

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY MAY 21, 2012

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Members Present: Lenord Robinson, Peter Monte, Jeff Schoellkopf and Don Swain.
Others Present: Jim Robertson, Sandy Lawton, Mary Moffroid, Miron Malboeuf and Ruth Robbins.
Agenda: Call the meeting to order, 7:00 pm.

- 1) Application **2012-08-CU**, Development on Steep Slopes: The Warren Zoning Administrator has referred the application, of the Mary **Moffroid** Revocable Trust, Mary Moffroid, Trustee, for a single family dwelling(SFD), 47' wide and 72' long, one story(2330 ft²), with decks (1585 ft²), a related walkway and a wildlife/conservation ponds on slopes exceeding 15%. The property is described as 4.9 ± acre parcel located at 572 Loop Rd. in the Rural Residential District (RR) (Parcel Id# 038002-00).

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, Article 3, § 3.4(Erosion Control & Development on Steep Slopes) and Article 5, (Development Review), §5.3(Conditional Use Review Standards) of the Warren Land Use and Development Regulations as adopted by the Warren Select Board on August 24th, 2011

- 2) Application **2012-11-CU**, Front Setback Relief: The Warren Zoning Administrator has referred the application, of Judith P **Maclsaac** for construction of an Accessory Structure (garage 24' X 24"). The existing parcel, a 1.22 -Acre lot with a Single Family Dwelling (SFD), on 226 Stony Hill Rd. and is located in the Rural Residential District (Parcel Id# 016005-505).

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 (RR); Article 3, § 3.6(Height & Setback Requirements); 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.

- 3) Other Business

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

- 1- Application **2012-08-CU**, Development on Steep Slopes: The Warren Zoning Administrator has referred the application, of the Mary **Moffroid** Revocable Trust, Mary Moffroid, Trustee, for a single family dwelling(SFD), 47' wide and 72' long, one story(2330 ft²), with decks (1585 ft²), a related walkway and a wildlife/conservation ponds on slopes exceeding 15%. The property is described as 4.9 ± acre parcel located at 572 Loop Rd. in the Rural Residential District (RR) (Parcel Id# 038002-00).

Mr. Malboeuf gave the Board some background on the application which began with an application for the building of a garage and house last year that did not indicate that steep slopes were an issue. The garage was built last year and Mrs. Moffroid is now looking to build the house which as it turns out will impact slopes of 15% or greater. Mr. Lawton is assisting Mrs. Moffroid with the project. The house that they originally applied for was to be 1800 square feet in size. Mrs. Moffroid told the Board that they have amended the house plans and it will now be 2330 square feet with some surrounding decks. Mr. Lawton noted that the increase in the house size including the porte cochere has pushed the house out further over the slope than originally

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presented. The necessity for an adequate turning radius into the garage also had an effect on the revised house placement.

Mr. Monte asked about an erosion control plan. Mr. Lawton told the Board that the plan basically called for erosion control type fencing and soil stockpiles during construction. Mr. Swain asked how the State would classify this project; low, medium or high and was told by Mr. Lawton that there was less than an acre of impact and that it was expected to be a one season project as far as any excavation or land disturbance was concerned. He continued to say that it was a pretty simple excavation project with a conventional foundation so that it should be able to be completed by fall and closed up.

MOTION by Mr. Schoellkopf that the Board waives the requirement under Sec. 3.4 (C) that requires that the plan be drawn up by a qualified professional engineer licensed by the state. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed unanimously.

MOTION by Mr. Monte that should the Board approve the application that a condition be imposed requiring that all the disturbed areas on site be stabilized with seeding and/or vegetation by October 15th of the year(s) of construction. It is further stipulated that the type of seed utilized be appropriate for the time of planting: ordinary seed prior to Sept. 15th and winter rye for planting after Sept. 15th. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that a condition of any approval will be that the erosion containment fencing be built in accordance with the standards as provided in the *Vermont Handbook for Erosion Prevention and Sediment Control* Sec. 3.4 (C) (2). And must be installed prior to site disturbance and maintained until after the slopes have been stabilized. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that if topsoil stockpiles are utilized that they are not to be located on slopes of greater than 10% as stipulated under Sec 3.4 (D) (6) of the Warren Land Use and Development Regulations. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that given the conditions voted on the Board finds that the application satisfies the requirements of Sec. 3.4 (D). **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

The DRB then moved on to discuss the requirements under Conditional Use approval. Mr. Monte brought up Sec. 5.3 (A) (5) the utilization of renewable energy resources and noted that the applicant was not required to employ renewable energy resources but develop their project in such a way as to not preclude the possible use in the future.

MOTION by Mr. Schoellkopf that the application as presented has no adverse effect on the general standards (1) through (5) under Sec. 5.3 (A). **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

In discussion the standards under Sec. 5.3 (B) Specific Standards, the Board noted that the only items that are relevant to this project are items 7, 8 and 9, and that all have been addressed by the Board with the review of the standards under Article 3, Sec. 3.4.

MOTION by Mr. Monte that the Board approves the application subject to the conditions already voted on and with the stipulation that the project be built as per the plans submitted. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

- 2- Application **2012-11-CU**, Front Setback Relief: The Warren Zoning Administrator has referred the application, of Judith P **MacIsaac** for construction of an Accessory Structure (garage 24' X 24"). The existing parcel, a 1.22 -Acre lot with a Single Family Dwelling (SFD), on 226 Stony Hill Rd. and is located in the Rural Residential District (Parcel Id# 016005-505).

Mr. Malboeuf presented the application for setback relief to the Board. He told the members that the current house conforms to the prescribed setbacks but the desire to add a garage, and the locations available to do so, will necessitate a request for some setback relief. The current setback requirement is 40 feet and the applicant is looking for relief in the amount of 10 feet or a 30 foot setback. The maximum the DRB can grant would be twelve feet or a 28 foot setback. Mr. Robertson noted that any other possible spot had issues such as the leach file, underground propane tank or well and in one case would even be closer to a neighbor which was also undesirable. Though the proposed location is close to the road the impact is minimal as there are mature trees along the road which will help screen the structure. Mr. Robertson also told the Board that the garage would be 24x24 feet with an 11/12 pitch with vertical seam board and batten siding. The location is currently open thus no trees need to be taken down.

Mr. Monte asked why the garage couldn't be moved back ten feet and was told that then they would be encroaching on steep slopes. Moving it back would also cause problems in accessing the structure with any vehicles. The question was also asked as to whether or not the garage would be used for anything other than a garage and was told it would just be for cars and storage.

MOTION by Mr. Monte that the plan submitted satisfies requirement (2) of Table 5.1, Conditional Use Application Requirements. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Swain that the application satisfies the Conditional Use requirements of Sec. 5.3 (A) items (1) through (5). **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves as allowed under Sec 3.6 (C) the reduction in the setback requirement of 40 feet by 30% to that of 28 feet from the edge of the traveled way. **SECOND** by Mr. Schoellkopf. **DISCUSSION:** The applicant was reminded that the measurement must be from the furthest edge of the building (eave) not the foundation. **VOTE:** all in favor, the motion passed.

The meeting was adjourned at 8:10 following a brief discussion of the upcoming schedule.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Lenord Robinson July 2 2012
Lenord Robinson date
Don Swain 7/2/12
Don Swain date

Peter Monte 7/2/2012
Peter Monte date
Jeff Schoellkopf 7/2/12
Jeff Schoellkopf date