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**Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday June 16, 2014**

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Members Present: Peter Monte, Jeff Schoellkopf, Lenord Robinson, Virginia Roth and Don Swain.  
Others Present: Clayton-Paul Cormier, Matt Groom, Richard King, Tom Davies, Miron Malboeuf and Ruth Robbins.  
Agenda: Call meeting to order, 7:00 pm.

1) **Application 2014-21-CU.** Request for setback relief: for the construction of garage; the applicant, Thomas E. Davies, requests permission to construct a garage within the district setbacks and setback relief from a wetland buffer. The property is located at 2323 Plunkton Rd, in the rural residential district (Parcel Id, and No 0280031). This application requires review under Article 2, § Table 2.2 Rural Residential District, Article 3 Section 3.6, Height & Setback Requirements, Section 3.13 Surface Water Protection and Article 5, § 5.3, Conditional Use Review of the Warren Land Use and Development Regulations as adopted by the Warren Select Board on March 25, 2008 and last amended November 11, 2013.

2) **Application 2014-26-CU.** Request for Meadowland Overlay relief for the construction of a single family dwelling and accessory structures; the applicants, Douglas & Ellen Berlan, request permission to construct a single family dwelling within the Meadowland Overlay District. The property is located at 4939 E. Warren Rd, in the rural residential and meadowland overlay districts (Parcel Id and No 002002-102). This application requires review under Article 2, § Table 2.2 Rural Residential District and Table 2.13 Meadowland Overlay District (MO), and Article 5, § 5.3, Conditional Use Review of the Warren Land Use and Development Regulations as adopted by the Warren Select Board on March 25, 2008 and last amended November 11, 2013.

3) Other Business:

The meeting was called to order at 7:07 pm.

1. **Application 2014-26-CU.** Request for Meadowland Overlay relief for the construction of a single family dwelling and accessory structures; the applicants, Douglas & Ellen Berlan, request permission to construct a single family dwelling within the Meadowland Overlay District. The property is located at 4939 E. Warren Rd, in the rural residential and meadowland overlay districts (Parcel Id and No 002002-102).

Mr. Monte gave a brief report on the site visit that was conducted prior to the meeting at 4939 East Warren Road regarding the Berlan application. Mr. Robinson, Mr., Swain and Mr. Monte were the DRB members in attendance along with Mr. Cormier and Mr. Groom. They observed that the entire lot is open and noted that the Subdivision process created and approved a lot that is entirely in the Meadowland District.

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Mr. Groom gave an overview of the project telling the Board that the owner wanted to build a 3034 sq. ft. home with an attached two car garage and a small garden shed. The building site was placed at the back center of the parcel to minimize impact on the meadowland and to honor a deeded view shed requirement to the north. There is an existing old outbuilding on the lower part of the parcel and the driveway curves by this giving an opportunity for a pull out. Initial comments from the Board were that the proposed curve in the driveway most likely would not be seen from the road as the old shed will partially screen it. Also noted was that the house site appears to be reasonably located and that the lower part of the parcel is the steepest.

Attorney King was present representing the landowner to the south of the applicant's property. He said Mr. Campisi had some concerns, primarily that the water supply in the area was being spread too thin. He was specifically concerned about how his geothermal system might be affected. When discussing the location of the well on Mr. Campisi's property it was determined that it was located above the proposed wastewater system and therefore not negatively affected. Mr. King's client also was concerned about screening from the visual impact this project would produce as well as preserving an old hand dug well that was located along the stone wall that runs on the adjoining property line.

Mr. Groom pointed out that the project would not affect the stone wall or the old well and that there was existing trees and vegetation that should provide screening. Without more information about Mr. Campisi's geothermal system no conclusions could be reached as to the impact of the applicant's project. The DRB put the issue of the geothermal system on hold and moved forward to reviewing the required standards.

**MOTION** by Mr. Monte that the Board finds that Table 2.13 (E) (1) (b) (i, ii, iii) of the Meadowland Overlay District [MO] is the applicable standard for this application. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board finds that the application meets the criteria of Table 2.13 (E) (1) (b) (i, ii, iii) as the site plan places the dwelling such that it minimizes the scenic quality of the site; retains the maximum of open meadowland for agricultural use; and protects primary agricultural soils. **SECOND** by Mr. Swain. **DISCUSSION:** Regarding screening, wouldn't the existing hedgerow be sufficient as additional screening would encroach on the Meadowland overlay. **VOTE:** all in favor, the motion passed.

