

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
MONDAY MARCH 19, 2012

---

+

Members Present: Chris Behn, Tom Boyle, Jeff Schoellkopf and Lenord Robinson for hearing on application #2012-02-CU Marincic; Peter Monte, Chris Behn, Lenord Robinson, Virginia Roth, Don Swain on for hearing on application #2011-15-SD/PUD/CU with Tom Boyle as alternate.

Others Present: Gunner McCain, Sue Carter, Cherri Sherman, Tomislav Marincic, Tim Holter, Charlie Capp, Grace Holter, Art Klugo, Stephen Reynes, Margo Wade, Cindy Carr, Dino Valadakis, Miron Malboeuf and Ruth Robbins.

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

- 1) **Application 2012-02-CU**, Development of an Accessory Structure on an undeveloped parcel: The Warren Zoning Administrator has referred the application, of **Tomislav A. & Kate J. Marincic** for the construction of a garage on a previously approved undeveloped lot. The existing parcel, a 1.1-Acre lot, is located on Main Street in the Warren Village Historic Residential District. The applicant also owns an adjacent lot, a 2.31 ± acre parcel at 115 Main Street, with a single-family dwelling. The adjacent parcel is located in the Warren Village Mixed Use District. Both parcels are identified jointly as property/parcel identification number 004-001-100. This application requires review under Article 2, Table 2.3 (WVR) and Table 2.15 (VMU); Article 10, § Definitions, Accessory Structure and Article 5, § 5.3 (Conditional Use Review) of the Warren Land Use and Development Regulations as amended by the Warren Select Board on January 10th, 2012 & effective January 31st, 2012.12.
  
- 2) **Final Plan Approval Subdivision/PRD & Conditional Use Review - Summit Ventures NE, LLC.** (Continued from March 5, 2012): The Development Review Board will consider Final Plan Approval and Conditional Use Review for application **2011-15-SD/PRD/CU**. The applicant seeks approval for Phase II of the Lincoln Peak Base Area Development Project and specifically Building A, the Rice Brook Residences, consisting of 6 multi level dwellings (Town Homes) and 9 single level dwellings(Flats) with underground parking for 21 residential spaces.

As part of a multi year project, the applicant requests approval for Construction of the following associated improvements in this first phase:

- Re-grading of short-term surface parking in upper parking lot
- Limited grading to recreational "Green"
- Use of existing skier bridge over Gadd Brook to connect Lincoln Peak base area and Sugarbush Village
- Modifications to the Out to Lunch Trail:
  - slight realignment on the approach to residences from the north
  - creation of direct connection to the Easy Rider Trail to improve skier circulation
- construction of new bridge to connect Out to Lunch trail to Lincoln Peak base area
- Extension of existing water distribution system to Rice Brook Residences
- Connection of Rice Brook Residences to existing Lincoln Peak Treatment Plant
- Other utility connections (buried): propane tanks, electrical, telecommunications

The Board will review two matters carried over from the preliminary plan review; an agreement as to the Sugarbush Village parking lot with existing the Village Edge and Brook Building Associations and other existing business with the Sugarbush Village; the second, final recommendation of the Warren Volunteer Fire Department.

On February 13th, 2012, the applicant amended the project description /application to include eight new parcels with 6 building lots (a total of 93 units), 1 Sugarbush Village Parking Lot parcel, and 1 master association lot. The Sugarbush Village Parking Lot parcel will be transferred to abutting property owners in the existing Sugarbush Village. The proposed development encompasses the land bounded by the Sugarbush Resort Lincoln Peak Base Area to the south and Rice Brook to the north, Village Road to the east and the US Forest Service boundary to the west and is located off Sugarbush Village Drive in the Sugarbush Village Commercial (SVC) zoning district in the Town of Warren (Parcel ID#250010-& 250012). This application requires review under Article 2, Table 2.7, Article 5, Development Review, Article 6, § 6.4 Final Plan Approval, Article 7, Subdivision Standards and Article 8 Planned Unit & Residential Development review of the Warren Land Use & Development Regulations adopted in 2008 and subsequently amended by the Warren Select Board on January 10th, 2012 & effective January 31st, 2012.

- 3) Other Business:
  - a) Development Review Board Annual Organizational Meeting
  - b) Sign Minutes from Development Review Board meeting of February 6th, 2012

Mr. Behn called the meeting to order at 7:08 pm.

1. **Application 2012-02-CU**, Development of an Accessory Structure on an undeveloped parcel: The Warren Zoning Administrator has referred the application, of **Tomislav A. & Kate J. Marincic** for the construction of a garage on a previously approved undeveloped lot. The existing parcel, a 1.1-Acre lot, is located on Main Street in the Warren Village Historic Residential District. The applicant also owns an adjacent lot, a 2.31 ± acre parcel at 115 Main Street, with a single-family dwelling. The adjacent parcel is located in the Warren Village Mixed Use District. Both parcels are identified jointly as property/parcel identification number 004-001-100.

Mr. McCain, representing the land owner, explained the project and their request to the Board. He reviewed the subdivision of an adjacent parcel to the Marincics that took place in 2006. The upper of the two lots directly abuts his current parcel which has a single family dwelling on it. At the time of the subdivision a right-of-way for a driveway to the upper lot was also granted. Mr. McCain told the Board that based on the subdivision conditions they would be in front of them for approval of an erosion control plan and landscaping plan – if they were intending to build a single family dwelling. However, what the land owner would like to do is build a garage [accessory structure] as his house lot does not provide a way to add a garage to it. The building of a garage would not preclude the ability to also build a house, someday, but Mr. Marincic has no need or intention to build a house on this lot in the foreseeable future.

