the Board has used a boundary line approach versus a volume approach in these situations. Mr. Schoellkopf suggested that he would be in favor of either the lesser of the distance of the current structure's distance from the property line or 105 feet from the property line which is the required setback less 30%.

Other considerations of the standards in the Forest Reserve District were discussed such as exterior finish, roof color, use of windows and it was found that the roof will most likely be standing seam in a gray to match the house, no windows are part of the project, only screens.

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MOTION by Mr. Monte that the new structure, including the roof, to have an exterior appearance consistent with the existing home with no glazed surfaces included with these additions unless any West or South facing windows are non-reflective or have full year round screening. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

The Board reviewed Article 5, Sec 5.3. As to character of the neighborhood it was noted that there were several other homes that were just as close if not closer to the road, thus also being pre-existing non-conforming structures. **MOTION** was made by Mr. Schoellkopf that the General Standards were either satisfied or found to be not applicable. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Schoellkopf that the closest point to the boundary line of the new addition can be no more than either A) the existing structure or B) 150 feet less 30% setback relief which is 105 feet. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that before commencement of construction the applicant is required to survey the southerly boundary from which the setback has been calculated and file a copy with the Zoning Administrator and record it in the Town of Warren Land records. The survey must include not only the boundary line but also show the existing structure, the proposed addition and the calculation of the shortest distance from the structure to the boundary line. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the proposed addition shall not exceed 16 feet by 30 feet with the longer dimension being the north/south dimension, and exclusive of the access stairs. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the application subject to the conditions voted on. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

3. Other Business

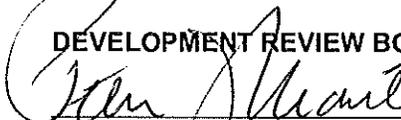
In other business, the Board reviewed and signed the minutes of August 15th.

The meeting was adjourned at 8:25 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD


Peter Monte date 11/7/11


Jeff Schoellkopf date 11/4/11


Lenord Robinson date 11/7/11

Don Swain date

Bob Kaufmann date