

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
MONDAY SEPTEMBER 30, 2013

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Members Present: Lenord Robinson, Peter Monte, Jeff Schoellkopf and Virginia Roth.

Others Present: Sue Carter, Marilyn Miller, Carol Luce, Jeffrey Luce, Jim Sanford, Randy Taplin, Miron Malboeuf and Ruth Robbins.

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

- 1) Application **2013-02-ZP/CU** (continued from June 3rd, 2013), Conditional Use Review, for the construction of an Accessory Structure (Deck) in the Flood Hazard Overlay District (FHO). The Zoning Administrator has referred the application of Gary & Debora **Johannesen** for the re-construction of a deck and adjacent retaining wall on their property located at 59 Main Street, parcel id #004000-200. The property is located in the Warren Village Historic Residential and Flood Hazard Overlay Districts. (Applicant request continuance to next meeting)
- 2) Application **2013-58-CU/ZP**, Conditional Use Review for stream setback relief: The applicants, Luce Jeffrey & Carol **Luce** have requested relief from the stream setback to place a new home on their property at 65 Luce Pierce Rd. The property, 0.3 acres, is located in the Warren Village Historic Residential District Parcel id # 001001-702.
- 3) Application **2013-50-CU/ZP** Conditional Use Review for approval for Artist Studio/Gallery, and Cottage Industry. The applicant, David **Sellers** has requested the use Cottage Industry as per § 4.8, (B) to his Single Family Dwelling at 1635 West Hill Rd. The property, 4.2 acres, is located in the Rural Residential District, parcel id # 016003-502.
- 4) Application **2013-52-CU/ZP** Conditional Use Review for approved of an Accessory Dwelling. The applicants, Charles & Nancy **Taplin** have requested permission to construct an Accessory Dwelling as per § 4.1. The property, 49.04 acres, is located at 344 Dimetro Rd., in the Rural Residential District parcel id # 038008. This application requires review under Article 2, Table 2.1, Article 4, § 4.1 Accessory Dwelling § 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 March 25, 2008 and last amended November 11, 2012.
- 5) Other Business:

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

1. Application **2013-02-ZP/CU** (continued from June 3rd, 2013), Conditional Use Review, for the construction of an Accessory Structure (Deck) in the Flood Hazard Overlay District (FHO). The Zoning Administrator has referred the application of Gary & Debora **Johannesen** for the re-construction of a deck and adjacent retaining wall on their property located at 59 Main Street, parcel id #004000-200. The property is located in the Warren Village Historic Residential and Flood Hazard Overlay Districts. (Applicant request continuance to next meeting)

**MOTION** by Mr. Monte that this hearing be continued until Monday October 21, 2013 at the request of the applicant and so that the pending State findings can be received and reviewed by the DRB. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

2. Application **2013-58-CU/ZP**, Conditional Use Review for stream setback relief: The applicants, Luce Jeffrey & Carol **Luce** have requested relief from the stream setback to place a new home on their property at 65 Luce Pierce Rd. The property, 0.38 acres, is located in the Warren Village Historic Residential District Parcel id # 001001-702.

Mr. Malboeuf explained the request from the Luces to the DRB. They want to build a modest modular home on a third of an acre parcel they own on Luce Pierce Road. The Freeman Brook, also known as "Kid's Brook", runs along an edge of their property and they are asking for some setback relief from the required 100 foot stream buffer regulation. The lot has a connection for the municipal waste water system which was utilized by a trailer that was removed from the site approximately three years ago. When asked by the Board how they fared during TS Irene they replied that there was some bank loss but no flooding of the site whereas the adjacent lot that they also own was more impacted. The current buffer area is vegetated and the Luces have no plans to change that.

Before reviewing the application under Conditional Use, the Board first looked at Article 3, General Regulations Sec. 3.13 Surface Water Protection (B) and the three standards that any development must be measured against as to whether or not it would impose an undue adverse effect.

