

Received for Record 4/22 2014  
at 2:05 o'clock P M and Received InTOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
MONDAY MARCH 31, 2014Vol. 228 Page 251-254  
Robinson  
TOWN CLERK  
VT Property Transfer Tax Return #         

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

Others Present: Marilyn Miller, Sue Carter, David Sellers, Bobbi Rood, Mac Rood, Miron Malboeuf and Ruth Robbins.

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

## 1) HEARINGS:

1. Application **2014-7-CU.SD. Formerly 2013-55-CU.SD**, Request for separation of two pre-existing small lots at 40 Brook Rd. in the Warren Village Commercial District The applicant **David Sellers** proposes to separate the parcel on which his office is located from the parcel on which his single family dwelling is located. The property, a .3 acre parcel is located in the Warren Village Commercial District. And is identified as Warren Parcel Id. # 001000-400. This application requires review under Article 2, §2.2, Table 2.10 Village Commercial District (WVC), Article 3 General Regulations, § Section 3.5 Existing Small Lots and Article 5, § 5.3, Conditional Use Review and Article 8 (Article 8. Planned Unit Development), 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.
  2. Application **2014-8-PUD** Request for a three lot PUD. The applicants L Macrae & Roberta **Rood** request a Preliminary Plan Review hearing for a 3 lot Subdivision /PUD at 960 Fuller Hill Rd. . The applicants request that the proposed PUD be reviewed under the Rural Standards for an Upland Enclave. The property, a 16.5 acre parcel is located in the Rural Residential and Meadowland Overlay Districts and is identified as Warren Parcel Id. # 023002-301. This application requires review under Article 2, §2.2, Table 2.2 Rural Residential & Table 2.13 Meadowland Overlay Districts, Article 5, § 5.3, Conditional Use Review and Article 8 (Article 8. Planned Unit Development), 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.
- 2) Election of Chairperson. Vice Chairperson and Secretary
- 3) Other Business:

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

- 1) Application **2014-7-CU.SD. Formerly 2013-55-CU.SD**, Request for separation of two pre-existing small lots at 40 Brook Rd. in the Warren Village Commercial District. The applicant **David Sellers** proposes to separate the parcel on which his office is located from the parcel on which his single family dwelling is located. The property, a .3 acre parcel is located in the Warren Village Commercial District and is identified as Warren Parcel Id. # 001000-400.

Mr. Malboeuf told the Board that he had included in their folders a copy of the State Statute from Chapter 17, Sec. 4412 that might be helpful in reaching a decision on this application submitted by Mr. Sellers requesting the separation of two pre-existing small lots. Mr. Monte noted that the first thing that came to mind for him was whether or not the stream could be considered a natural dividing line. Though it is different from a road or highway, it may be something to look into.

In looking at Sec. 4412, it one of the criteria is whether or not on the effective date of the local bylaw, each lot was developed with its own water supply and wastewater disposal system. Conversation ensued as to the history of the two buildings and what existed for water and wastewater and when. At present, both buildings have their own water supply from individual springs and are connected to the Municipal Wastewater System. Also briefly discussed was the right of way to the "barn" or Mr. Sellers residence, which is located off of Flat Iron Road but is not currently utilized as Mr. Sellers has a foot bridge over the brook to access his home from the Odd Fellows building.

Mr. Sellers told the Board that his reason for wanting to separate the two lots back to their original status was that he wanted to refinance his home and was unable to do so with both buildings showing they were on one parcel. The Board took a look at *Article 3, Sec. 3.5 Existing Small Lots* and came to the conclusion that more research needed to be done such as verification of when [the date] each building had a functioning water and wastewater systems as well as looking into the precedent of using the brook as a legal division of the two lots. A MOTION was made by Mr. Monte to continue this hearing until Monday April 21, 2014 at 7pm to allow time for further research. Mr. Kaufmann **SECONDED** the motion and the **VOTE** was unanimously in favor.