Mr. McCain also noted for the Board that they would be using the previously approved right-of-way, had an erosion control plan and were working on a landscaping plan to satisfy the screening requirement of the subdivision permit. Additionally, the subdivision permit also calls for the permission from the Town for the hook up of the municipal waste water system prior to building a house. Since they are not requesting the building of a house, that condition needs to be acknowledged as not applicable, should the DRB grant the owners request for the building of just a garage.

The Land Use and Development Regulations disallow the building of an Accessory Structure without there being a Primary Structure. In order for the DRB to review this as an accessory structure to a primary structure then the two lots need to be merged. Mr. McCain noted that though they might consider merging the two lots that there was a financial consideration as there would be a loss of value in having one lot versus two. Mr. Malboeuf added that as long as the two lots were conforming, which they currently are, once merged they could become two lots again should the land owner desire. Another option brought up was to install a residential unit [apartment] above the garage and keep the two lots separate as they now are.

The parcel that the primary residence sits on does not provide a location for a garage due to setback requirements. There is a small piece of acreage across the road from the house, but that was too inadequate for a garage. Mr. McCain asked why the garage could not be considered the "primary" use structure for this piece of property. Mr. Malboeuf noted that permitted uses in this district were "single family dwellings" and "Accessory Use or Structure" but the accessory use or structure has to be associated with a building it is "accessory" to on the same parcel of land. Mr. Schoellkopf asked how the proposed garage would be accessed from the house and was told there would be a footpath/riding mower path but not capable of driving a car on.

Mr. Behn said <sup>he</sup> saw this being one of two scenarios: either combine the lots into one and build the desired accessory structure [garage] or keep the lots separate and incorporate a residential unit in with the garage. Mr. McCain asked if they could go forward with knowing that it had to be one or the other and at least get the erosion control and landscaping plans reviewed by the Board with the understanding they will precede either one way or the other. It was noted that steep slopes have already been reviewed under the existing subdivision approval and that the erosion control plan and the landscaping are the only items needing review as conditions of the subdivision approval. The question was asked how the road/driveway would be put in and would it be creating steep slopes. Mr. McCain went through how the road would be put in following some of the contours and making some cuts and adding some fill. He also added that he could not be certain exactly where they would come across ledge that would require blasting, but felt it most likely take place along the lower portion of the drive. If any blasting needs to be done, only licensed, insured operators will be used stated Mr. McCain. There will be no greater grade than 15% which since it is a driveway, not a road, is not an issue for the DRB. All excavation and grading will take place within the approved right-of-way. A road access permit was granted by the Select Board at the time of the Subdivision approval.

Mr. McCain told the Board that the hillside would be stabilized by stone lined ditches, stone checked dams in those ditches, silt fencing where appropriate, culvert headwalls and diversion swales all in keeping with a small project of a 300 foot driveway and small scale building. Concern was expressed about car lights traveling up and down the driveway. Mr. McCain said that they did have plans for some additional trees for screening but the Board may want more {?} based on tonight's discussion {?}. Mr. Marincic said he had a gentleman's agreement with Mrs. Sherman saying he would plant at his expense whatever was necessary for appropriate screening between his property and hers.

After much discussion regarding the merging or not merging of the parcels, the process, what type of structure, it was determined that the applicant would go forward with presumption that a garage with a residential unit included would be constructed and that the parcels would remain separate. With that being the case the only review needed was that of the conditions of the subdivision permit which called for DRB review of an erosion control plan and screening/landscaping. In addition to the screening for neighbor Mrs. Sherman, the Board asked about possible screening for the Holter residence. Mr. McCain noted that the SD permit says that screening was not the sole responsibility of just one property owner. Mr. McCain, after conferring with Mr. Marincic and Mr. Holter, told the Board they would agree to a 20 foot long cedar

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
MONDAY MARCH 19, 2012

---

hedgerow along the edge of the right-of-way to act as screening from car headlights coming down the drive and shining into the Holter residence. Mr. Behn asked about what was being utilized for stabilization along that section of the driveway cut and was told that vegetation would be used.

**MOTION** by Mr. Behn that the erosion control plan and the proposed landscaping/screening plans meets the conditions as stated in the Subdivision Approval #2006-11-SD as well as the criteria under Sec 3.4 of the Warren Land Use and Development Regulations. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
MONDAY MARCH 19, 2012

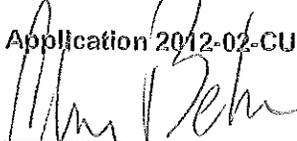
---

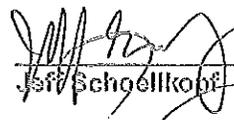
Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

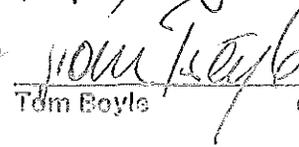
DEVELOPMENT REVIEW BOARD

Application 2012-02-CU

  
Chris Behn                      01/21/2013  
Chris Behn                      date

  
Jeff Schoellkopf                      5/21/12  
Jeff Schoellkopf                      date

  
Lenord Robinson                      May 31 2012  
Lenord Robinson                      date

  
Tom Boyle                      1-21-13  
Tom Boyle                      date