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**Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday June 30, 2014**

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Members Present: Lenord Robinson, Chris Behn, Don Swain and Virginia Roth.

Others Present: Matt Groom, Mac Rood, Hardy Merrill, Eric Hanson, Margo Wade, Graham H. and Ruth Robbins.

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

- 1) Application **2014-30-CU**. An amendment to 2008-13-PUD: **Summit Ventures NE, LLC** seeks approval to construct an additional parking lot at the Lincoln Peak Base Area at Sugarbush Resort in Warren, Vermont. The project site generally encompasses the land bounded by the Sugarbush Access Road to the north and Clay Brook to the south, Inferno Road to the west and Rice Brook to the east. The project site is located in the Vacation Residential (VR) zoning district and is identified as parcels 250020, described as 1020.5 Acres on the 2014 Warren Grand List. The project consists of the construction of a new parking lot with associated infrastructure (driveways, pedestrian paths, stormwater, lighting, landscaping, and signage). This will involve tree clearing, site grading, installation of supporting infrastructure and removal of an existing building.
  
- 2) Application **2014-26-CU**. (Continued from June 16<sup>th</sup>, 2014) Request for Meadowland Overlay relief for the construction of a single family dwelling and accessory structures; the applicants, Douglas & Ellen **Berlan**, requests 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.

The meeting was called to order at 7:17 pm.

1. Application **2014-30-CU**. An amendment to 2008-13-PUD: **Summit Ventures NE, LLC** seeks approval to construct an additional parking lot at the Lincoln Peak Base Area at Sugarbush Resort in Warren, Vermont. The project site generally encompasses the land bounded by the Sugarbush Access Road to the north and Clay Brook to the south, Inferno Road to the west and Rice Brook to the east. The project consists of the construction of a new parking lot with associated infrastructure (driveways, pedestrian paths, stormwater, lighting, landscaping, and signage). This will involve tree clearing, site grading, installation of supporting infrastructure and removal of an existing building.

Mr. Merrill began the presentation with a slide show with the emphasis being on the need for additional parking and the history and statistics of skier visits, car counts and traffic issues. Mr. Merrill explained that there were a few peak days during which cars were parking on the Access Road; skier visits have been increasing year by year; as the Rice Brook development moves forward the Heli lot will go away; and though they have used the 22 acre site for overflow parking it really is not appropriate for guests as

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it is too far away. He also spoke of the bottleneck coming up the Access Road that occurred in 2012 that took them by surprise and was thus not managed as well as it could have been. He continued to say that that experience helped determine that they should put the entrance to the new lot across from the existing Lot E entrance.

Ms. Wade then took over and walked the DRB members through the site plan pointing out the pedestrian path, soil storage area for ongoing development, the 50 foot setback buffer from the top of bank of Clay Brook, the self-imposed 75 foot buffer from the Access Road which mirrors the 75 foot buffer on the other side of the Access Road, the storm water basin, easement area with the Bridges for the creation of a stormwater spillover structure, and the primitive recreation path. She also told the Board that they had applications in for the required state construction permits including their Act 250 permit. Ms. Wade pointed out to the members that they looked at the resort as a whole in designing the circulation plan and not just the parking lot itself. The lot will have light sensitive fixtures also equipped with timers so that lights will only be on as necessary. Though gates are not currently shown on the plan, they do plan to be able to secure the lot for when it is not in use.

One of the DRB members commented that they had done a good job of providing screening and also reinforced the importance of controlling the lighting of the lot when it was not in use. Also commented on was that though there was a robust vegetative buffer, it consisted mostly of deciduous trees and suggested that adding some clusters of evergreens would be beneficial especially in winter.

