

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY DECEMBER 3, 2012

Members Present: Chris Behn, Peter Monte, Lenord Robinson, Virginia Roth and Don Swain. [note: Alternate member Tom Boyle was in attendance but not participating in the proceedings].

Others Present: John Hammond, Jay Teschler, Peter MacLaren, Peter Lazorchak, Margo Wade, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order, 7:00 pm

1. Application 2012-22-SD/PUD/CU, Proposed 6 Lot PUD for 50, 70 & 96 Flat Iron Rd. **BOKAY Ltd. and Lucy O'Brien**, request Final Plan Review for a 6 lot Planned Unit Development in the Warren Village Mixed Use District. The properties comprise 2.33 acres with an existing single family dwelling on each lot, identified as parcel id #'s 004002-500, 004002-400, and 004002-300 in the Warren Grand List of 2012. This application require review under Articles 5, 6, 7 and 8, see note 1 of the Warren Land Use and Development Regulation date March 8, 2005 and last amended January 31, 2012. Note 1 (Planned Unit Development, approved by the Warren Planning Commission on September 24th, and the Warren Select Board on October 23rd, 2012 (Continued form November 5th, 2012)

2. Application 2012-61-ZP/CU For construction of a driveway over steep slopes to a development site for a proposed Single Family Dwelling. This application is filed on behalf of **JDMC Properties Realty Trust**. The property is identified as 70.9 Acres off the Roxbury Mountain Rd and is in the Rural Residential and the Forest Reserve Districts, parcel id 023008-601. This application requires review under Article 2, Tables 2.1 & 2.2, Article 3, § 3.16 Article 5, § 5.3 Development Review of the Warren Land Use and Development Regulation date March 8, 2005 and last amended January 31, 2012. (Continued form November 5th, 2012). Applicant has requested a continuance until January 7th, 2013.

3. Application 2012-58-ZP/CU, Proposed additional use to existing outdoor recreational facility. **Summit Ventures NE, LLC (dba Sugarbush Resort)** seeks Conditional Use Approval to offer winter driving classes on the driving range at the Sugarbush Golf Club. The purpose of the school is to provide an opportunity for attendees to improve their winter driving skills in a safe and controlled environment. The street legal vehicles travel at low speeds around a prepared snow covered and frozen course. The clubhouse will be used for indoor school needs (classroom space, bathrooms, meals, etc.). The existing parking lots will be used to accommodate all driving school parking needs. No permanent construction is required. All existing site conditions will remain unchanged. The property is identified as 169.13 Acres at 1091 Golf Course Road, (Sugarbush Golf Club) in the Rural Residential District, parcel id 053001-200. This application requires review under Article 2, Tables 2.2, Article 3, § 3.11 Article 5, § 5.3 Development Review of the Warren Land Use and Development Regulations dated March 8, 2005 and last amended November 13th, 2012.

4. Other Business:

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

1) Application 2012-22-SD/PUD/CU, Proposed 6 Lot PUD for 50, 70 & 96 Flat Iron Rd. **BOKAY Ltd. and Lucy O'Brien**, request Final Plan Review for a 6 lot Planned Unit

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Received for Record 1114 2012
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TOWN CLERK

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Development in the Warren Village Mixed Use District. The properties comprise 2.33 acres with an existing single family dwelling on each lot, identified as parcel id #'s 004002-500, 004002-400, and 004002-300 in the Warren Grand List of 2012.

The applicant had sent a written request to continue this hearing until the next DRB meeting. As such, Mr. Behn made a **MOTION** to continue application #2012-22-SD/PUD/CU until Monday January 21 2013 at 7:00 pm. Mr. Robinson **SECONDED** the motion and the **VOTE** passed with all in favor.

- 2) Application **2012-61-ZP/CU** For construction of a driveway over steep slopes to a development site for a proposed Single Family Dwelling. This application is filed on behalf of **JDMC Properties Realty Trust**. The property is identified as 70.9 Acres off the Roxbury Mountain Rd and is in the Rural Residential and the Forest Reserve Districts, parcel id 023008-601.

Mr. Monte opened the hearing of application #2012-61-ZP/CU with a reading of the warning. Staff refreshed the Board of where they had left off at the previous hearing with a small "laundry list". [1] revised site plan with min of 3 pull outs 2) information on the phasing as required by the CGP moderate risk permit 3) addition of required ongoing erosion control structure(s) maintenance on the erosion control plan and 4) update on the proposed easement for a partially shared drive with the neighbor.