**MOTION** by Mr. Robinson that the proposed development will not adversely effect the ability of the stream to carry floodwaters. [Sec. 3.13 (B) (1)]. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Robinson that the proposed development will not adversely effect the water quality of the stream due to potential erosion and runoff. [Sec. 3.13 (B) (2)]. It is also noted that following TS Irene the section of the stream nearest the applicants has had rip-wrap installed. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the proposed development will not adversely effect the natural beauty of the stream and is in keeping with the historic settlement pattern of the area. [Sec. 3.13 (B) (3)]. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that Article 5 Development Review Sec. 5.3 Conditional Use Review Standards items (1) through (5) are found to be satisfied by the application. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board, having reviewed the application for compliance with stream water protection and conditional use standards hereby approve the application granting stream setback relief of 50 feet instead of the normal 100 foot requirement. **SECOND** by Mr. Schoellkopf. **DISCUSSION:** The land owners are reminded that the 50 foot buffer must be maintained in its vegetated state. **VOTE:** all in favor, the motion passed and the application is approved.

3. Application **2013-50-CU/ZP** Conditional Use Review for approval for Artist Studio/Gallery, and Cottage Industry. The applicant, David **Sellers** has requested the use Cottage Industry as per § 4.8, (B) to his Single Family Dwelling at 1635 West Hill Rd. The property, 4.2 acres, is located in the Rural Residential District, parcel id # 016003-502.

**MOTION** by Mr. Monte that application **2013-50-CU/ZP** submitted by Mr. Sellers is continued until October 21, 2013 and that it is re-warned for a Conditional Use permit for an Artist Studio/Gallery in the Rural Residential District. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

4. Application **2013-52-CU/ZP** Conditional Use Review for approved of an Accessory Dwelling. The applicants, Charles & Nancy **Taplin** have requested permission to construct an Accessory Dwelling as per § 4.1. The property, 49.04 acres, is located at 344 Dimetro Rd., in the Rural Residential District parcel id # 038008.

The applicants are requesting approval for the building of an Accessory Dwelling on their land which is approximately 50 acres. Mr. Taplin is a furniture and cabinet maker and his son is relocating back to Vermont to carry on his father's work and will be living in the proposed Accessory Dwelling. Since the

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Accessory Dwelling will be utilized by a family member and the property is also enrolled in the current use program, requesting a subdivision was not an option they wanted to consider. The proposed dwelling will be located off of the existing driveway and all setbacks have been easily met. The house will also have its own separate utilities, no road cut is required as they are using the existing and an application to the state for a wastewater permit is in process.

**MOTION** by Mr. Monte that the applicant has demonstrated compliance with Article 4, Specific Use Standards, Sec. 4.1 Accessory Dwelling 9A) items (1) (a) and (1) (b). **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that Article 5 Development Review Sec. 5.3 Conditional Use Review Standards items (1) through (5) are found to be satisfied by the application. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the DRB approves the application for the building of an Accessory Dwelling with the condition that the permit include the requirement of Article 4, Sec. 4.1 (B) : *The permit for the accessory dwelling shall clearly state that the dwelling is an accessory structure to the single family residence and shall be retained in common ownership. An accessory dwelling may only be subdivided and/or converted for sale or use as a single or duplex dwelling if it meets all current local and state regulations applying to such dwellings, including all density, dimensional and other requirements for the district in which it is located. A separate zoning permit shall be required prior to sale and/or conversion.* **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

5. Other Business:

In other business the DRB reviewed and signed the minutes of 9/16/13 and the Butcher decision.

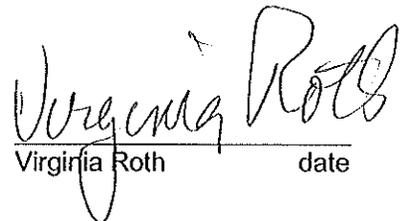
Mr. Monte adjourned the meeting at 8:05 pm.

Respectfully submitted,

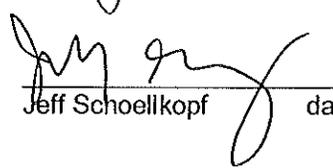
Ruth V. Robbins  
DRB/PC Assistant

Development Review Board

  
Peter Monte                      date 10/21/13

  
Virginia Roth                      date 10/10/13

  
Lenord Robinson                      date Oct 10

  
Jeff Schoellkopf                      date 10/10/13

TOWN OF WARREN, VT

Received for Record 10/22 2013  
at 1:20 o'clock P M and Received in

Vol. 225 Page 108-110  
  
TOWN CLERK