Ms. Wade was asked about the timing of the proposed project. She replied that it was their hope to have it open by Christmas week and that a best case scenario would be to start construction in mid-September [with the deconstruction of the former Warren House possibly taking place earlier]. The owner of the Sugartree Inn spoke up and expressed concern about the early morning noise that comes from the construction vehicles. He continued to say that the timing is concurrent with one of his busiest times of year – from early September through mid-October and unfortunately there has been some sort of construction for the past few years. The noise from the back-up alarms of the trucks at 6:30 in the morning is a disturbance to his guests he explained. Ms. Wade said that she could make sure there was no Saturday hours and that there was no “early birds” starting up before the appointed hour of 7 am. The DRB members sympathized with the Sugartree but did not come forth with any solution as early starts is customary for the construction trade.

The Board and the applicant then spent some time discussing the pedestrian path. Ms. Wade started out by saying that the pedestrian path was considered an asset but that the resort saw it more as a “non-snow” asset since they had the jitney to transport visitors instead of encouraging walking. She said they might be willing to maintain the path in the winter if they were convinced there was a benefit. One DRB member said that despite the presence of the jitney that people can still be found walking on the road. He emphasized the need for safety and strongly encouraged the applicant to provide an “open and navigable” pedestrian path year round. Mr. Merrill interjected that he had observed guests making a path up through Lot E [across the Access Road from the proposed new lot] past the compressor building and thought that improving that would be a good idea.

Other members of the DRB also expressed the need to have a path that was open all year and that it really should not be that difficult to maintain in the winter. Mr. Rood, who was in the audience, was attending as a member of the Mad River Path (MRP) and offered that the MRP would be interested in

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taking on the summertime maintenance and that they encourage the efforts to find a way to take a pedestrian path down to the Sugarbush Inn. The Board asked the applicant if they would spearhead the effort along with the MRP folks to make a path down to the Sugarbush Inn a reality. Ms. Wade replied that they both have the same goals and that yes, they would be a willing partner with the MRP.

**MOTION** by Mr. Behn that a condition of this permit will be that the pedestrian pathway from the western access at the Inferno Road/Access Road intersection to the eastern end [by the eastern lot entry] be maintained so it is open and navigable year round. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Swain that the DRB requests that the applicant coordinates in good faith with the Mad River Path and those property owners involved to further the pedestrian path beyond what is proposed in this application to the property of the Sugarbush Inn taking into account the comments and suggestions of the Warren Planning Commission's letter to the DRB dated June 27, 2014. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

Under Conditional Use Review, the following findings and conditions were made.

**MOTION** by Mr. Behn that the Board finds the applicant has satisfied the standards under Sec. 5.3 (A) (1). **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Swain that with the applicant's plans to have a 75 foot buffer, limited lighting to only when in use, that the impact on the character of the neighborhood is minimal and thus finds Sec. 5.3 (A) (2) satisfied. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

There was some discussion about Sec. 5.3 (A) (3) *Traffic on Roads and Highways in the Vicinity*. Mr. Swain felt that should the lot be utilized more than anticipated causing the level of service to decrease then the traffic issue would then need to be revisited. Ms. Wade pointed out that with each and every application for development up at the resort the level of service is open for evaluation. In looking at the Traffic Management Plan, Exhibit 2f, Ms. Wade told the Board that she would expand the section headed "Intersections" to include more detail as to how the traffic controllers are to respond and act under different situations.

**MOTION** by Mr. Behn that the Board finds Sec. 5.3 (A) (3) to be satisfied by the applicant with the condition that the section headed "Intersections" be expanded to include more detail as to how the traffic controllers are to operate. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Swain that the Board finds the applicant complies with the standards under Sec. 5.3 (A) (4) *Bylaws and Ordinances then in Effect*. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Swain That the Board finds the applicant complies with the standards under Sec. 5.3 (B) items (1) through (5). **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Swain that with the applicant's plan showing a 75 foot buffer maintained in the event of diseased or dead trees the Board finds compliance with Sec. 5.3 (B) (6). **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

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**MOTION** by Mr. Swain that the Board finds that the in depth analysis as contained in the applicant's exhibits 2A, 2B, 2C and 2D satisfies Sec. 5.3 (B) (7) *Protection of Natural Resources*. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Swain that the Board is satisfied with the applicant's erosion control plan but defers to the approval of the State Act 250 application as a condition of approval for a satisfactory erosion control finding for Sec. 5.3 (B)(8). **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

The Board found that Sec. 5.3 (B) (9) *Surface Water Protection* was satisfied under item (7).

