

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
MONDAY FEBRUARY 20, 2012

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Members Present: Chris Behn, Lenord Robinson, Bob Kaufmann and Don Swain.

Others Present: Mark Bannon, Bill Heitmann, Mike Fennelly, Miron Malboeuf and Ruth Robbins.

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

- 1) **Application 2012-01-CU**, Development on Steep Slopes: The Warren Zoning Administrator has referred the application, of Michael D & Deirdra A **Fennelly** for construction of a Single Family Dwelling; the construction associated with this application will take place on slopes greater than 15 %. The existing parcel, a 0.9-Acre lot, located on Upper Village Rd., is owned by Michael & Christina Hayes (co-applicants) and is located in the Sugarbush Village Residential District(Parcel Id# 210-043). This application requires review under Article 2, Table 2.4 (SVR); Article 3, § 3.4(Erosion Control & Development on Steep Slopes); and Article 5, § 5.3 (Conditional Use Review) of the Warren Land Use and Development Regulations as adopted by the Warren Select Board on August 24th, 2011
- 2) Other Business:
  - a) Sign Minutes from Development Review Board meeting of January 16th, 2011.

Mr. Behn called the meeting to order at 7:01 pm

1. **Application 2012-01-CU**, Development on Steep Slopes: The Warren Zoning Administrator has referred the application, of Michael D & Deirdra A **Fennelly** for construction of a Single Family Dwelling; the construction associated with this application will take place on slopes greater than 15 %. The existing parcel, a 0.9-Acre lot, located on Upper Village Rd., is owned by Michael & Christina Hayes (co-applicants) and is located in the Sugarbush Village Residential District(Parcel Id# 210-043).

Mr. Bannon represented the applicant and reviewed the site plan he prepared with the DRB members. He noted for the Board that the utilities would be served by the mountain, water and wastewater, and showed where the connections would be and that set backs were being met. The existing slopes are about 17% for a lot of the property with a max of 26%. Mr. Bannon also spoke of the stormwater being directed via a natural gully but that a structure for retaining any water would also be employed. The intent of the structure is to any water other than what already naturally goes through from going through. Mr. Behn asked if there was a size threshold for keeping the stormwater in check. Mr. Bannon said that the retention pond can expand based on the amount of impervious surface. Mr. Behn wanted to make sure that what was proposed was going to be adequate for the structure the applicant wanted to build.

Mr. Bannon also told the Board that due to the small size of the lot that setbacks were used for the building envelop boundaries. Since the lot is so small, there really is only one really good location for the house added Mr. Bannon. The Board then turned their attention to the detailed erosion control plan reflected on the site plan. Mr. Behn then asked Mr. Bannon what he would propose/recommend for an inspection schedule to verify that the erosion control plan was being adhered to. Mr. Bannon said that a prior to construction meeting with the contractor and homeowner [pre-op] followed by an inspection after week 2 on the plan, after the tap connection week 8-10, and then a final inspection when all the construction is complete. Mr. Bannon also

noted that if there were any "heavy rain events" during the construction an inspection should be made to make sure the erosion control measures put in place were doing their job.

Mr. Heitmann, a neighbor, expressed concern about possible negative effects to his property with the cutting of trees and building of a house as it might increase the flow of water onto his property. Mr. Bannon went over the plan with him pointing out areas that will be re-vegetated and how the retention pond will work in keeping excess water off his lot and at a minimum will pass by his house. Any water that might flow from the retention pond should flow due south, following the natural contours of the land.

**MOTION** by Mr. Behn that the applicant has met the standards as set forth in Table 2.4 for the Sugarbush Village Residential District. **SECOND** by Mr. Kaufmann. **VOTE** all in favor, the motion passed.

**MOTION** by Mr. Swain that the project as presented satisfies the standards of Sec. 3.4 (C) items (1) & (2) and is classified for applicability under Sec 3.4 (B) (1). **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Kaufmann that the applicant has met the criteria under Conditional Use Review Sec. 5.3 (A) items (1) thru (5). **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that specific standards under Sec 5.3 (B) items (1) through (11) are satisfied by the applicant. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that Sec 5.3 (C) standards are not applicable in this instance. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that the Board grants Conditional Use approval subject to the following conditions:

- Applicant is to follow the erosion control plan as stated on the site plan prepared by Bannon Engineering and dated 02/20/12.
- There are to be no less than four scheduled inspections of the erosion control measures and their installation/performance by a certified engineer.

**SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

In other business the Board was reminded of the next meeting on March 5<sup>th</sup> and that Mr. Malboeuf was asked to attend a 2/21/12 meeting of the WVFD and Sugarbush.

Mr. Behn adjourned the meeting at 7:52 pm

Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

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DEVELOPMENT REVIEW BOARD

Chris Behn 03/19/2012  
Chris Behn date

Lenord Robinson 3/19/2012  
Lenord Robinson date

Bob Kaufmann \_\_\_\_\_  
Bob Kaufmann date

Don Swain 3/19/12  
Don Swain date

TOWN OF WARREN, VT

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Paul Gos

TOWN CLERK