Mr. Lazorchak, representing the applicant, submitted some revised plans that showed the erosion control plan had been "beefed" up from the previous plan. The new submittals also showed how they proposed to phase the development of the project as per the CGP permit. Mr. Lazorchak told the Board that he added five pull-offs as per the regulations and noted that semi-annual inspections should be conducted post-construction for the maintenance of the erosion control features. He also reported that it was his understanding that there had not yet been a formal discussion regarding the possibility of an easement for a driveway for the abutting neighbor [Traub]. Mr. Lazorchak did say though that his client [JDMC] would prefer to share some portion of his drive versus the use of the existing easement on the old logging road with the provision that they share [pro-rated] in the cost of construction and maintenance of the driveway. Mr. Monte asked how this provision should be handled in the permit. It was noted that though the Traub's already have a curb cut and right-of-way over an old logging road, they would still need a Select Board approved curb cut as a development road. Mr. Robinson added that typically the SB likes to limit the number of curb cuts and also tries to make them across from one another. Though both parties have expressed the desire to have a shared drive, there was concern by the DRB that it had not been formalized.

Mr. Lazorchak told the Board that he had double checked and found that the drawings they were given shows a 14 foot wide drive, not a 12 foot wide as he had originally stated.

MOTION by Mr. Monte that before the applicant begins construction they are required to enter into an agreement with the adjoining landowners [currently Traub] for the sharing of the common road-cut on Senor Road and thus giving up the current logging road curb-cut and confirming the agreement to the DRB in writing. **SECOND** by Mr. Behn. **VOTE**: four members in favor, one opposed, the motion passed with a majority of the Board.

Mr. Behn asked if the plan had been shown to the Fire Dept. due to the length and grade of the driveway. Mr. Lazorchak said, no, since the grades were below 12% and the pull-offs had been added, he did not feel he needed to get the Fire Dept.'s review. Mr. Behn however still felt that the FD would want to take a look at it due to the scale and length of the drive.

The question was asked as to who would be responsible for the semi-annual inspections of the erosion control measures. Mr. Lazorchak told the Board that the way it was structured in the State

Storm Water permit it could be anyone however that was for storm water not erosion control. Mr. Malboeuf said he did not feel he was qualified to do the inspections and that it should be a third party. Mr. Lazorchak also noted that his client had no reason not to maintain the measures as he would not want to have problems crop up with his drive but at the same time was hoping to avoid having something in the permit that he had to "remember". Mr. Swain felt that they could leave it to the State and not get involved in the policing. He continued to clarify that during the construction it would be appropriate for the town to require monitoring but not in the long term.

MOTION by Mr. Behn that the applicant is required to submit a letter of compliance with the Zoning Administrator stating that the erosion control measures/structures are operating as designed based upon an inspection by a licensed engineer at two intervals: at one year from completion and at two years from completion. **SECOND** by Mr. Swain. **VOTE:** four members in favor, one opposed, the motion passed with a majority of the Board.

The Board then moved on to review the standards under Sec. 3.4 Erosion Control & Development on Steep Slopes.

MOTION by Mr. Monte that the Board finds the applicant has satisfied the standards under Sec. 3.4 (D) Review Items (1) through (11). **SECOND** by Mr. Swain. **VOTE:** all in favor the motion passed.

With the findings that the steep slope ordinance has been satisfied, the Board began review of the project under Conditional Use.

MOTION by Mr. Behn that Sec 5.3 Conditional Use Review Standards (A) General Standards items (1) through (5) have been satisfied by the applicant. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

The Board had decided that they should give the Fire Dept. an opportunity to weigh in on the proposed development road. Final approval was therefore postponed.

MOTION by Mr. Monte that application 2012-61-ZP/CU submitted by **JDMC Properties Realty Trust** is to be continued until January 21, 2013 at 7 pm. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

- 3) Application 2012-58-ZP/CU, Proposed additional use to existing outdoor recreational facility. **Summit Ventures NE, LLC (dba Sugarbush Resort)** seeks Conditional Use Approval to offer winter driving classes on the driving range at the Sugarbush Golf Club. The purpose of the school is to provide an opportunity for attendees to improve their winter driving skills in a safe and controlled environment. The street legal vehicles travel at low speeds around a prepared snow covered and frozen course. The clubhouse will be used for indoor school needs (classroom space, bathrooms, meals, etc.). The existing parking lots will be used to accommodate all driving school parking needs. No permanent construction is required. All existing site conditions will remain unchanged. The property is identified as 169.13 Acres at 1091 Golf Course Road, (Sugarbush Golf Club) in the Rural Residential District, parcel id 053001-200.

After reading the warning, Ms. Wade gave the Board some additional information regarding the proposed activity. She explained that this would be considered an accessory to the Golf Course activities that would be located on the driving range and constructed in such a way as to not damage the golf course therefore requiring that it be snow covered and frozen. Mr. Hammond noted that the conditions would have to be just right so as to make sure the ground below was not damaged so they could open up the course as soon as possible in the spring.

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Ms. Wade told the Board that they along with Porche had scheduled this driving event for January 22nd through 27th. There would be two sessions of a max of 32 participants in the morning and afternoon with some taking place on the snow covered course and some on the roadway. Existing facilities will be used; indoor at the club house and a temporary tent in the parking lot.

Mr. Monte asked how noisy it would be and Ms. Wade replied that it would be less noisy than the lawn mowers during the summer. Mr. Teschler, from Porche, told the DRB that the cars being used would be the 911 and Carrera models, all standard production cars. Mr. Behn asked what speeds and gears would be used – third gear max? Mr. Teschler said it would depend on conditions and that all the cars would have automatic transmissions, not standard. Mr. Behn asked if they would be driven “aggressively” and Mr. Teschler clarified that this was not so much a driving school as it was a driving experience – a way for current or potential Porche owners/lovers to be exposed to the cars and experience how to exercise safe driving techniques under winter conditions as many think of a Porche as a good weather only automobile. He continued to tell them that this would not be folks off the street but clients of New England Porche dealers. He also assured the members that they would be conducting a safe environment with adequate instructors and snow banks around the perimeter – they did not want people getting hurt or cars being damaged. In reviewing the proposed course it was pointed out that it was not of a size where one could go at high speeds. There will be a skid pad, a slalom course and a small road course.

Mr. Malboeuf asked about what type of equipment Sugarbush planned on using for maintenance of the course during the week of the event. Mr. Hammond said that ideally it will be a hard surface that stays put but driving on it may soften it up and a pisten bully will be available for use on the course. Hopefully a plow truck will be all that is needed said Mr. Hammond. Mr. Malboeuf expressed his concern about the noise from the back up alarms on several types of snow equipment. Especially in the early hours of the morning, the back up alarms could be intrusive to the residential neighborhood that the golf course is located in. Mr. Monte asked at what times they might be out there with their equipment and if the DRB should entertain limiting the hours of operation to avoid complaints from the neighbors.

Mr. Monte made a **MOTION** that there be no grooming equipment with active back-up alarms on the course between 7 pm and 7 am. This brought a response from Sugarbush that it was too burdensome and restrictive. With some further discussion it was determined the **motion failed** due to the **lack of a SECOND**. Mr. Robinson, who owns and operates a cross country ski center, noted that grooming is dependant on weather and that setting a prescribed time is not effective. Ms. Wade pointed out that it was a Tuesday through Sunday during what historically has been a quieter time in the valley. If you try to change the hours of the event, then you encounter darkness and the issue of lights. Much discussion took place bantering about possible hours of restriction to limit the noise from bothering the residential area.

The question was asked if this was a one time deal or something that would become an annual event. Ms. Wade said it is hoped that this proves to be a successful endeavor for both Sugarbush and Porche and thus results in an annual event going forward. She confirmed that it was a their intent to acquire a permit that would allow an annual event, that if it changed in any way, they would come in and request an amendment.

MOTION by Mr. Behn allows for the maintenance of the track for this event by a standard plow/pick-up truck but that no other maintenance equipment that has a back-up alarm will be allowed to be used during the hours from 9 pm to 6 am. **SECOND** by Mr. Swain. **DISCUSSION:** Mr. Hammond asked if any caveat could be included in the case of weather that necessitates grooming equipment for longer than two hours before the event starts. He received a reply that emphasized that this was located in the Residential District, not up at the mountain and that despite the lack of concern expressed by the neighbors at the hearing, they had to be looked out

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for. Mr. Behn assured the applicant that he felt they could get the job done in the time allotted.
VOTE: four members in favor, one opposed, the motion passed with a majority of the Board.

Mr. Swain asked what "plan B" was if there was no snow for the January 22-27 dates. He was told it would be limited to just a road driving event. Mr. Swain also asked about the actual decibels that might be emitted. Ms. Wade told the Board that they would meet the standard as required under the ordinance as listed under Sec 3.11 (A) (1).

The DRB then proceeded to review the application under the standards of Conditional Use.

MOTION by Mr. Monte that the event is confined to the dates of January 22 through January 27 for the year 2013 and in subsequent years the event shall not be for any longer than 10 days exclusive of the set-up and take-down during the winter months of January and February.
SECOND by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that a condition of this permit allows upon the recommendation of the Zoning Administrator in the year 2013 for a reopening of these proceedings for the consideration of the imposition of additional conditions. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Behn that Sec 5.3 Conditional Use Review Standards (A) General Standards items (1) through (5) have been reviewed and satisfied. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the DRB approves the application as presented with the conditions as voted on at this hearing. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

The members reviewed and signed the minutes of 11/5/12 and Mr. Monte adjourned the meeting at 9:22 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Lenord Robinson date

Peter Monte 1/7/13

Peter Monte date

Virginia Roth

Virginia Roth date

Don Swain

Don Swain date

1/7/2013
1/7/2013

Chris Behn date