A discussion took place that revolved around the proposed size of the building envelope. The question was posed as to whether or not it could be reduced due to its being in the Meadowland Overlay District.

**MOTION** by Mr. Monte that the Board finds there is no adverse effects from the proposed development on the capacity of existing or planned community facilities or services [Sec. 5.3 (A) (1)]. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

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**MOTION** by Mr. Swain that the Board finds that there is no adverse impact on the character of the neighborhood or the traffic on roads in the area by the proposed development [Sec. 5.3 (A) (2) (3)]. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board finds the application conforms to the bylaws and ordinances currently in effect [Sec. 5.3 (A) (4)]. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte to defer consideration of Sec. 5.3 (A) (5) The Utilization of Renewable Energy Resources until the Board receives more information about possible effects of the development on the abutter's geothermal system. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the existing vegetation starting from above the easement that gives access through the parcel to the west [or the western property line] and 20 feet north from the southern property line, be maintained as a vegetated buffer with no cutting allowed except for diseased or dying trees. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

As far as the "historic well" that the abutter expressed concern about, Mr. Robinson stated that it was his belief that there was nothing historic about it and that the 20 foot buffer just voted on would protect it none the less.

**MOTION** by Mr. Swain that the applicant is required to follow the State of Vermont Best Practices for Erosion Control with special attention along the driveway. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board recess this hearing and continue it to the next meeting on Monday June 30, 2014 at 7:00 pm: **SECOND** by Mr. Robinson. **DISCUSSION:** The applicant is asked to bring in a revised site plan showing a reduced building envelope and the representative of the abutter is asked to bring in information that verifies and identifies what if any risk this proposed development will have on the abutter's geothermal system. **VOTE:** all in favor, the motion passed.

2. **Application 2014-21-CU.** Request for setback relief: for the construction of garage; the applicant, Thomas E. Davies, requests permission to construct a garage within the district setbacks and setback relief from a wetland buffer. The property is located at 2323 Plunkton Rd, in the rural residential district (Parcel Id, and No 0280031).

Mr. Davies explained to the DRB that in order to be able to build a garage and minimize the encroachment on the required setback from the adjacent wetlands he was asking for some setback relief from the 40 foot requirement from the edge of the right-of-way of the road. The maximum amount of relief the DRB can issue is 30% or with a required 40 foot setback 12 feet less or a 28 foot setback. Mr. Davies said that he did not need the maximum amount, only 8 feet, not 12 feet.

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**MOTION** by Mr. Monte that the Board finds that the requested relief of 8 feet is less than the maximum allowed of 12 feet. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Schoellkopf that the previous motion be amended to indicate that the engineer's site plan calls for a request for the maximum allowed reduction of 12 feet to the nearest point of the proposed structure. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

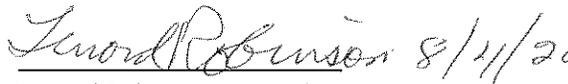
**MOTION** by Mr. Schoellkopf that the DRB finds that the standards under Sec. 5.3 Conditional Use Review Standards (A) General Standards have either been satisfied or are not applicable to this application. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

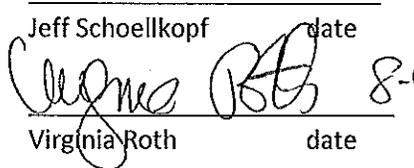
**MOTION** by Mr. Monte that the DRB approves the application for setback relief as per the plans submitted. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

In other business Mr. Malboeuf told the members what was coming up at the next meeting. The May 5<sup>th</sup> minutes were signed as was the Rood PUD decision. The meeting was adjourned at 9:25 pm.

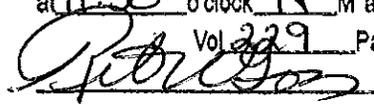
Respectfully submitted,  
Ruth V. Robbins  
DRB/PC Assistant

Development Review Board  
 8/4/14  
Peter Monte date

 8/21/2014  
Lenord Robinson date

Jeff Schoellkopf date  
 8-4-14  
Virginia Roth date

Don Swain date

TOWN OF WARREN, VT  
Received for Record 815 2014  
at 11:30 o'clock A M and Received in  
 Vol 229 Page 460-463  
TOWN CLERK  
VT Property Transfer Tax Return # \_\_\_\_\_