

Town of Warren
Development Review Board
Minutes of Meeting
Monday September 15, 2014

Members Present: Lenord Robinson, Peter Monte, Don Swain and Virginia Roth.

Others Present: Gunner McCain, Wayne Mackie, Connie Hartshorn, Ken Lavanway, Paula Hartshorn Brown, Jeffrey Brown, Alan Hartshorn, Peter Lazorchak, Miron Malboeuf and Ruth Robbins.

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

1. Application 2014-16-SD/ZP, Final Plan Review for a Four Lot Minor Subdivision: Alan & Constance Hartshorn request Final Plan Review for the subdivision of their existing 79 acre lot into four lots. There will be two new residential lots: Lot 2 will contain 2.8+/- acres and Lot 3 will contain 1.8+/- acres; Lot 1 will contain 6.7+/- acres and the existing residence; Lot 4, the balance of land (68+/- acres), will remain undeveloped at this time, in the current use program and will be used for forestry. The property is located in the Rural Residential District at 94 Powderhound Rd. ID #100001-100
2. Application 2014-60-CU/ZP: Conditional Use Review for an Accessory Structure in the Forest Reserve District. Wayne D, Mackie requests permission to construct a barn. The proposed barn is Twenty-Six (26') wide & Thirty-six (36') long. The applicant requests relief from a slope greater than 15%, secondary conservation area. The property 34± acres, is located in the Forest Reserve District at 316 Burnt Mtn. Rd. parcel ID # 001011-74.
3. Other Business:

Mr. Monte called the meeting to order at 7:05 pm.

- 1) Application 2014-16-SD/ZP, Final Plan Review for a Four Lot Minor Subdivision: Alan & Constance Hartshorn request Final Plan Review for the subdivision of their existing 79 acre lot into four lots. There will be two new residential lots: Lot 2 will contain 2.8+/- acres and Lot 3 will contain 1.8+/- acres; Lot 1 will contain 6.7+/- acres and the existing residence; Lot 4, the balance of land (68+/- acres), will remain undeveloped at this time, in the current use program and will be used for forestry. The property is located in the Rural Residential District at 94 Powderhound Rd. ID #100001-100.

Mr. Lazorchak of McCain Consulting was representing the landowners. He started by addressing the major topic discussed at the Sketch Plan hearing which was access to the newly proposed lots. The current driveway to the existing home has a stretch of about 100 feet that has a 17% grade. This section is paved. To reduce the 17% grade would require significant excavation along the existing drive or require re-routing the drive to another location, either of which alternatives would incur significant erosion issues. As proposed, only one additional lot [lot # 2] would be accessed by this driveway as the other building lot, #3, would be accessed by a different driveway extending off of Huckleberry Lane. It is also off of Huckleberry Lane that a right-of-way is proposed to Lot #4 which is a 68 acre parcel that is currently in the State's current use program and will continue to be for the foreseeable future. This driveway to Lot#4 will not be built before Lot #4 is developed for other uses. It was noted by the DRB that these accesses were driveways, not roads, as those terms are defined in the Regulation, as an

access is not considered a road until it has a minimum of three homes on it. Mr. Lazorchak told the Board that the Warren Fire Department has unanimously agreed that the current drive was acceptable, without modification, to provide adequate and safe emergency vehicle access for the additional home site proposed for Lot#2 as well as for the existing residence on Lot#1.

The Board noted that there was not a building envelope shown for the existing home on Lot 1 which is required with this requested subdivision. They also asked the applicant if the newly created lots and proposed building sites would be visible from anywhere off site. Mr. Lazorchak replied that due to the slope of the land and the amount of trees that any development would be hard to see. The members also asked about an emergency pull off on the drive to Lots 1 and 2 due to the overall length of the drive. Mr. Lazorchak pointed it out the location of a turnout on the site plan to everyone's satisfaction. The Board also noted that there is a stream on the property that requires the notation of a 50 foot buffer on either side. Mr. Lazorchak said he will add that to the final plat.

MOTION by Mr. Monte that the applicant be required to amend the proposed plat to include 1) a building envelope for Lot 1 as sketched and reviewed by the Board at this meeting, and 2) the addition of a "no development" zone within 50 feet of either side of the stream shown on the plat. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that if this subdivision is approved, the following condition will be imposed: The existing driveway that now serves Lots 1 and Lot 2 may not be used for access to Lot 4 except for agricultural or forestry purposes. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that if this subdivision is approved, the following condition will be imposed: That before Lot 4 is developed or used for any purpose other than forestry or agriculture, the applicant must submit to the DRB, for its review and approval, full details regarding the location and construction of the proposed access driveway that will provide access to Lot 4. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the standards under Section 7.2 of Article 7 Subdivision Standards items (A) through (H) are found to be satisfied by the proposed subdivision. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds (1) that although the existing driveway is in part more steep than would typically be allowed to serve two dwellings, any alternative access would be even less desirable due to the resulting intrusion into conservation areas or the excessive disruption of soils; and (2) The Warren Fire Department has reviewed and approved the accessibility to both lots using the existing driveway. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the proposed development avoids any intrusion into primary and secondary conservation areas thus satisfying the standards of Sec. 7.3. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that before any development can take place on Lot 4 the applicant must submit a plan showing a building envelope and a provision for open space for review and approval by the DRB>
SECOND by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds that Sec. 7.4 Open Space & Common Land is satisfied by the application with the ongoing use of lot 4 for forestry and agriculture and with the previous voted condition. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Swain that Sec. 7.5 Stormwater Management & Erosion Control is satisfied as per the plans submitted by the applicant. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Swain that Sec. 7.7 Roads and Pedestrian Access is satisfied by the plans submitted as the access shown is considered a driveway, not a road, by definition. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds that the applicant has satisfied the standards of Sec. 7.6, 7.8, 7.9 and 7.10 of the Warren Land Use and Development Regulations. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the DRB approves the application for a 4-lot minor subdivision as per the findings and conditions voted on by the Board and the usual standard conditions including that the project must be built and completed in accordance with the plans and specifications submitted. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

- 2) Application 2014-60-CU/ZP: Conditional Use Review for an Accessory Structure in the Forest Reserve District. Wayne D, Mackie requests permission to construct a barn. The proposed barn is Twenty-Six (26') wide & Thirty-six (36') long. The applicant requests relief from a slope greater than 15%, secondary conservation area. The property 34± acres, is located in the Forest Reserve District at 316 Burnt Mtn. Rd. parcel ID # 001011-74.

The applicant, Mr. Mackie, represented by Mr. McCain of McCain Consulting, explained to the Board that they were requesting the addition of an Accessory Structure to be used as an equipment storage shed. It would be barn-like in design and tucked in the trees to minimize visibility. Mr. McCain told the Board that the foundation would be placed partially into a graded area with an overall disturbed area of approx. 1700 feet. The structure itself will be 26 feet by 36 feet with a height of 22 feet 6 inches not including the cupola on the top. There will be electric service supplied to the structure that will be placed below ground.

MOTION by Mr. Monte that should the application be approved a condition will be imposed that prohibits the disruption of soil farther than 10 feet from the structure on the north, south and eastern sides so as to minimize intrusion into conservation areas. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

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MOTION by Mr. Monte that the Board finds that the passage of the previous condition satisfied the protection of primary and secondary soils as required under Sec. 7.3. SECOND by Mr. Swain. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds that the maximum height of 23 feet, setbacks are greater than required, landscaping and clearing are limited to the site, siting and retention of existing trees will provide natural screening, all contribute to satisfying the supplemental development standards in Table 2.1 (F). SECOND by Mr. Swain. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that the proposed development is allowed as a conditional use under Table 2.1 (C) (2). SECOND by Mr. Swain. VOTE: all in favor, the motion passed.

MOTION by Mr. Swain that the standards and requirements of Table 2.1 Forest Reserve District have been satisfied by the application. SECOND by Mrs. Roth. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds that the General Standards of Conditional Use under Article 5, Sec. 5.3 (A) items (1) through (5) are satisfied. SECOND by Mr. Swain. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that the Board give Conditional Use approval for the construction of an Accessory Structure subject to any conditions voted on in this hearing and the usual standard conditions including that the project must be built and completed in accordance with the plans and specifications submitted. SECOND by Mrs. Roth. VOTE: all in favor, the motion passed.

In other business the Board reviewed and signed the minutes of August 18th and the decision for the rebuild of building #3 of Mountainside condominium.

The meeting was adjourned at 8:40 pm.

Respectfully submitted,

Ruth V. Robbins

DRB/PC Assistant

TOWN OF WARREN, VT
Received for Record 9/30 2014
at 12:17 o'clock P M and Received in
Ruth Robbins Vol 230 Page 176-179
TOWN CLERK
VT Property Transfer Tax Return # _____

Development Review Board

Peter Monte 9/29/14
Peter Monte date

Don Swain 9/30/14
Don Swain date

Virginia Roth 9/30/14
Virginia Roth date

Lenord Robinson date