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TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MONDAY APRIL 15, 2013

AMENDED

Members Present: Peter Monte, Tom Boyle, Virginia Roth and Jeff Schoellkopf.

Others Present: Bruce Bertholon, Shelia Getzinger, Gunner McCain, Doug Ricketts, Zach Taylor, Miron Malboeuf and Ruth Robbins.

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

- 1) Application **2013-11-SD/CU/ZP**, Subdivision Amendment & Conditional Use Review: The applicants, **Zachary & April Taylor**, request an amendment to an approved plat, **#2000-08-SD** and Conditional Use approval for a development road. The proposed project will result in a "common land" lot of 35 acres and two single-family homes lots (SFD'S sites) with shared infrastructure. This is a reduction from the previously approved project, from three to two residential lots. All other project components such as shared access road, water and wastewater systems, and protection of meadowland, wetlands, and woodland will be reviewed by the Board under Conditional Use Review. The property, 50± acres, identified as Parcel Id. # Parcel ID: 002000-400 is located in the Rural Residential & Meadowland Overlay Zoning Districts at 5464 East Warren Rd.
- 2) Other Business:

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

1. Application **2013-11-SD/CU/ZP**, Subdivision Amendment & Conditional Use Review: The applicants, **Zachary & April Taylor**, request an amendment to an approved plat, **#2000-08-SD** and Conditional Use approval for a development road. The proposed project will result in a "common land" lot of 35 acres and two single-family homes lots (SFD'S sites) with shared infrastructure. This is a reduction from the previously approved project, from three to two residential lots.

Mr. Monte began the hearing by reading the warning. Mr. McCain, representing the land owner, explained the requests to the Board. He said that the current owner would like to amend the previously approved subdivision [#2000-08-SD] in three ways: 1) reduce the subdivided lots from 3 to 2; 2) reduce the overall size of the building lots from about 10 acres to approx. 6 acres each which would then 3) increase the designated common area from 18 acres to 35 acres. Mr. McCain also told the Board that this was originally the Saltzman subdivision from the late 90's. He reminded them of a section of land that was given to two adjoining land owners, Mr. Webster and Mr. Messer as an increased buffer, at the time the subdivision was created and approved. Mr. McCain also told the Board that the wastewater system has remained the same though the leach fields have been reduced due to there being fewer homes and that the other utilities and the road were all the same as originally approved.

Mr. McCain also noted that at the time of the approval a State Stormwater permit was not required however now it will be necessitating the creation of some possible dry ponds and or swales. Another change is that what was considered a class 3 wetland is now considered a class 2 wetland requiring a wetlands permit from the state. Since the parcel contains some of the Meadowland Overlay District Mr. McCain told the Board that the only development affecting that area was the wastewater system. The barn depicted on the site plan, if built, will be used for agricultural purposes said Mr. McCain and there is some thought about a one half acre pond in the future as well.

Mr. Monte brought up the submission of a letter from Mr. Webster, an adjoiner to the subject parcel. Mr. Webster had questioned a boundary measurement which has since been resolved so

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it is no longer an issue for the DRB. The other concern Mr. Webster expressed was that the well shield overlapped onto his property and he asked if the well and its shield could be located so that it was contained and not encroaching onto his parcel. Mr. McCain said he would look to see if it could be moved but noted for the DRB that the shield only encroached onto the buffer part of Mr. Webster property, not his original lot. It was also noted that it did not appear to be any different than it was originally approved. The last item Mr. Webster asked about was if the house to be built on Lot A could be moved approx 100 feet further away from the shared property line: for more privacy for both land owners. Since to do so would in turn encroach on the Meadowland Overlay District this last item was not considered as it really did not appear any more intrusive than what had been originally approved years ago. Covenants for the subdivision have been recorded back in April of 2001. Due to the change in the number of lots being changed, there may have to be some minor revisions noted Attorney Getzinger.

Mr. Monte asked those in attendance if they had any comments or questions. Mr. Ricketts who lives across from the subdivision requested that the trees be maintained in such a way that they don't obscure his view any more than they already do. Mr. McCain said in addition that he was not aware of the potential owners wanting to plant any additional trees. Mr. Taylor, the current owner was in the audience and just introduced himself for the Board's information in case they might have questions he could address.

MOTION by Mr. Monte that a requirement of any approval will be that the application for a zoning permit to build a house on any of the lots must include a topographical map showing the slopes and conservation areas and if the proposed construction affects any slopes greater than 15% then the DRB must review and approve the erosion control measures to be employed. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the DRB finds that the building envelope proposed on Lot A does not require any change as there have already been protected areas [est. 150 feet] conveyed to the abutting land owner(s). **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the applicant must [A] investigate the relocation of the wells so that the well shields do not overlap onto adjoining property OR [B] if not possible must state so in writing as to the lack of viability to the DRB prior to the commencement of any construction. The DRB also grants permission for the well / well shields to be located in the Meadowland Overlay District if necessary. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

The question was asked if there is an increase in the common land, does that automatically carry with it a required forestry management plan. Mr. McCain said that the buyers of the parcel plan to use it both agriculturally and utilize some timber management and would suggest to they look into it as a possibility. The open land is currently under the agricultural use provisions but the forest area is not under plan at this time. There may be an old forest management plan that goes back to the previous owner.

MOTION by Mr. Monte that the Board finds that this amendment does not alter any conditional use criteria from the original approval in 2001 and the renewal in 2006. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the requested amendment to the subdivision subject to the conditions voted on at this hearing and the project be constructed as per the plans as presented in the application. **SECOND** by Mr. Boyle. **VOTE:** all in favor, the motion passed.

Attorney Getzinger asked the Board about a condition that was part of the original decision that required all road improvements and placement of underground utilities to be completed within

three years of the final approval and if with this approval it could be "renewed" and extended to four years from the date of this approval.

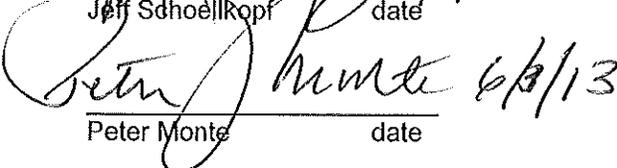
MOTION by Mr. Schoellkopf that the DRB hereby requires that condition #12 from the prior approval, ["All road improvements and placement of underground utilities shall be completed within three years of final approval unless a written request for an extension is submitted to and approved by the DRB."] be amended to four (4) years and that the clock will begin upon the signing of this approval. **SECOND** by Mr. Boyle. **VOTE:** all in favor the motion passed.

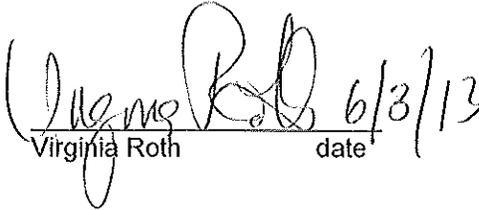
2. The Board reviewed and signed the minutes of 3/4/13 and the Mylar of the BOKAY LTD PUD. Mr. Monte adjourned the meeting at 8:10 pm.

Respectfully submitted,

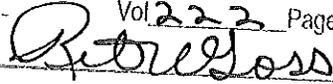
Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD


Jeff Schoellkopf date 6/4/13

Peter Monte date 6/3/13


Virginia Roth date 6/3/13

Tom Boyle date

TOWN OF WARREN, VT
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at 9:20 o'clock A M and Received in
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TOWN CLERK

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