- 2) Application **2014-8-PUD** Request for a three lot PUD. The applicants **L Macrae & Roberta Rood** request a Preliminary Plan Review hearing for a 3 lot Subdivision /PUD at 960 Fuller Hill Rd. . The applicants request that the proposed PUD be reviewed under the Rural Standards for an Upland Enclave. The property, a 16.5 acre parcel is located in the Rural Residential and Meadowland Overlay Districts and is identified as Warren Parcel Id. # 023002-301.

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Mr. Rood and his wife had come before the DRB on June 17, 2013 for an informal Sketch Plan Review to see how he might go about subdividing his property where two dwelling were so close together that standard setbacks just could not be achieved. During that discussion the Board suggested that a PUD [Planned Unit Development] might be the way to go. In order to do that though, Mr. Rood, who wanted to only do a 2-lot subdivision, would have to create three (3) lots to satisfy the minimum required for a PUD Subdivision.

Mr. Rood and his wife were now back to share with the Board their concept of a 3-lot PUD for a Preliminary Plan Review. Mr. Rood pointed out to the members that the current drive would become a 20 foot right-of-way for all three lots to share for access to the parcels. He also included a 12 foot by 50 foot turnout due to the length of the drive. The water and wastewater system will be shared and Mr. Monte told the applicant that the shared road/drive and utilities will require covenants for maintenance. Common land, as is required in PUDs, will be limited to the steep slopes on the west side and the meadowland overlay area to the east.

MOTION by Mr. Monte that Article 8 Planned Unit Development Sec. 8.3 (E) General Standards items 1 through 6 are satisfied whereas items 7 and 8 are considered not applicable for this application. SECOND by Mr. Schoellkopf. VOTE: all in favor, the motion passed.

MOTION by Mr. Schoellkopf that the development standards under Sec. 8.3 (F) (3) Uplands Enclave items (a) through (d) are satisfied by the application. SECOND by Mr. Kaufmann. VOTE: all in favor the motion passed.

MOTION by Mr. Monte that the Board finds that Sec. 8.3 (F) (3) (e) regarding interconnecting walking paths/trails is not appropriate/applicable for this application. SECOND by Mr. Schoellkopf. VOTE: all in favor, the motion passed.

MOTION by Mr. Schoellkopf that the site plan submitted showing 51% or greater of the parcel being used for open space satisfies Sec. 8.3 (F) (3) (f). SECOND by Mr. Kaufmann. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that Sec. 8.3 (F) (3) (g) and (h) have been satisfied by the applicant. SECOND by Mr. Schoellkopf. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that the applicant needs to supple the following: a revised site plan that clearly identifies the open areas; provide covenants to cover the shared maintenance of the drive, water and wastewater systems; indicate the building envelopes on lots A and B. SECOND by Mr. Kaufmann. VOTE: all in favor, the motion passed.

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MOTION by Mr. Monte that the Board continues this application until Monday May 5, 2014 at 7:00 pm. SECOND by Mr. Kaufmann. VOTE: all in favor, the motion passed.

In other business the DRB held their annual election of officers. Mr. Monte was unanimously re-elected as Chairman, Mr. Schoellkopf unanimously elected as Vice-Chairman and also unanimously, Ms. Robbins was re-elected as Secretary.

The members signed the minutes of the previous hearings and the Adams/Succop decision. The meeting was adjourned at 8:37 pm.

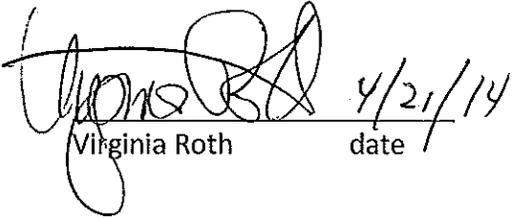
Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

Development Review Board

  
Peter Monte                      date      4/21/14

  
Lenord Robinson                      date      4/21/14

  
Virginia Roth                      date      4/21/14

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Jeff Schoellkopf                      date

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Bob Kaufmann                      date