There was some discussion about lighting. The DRB had no problem with the proposed lighting for the parking lot which Ms. Wade assured them would met the lighting standards of Sec. 3.9 but wanted to make sure that there was adequate lighting for the pedestrian pathway. Ms. Wade said that they wanted the opportunity to evaluate their lighting plan as a whole before committing to specific lighting for this path. She continued to inform the Board that they have located a water source and were confident that they would be in front of the DRB before the end of the year with the next phase of the Rice Brook Development.

**MOTION** by Mr. Behn that an updated lighting plan that addresses lighting for the pedestrian path is to be submitted to the DRB no later than December 1, 2014. The lighting for the proposed parking lot as submitted is approved by the Board with the condition that the lot will not be lit when not in use. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

Though earlier in the hearing Ms. Wade stated that there would be no Saturday construction the DRB made the following motion:

**MOTION** by Mr. Swain that a condition of this approval is that there will be no Saturday construction until mid-October [after 10/15/14] and that construction during the week may not begin until 7 am, not before. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Swain that based on the findings of the Board that the applicant has met the standards of the Land Use and Development Regulations, for Conditional Use under a PUD, the DRB approves the application with the conditions voted on. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

2. Application **2014-26-CU**. (Continued from June 16<sup>th</sup>, 2014) Request for Meadowland Overlay relief for the construction of a single family dwelling and accessory structures; the applicants, Douglas & Ellen Berlan, requests 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).

At the June 16<sup>th</sup> hearing the Board deferred on the satisfaction of Sec. 5.3 (A) item (5) The Utilization of Renewable Energy Resources as they needed verification that the applicant's proposed development would not impact the neighbor's geothermal system. Additionally, they had asked the applicant for a revised site plan showing a modified building envelope. The impact on the neighbor's geothermal

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system was found to not exist which was confirmed in a letter from Attorney Richard King dated June 30, 2014. A revised site plan was submitted to the members for review and found to be satisfactory.

**MOTION** by Mr. Swain that the Board approves the Conditional Use application for Development in the Meadowland Overlay District having found that the project satisfies the standards and subject to any conditions previously voted. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

In other business the members reviewed and signed minutes and decisions. The meeting was adjourned at 9:54 pm.

Respectfully submitted,

Ruth V. Robbins

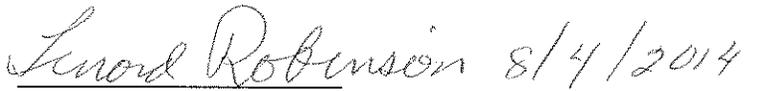
DRB/PC Assistant

Development Review Board

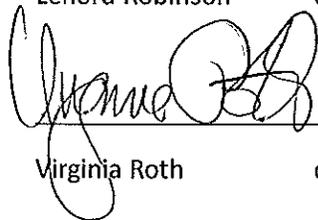
Don Swain date

 08/08/2014

Chris Behn date

 8/4/2014

Lenord Robinson date

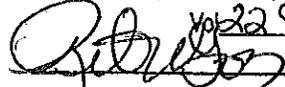
 8-4-2014

Virginia Roth date

TOWN OF WARREN, VT

Received for Record 818 2014

at 2:09 o'clock P M and Received in

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TOWN CLERK

VT Property Transfer Tax Return # \_\_\_\_\_

IV. DE WERKSTELING

De werkgroep heeft de volgende taken uitgevoerd:  
1. Het onderzoek van de literatuur.  
2. Het opstellen van de rapporten.

CONCLUSIE

De werkgroep heeft de volgende conclusies getrokken: