

**Town of Warren  
Development Review Board  
Minutes of Meeting  
Monday August 31, 2015**

---

Members Present: Peter Monte, Jeff Schoellkopf, Tom Boyle and Virginia Roth.

Others Present: Gunner McCain, Peter Reynells, Dave Olenick, William Twombly, Leigh Ann Reynolds, Laurie Calvert, Van Nilsson, Anson Montgomery, Miron Malboeuf and Ruth Robbins.

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

1. **Application 2015-39-SD/CU**, Final Plan Review for a two lot Minor Subdivision: **Long Associates** request Final Plan Review for the subdivision of their existing 23.4 acre parcel into two lots: The two new lots will be subdivide as: Lot A, 9. +/- acres and Lot B, 14+/- acres). The two parcels contain slopes exceeding 15%, and require conditional use review. The access to the property is off of Tishman Road and Morning Star Drive and is located in the Rural Residential District, Parcel Identification Number 005001-411.
2. **Application 2015-45-CU**, Conditional Use Review for approval of a building envelope. The applicants, **Anson & Rebecca Montgomery**, request approval for residential development on a four acre lot partially in the Meadow Land Overlay District. The parcel, 2276 Fuller Hill Rd, is also located in the Rural Residential District. (Parcel ID 023005-300).
3. DELIBERATIVE SESSION (if required)

Mr. Monte called the meeting to order at 7:06 pm.

- 1) **Application 2015-39-SD/CU**, Final Plan Review for a two lot Minor Subdivision: **Long Associates** request Final Plan Review for the subdivision of their existing 23.4 acre parcel into two lots: The two new lots will be subdivide as: Lot A, 9. +/- acres and Lot B, 14+/- acres).

Mr. McCain and Mr. Reynells came before the Board on June 1<sup>st</sup> for a Sketch Plan review of a proposed 2-lot subdivision and were now back to move forward with their request. Mr. McCain told the Board that they met with the Warren Fire Chief, Pete DeFrest, and reviewed the property. At the suggestion of the fire chief the access off of the Sugarbush Access Road onto Tishman Road will be improved and a turn-out will also be created. Both of these improvements will allow for better access for large trucks and emergency vehicles. Mr. McCain also noted for the Board that they were submitting an erosion control plan and that there would also be state permitting required for this project. When asked about the occurrence of steep slopes, Mr. McCain told the DRB that there were slopes in excess of 25% but that they were avoided; slopes greater than 15% were not as easy to work around and are included in the building envelopes.

The question of a road maintenance agreement was once again brought up and the Board was told that there was no homeowners association and thus no covenants that covered road maintenance. Mr. McCain did say that he thought the road issue was covered in the deeds and shared copies with Mr. Monte. Mr. Monte said that more clarity was necessary and that to be sure that there is something enforceable in place a legal opinion of what is currently in the deeds was needed to keep the process open.

Mr. McCain went on to tell the DRB that there were no existing well shields on any of the adjacent properties that would affect this project and that all the soils tests came back satisfactory. He continued and told the Board that blasting might be necessary at the bottom of the parcel but none is anticipated further up. A road

profile showed that the proposed access will not exceed a max of 12% grade. A Construction General [CG] permit will be required by the state as well as storm water permits. Mr. McCain did note that the CG would be considered "low risk" by state standards.

MOTION by Mr. Monte that should this application be approved a condition of said approval will be that any topsoil removed during the project will be stockpiled and stabilized as required by Article 3, Sec. 3.4 (D) (6). SECOND by Mr. Schoellkopf. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that should this application be approved a condition of said approval will be that the applicant is required to install a turnaround for emergency vehicles within 50 feet of the junction of the common property line with Nilsson and the 23 acre parcel. This turnaround is also required to be shown, in scale, on the final plat. SECOND by Mr. Boyle. VOTE: all in favor, the motion passed.

MOTION by Mrs. Roth that the applicant has satisfied the requirements of Sec. 3.4 Erosion control and Development on Steep Slopes with the condition previously voted on for the satisfaction of Article 3, Sec. 3.4 (D) (6). SECOND by Mr. Monte. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds the applicant has satisfied the standards of Sec. 5.3 conditional Use (A) General Standards, items 1, 2, 3, and 5. SECOND by Mr. Boyle. DISCUSSION: Mr. Schoellkopf asked about the frontage requirement [falls under item 4 of this section] which would require a change in the driveway. The applicant said they could make adjustments to satisfy the requirement. VOTE: three members in favor of the motion, one abstention. The motion passed with a majority of the Board.

The Board then went on to review the application under Article 7, Subdivision Standards. Mr. Monte asked if the applicant had any thoughts of subsequent development and was told that there were not any at this time. The applicant noted that he was aware that any further development plans would be subject to both state and local review.

MOTION by Mr. Monte that the Board finds the application has satisfied the standards under Sec. 7.2 General Standards. SECOND by Mr. Boyle. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds the application has satisfied the standards under Sec. 7.3 Protection of Primary and Secondary Conservation Areas. SECOND by Mr. Schoellkopf. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that the applicant is required to place all utilities underground as per Sec. 7.9. SECOND by Mr. Schoellkopf. VOTE: all in favor, the motion passed.

MOTION by Mr. Boyle that the Board finds the applicant has satisfied the requirements of Sec. 7.4 Open Space and Common Land. SECOND by Mr. Monte. VOTE: all in favor, the motion passed.

MOTION by Mr. Schoellkopf that the Board finds the applicant has satisfied the requirements of Sec. 7.5 Stormwater Management and Erosion Control. SECOND by Mr. Boyle. VOTE: all in favor, the motion passed. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds the applicant has satisfied the standards under Sec. 7.6 Community Services and Facilities with the addition of a turnaround as requested by the fire department. SECOND by Mr. Boyle. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds that the application as submitted satisfies the standards of Sections 7.7, 7.8, 7.9 and find that Sec. 7.10 is not applicable. SECOND by Mr. Boyle. VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that the this application will be recessed and continued until Monday September 21<sup>st</sup> for review of a satisfactory enforceable road maintenance document, review of a revision that allows the frontage requirement to be met and a final vote. SECOND by Mrs. Roth. VOTE: all in favor, the motion passed.

- 2) **Application 2015-45-CU**, Conditional Use Review for approval of a building envelope. The applicants, Anson & Rebecca **Montgomery**, request approval for residential development on a four acre lot partially in the Meadow Land Overlay District. The parcel, 2276 Fuller Hill Rd, is also located in the Rural Residential District. (Parcel ID 023005-300).

Mr. Olenick and Mr. Montgomery explained to the Board that the question had been raised as to whether or not Conditional Use approval was required for development on a lot where there is a small portion located in the Meadowland Overlay District but that a designated building envelope is nowhere near said district.

MOTION by Mr. Monte to dismiss the application as the proposed development as indicated by the designated building envelope does not include any part of the designated Meadowland Overlay District and Table 2.13 is not applicable. SECOND by Mr. Boyle. VOTE: all in favor, the motion passed.

The meeting was adjourned at 8:50 pm.

Respectfully submitted,  
Ruth V. Robbins  
DRB/PC Assistant

**Development Review Board**

\_\_\_\_\_  
Peter Monte                      date

\_\_\_\_\_  
Virginia Roth                      date

\_\_\_\_\_  
Tom Boyle                      date

\_\_\_\_\_  
Jeff Schoellkopf                      date