

**Town of Warren
Development Review Board
Minutes of Meeting
Monday November 30, 2015**

Members Present: Jeff Schoellkopf, Peter Monte, Don Swain and Tom Boyle.

Others Present: Alicia Feiler, Richard and Barbara Brady, Perry and Valene Bigelow, Ellen and Vincent Pierino, Jeff Ladner, William Gallup, Mark Bannon, Mark Hall, Nick Morehouse, Travis Morse, Brook Weston, Bill Maclay, Henry Erickson, William Knox, George McCain, Miron Malboeuf and Ruth Robbins.

HEARINGS

- 1) Application **2015-55-SD** (Continued from November 2nd, 2015); Two lot minor subdivision of 148 acres located at 1473 Lincoln Gap Road; The Applicants, **La Chanterelle LLC and Perry and Valerie Bigelow**, request Final Plan Approval for a two lot subdivision of a 148 acre parcel into a 50 ± and 98± Acre lots. A portion of these parcels is located in the Meadow Land Overlay District and the Rural Residential District at 1473 Lincoln Gap Rd. (Parcel ID: 003003-700).
- 2) Application **2015-71-CU** amend Conditional Use approval **2014-50-CU/ZP**; the applicant, **Mountainside Condominium Association** requests approval for a revised building site; the new location will accommodate an increase in the riparian buffer from Rice Brook. Additionally the applicant proposes a relocation of the parking lot and increased excavation of adjacent slopes. This application will be reviewed under Sections 3.17 & 5.3 of the WLUD regulations. The property located in the Sugarbush Village Commercial District, at 251 Mountainside Drive and is identified as Warren Parcel Id. # 316056-090

SKETCH PLAN REVIEW

1. **2015-75-SD**, Two lot minor subdivision of 15.6 acres located at 900 Plunkton Gap Road; Peter & Suzanne **Sanborn** propose the creation of 12 .2 acre parcel (Lot 1) for an existing two bedroom house to be converted to a 4 bedroom residence and a 3.4 acres parcel (lot 2) with a 4 bedroom single family residence.
2. **2015-76-SD**, Two lot minor subdivision of 42.97 acres located at 4690 VT RTE. 100; Travis L. **Morse** proposes the creation of 39.94 parcel (Lot 1) for an existing two bedroom house and a 3.03 acres parcel (lot 2) with a 3 bedroom single family residence.

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

Application 2015-55-SD (Continued from November 2nd, 2015); Two lot minor subdivision of 148 acres located at 1473 Lincoln Gap Road; The Applicants, La Chanterelle LLC and Perry and Valerie Bigelow, request Final Plan Approval for a two lot subdivision of a 148 acre parcel into a 50 ± and 98± Acre lots. A portion of these parcels is located in the Meadow Land Overlay District and the Rural Residential District at 1473 Lincoln Gap Rd. (Parcel ID: 003003-700).

Mr. Bannon told the Board that he had modified the site plan at their request and found what he believed to be a building lot on the proposed Lot 2 that adheres to the setbacks, minimizes its intrusion on the meadowland and is the most “practical” since crossing Lincoln Brook where there is potential developable land as an option would be costly. He also pointed out the proposed half acre piece of land that would be

designated as “conserved land” in a swap for the half acre building envelope in the Meadowland Overlay District. A discussion took place amongst the DRB members and Mr. Bannon talking about the history and intent of the establishment of the Meadowland Overlay District. Mr. Bannon noted that there is still plenty of conservation taking place on the property with a large section of the land in current use. One DRB member said that in the spirit of honoring the intent of the Meadowland Overlay that the proposed building envelope of one half acre could be reduced to as little as one tenth of an acre and still be a suitable building site.

MOTION by Mr. Swain that the Board finds that one-tenth of an acre developable site on plan is capable of being developed as a home site. **SECOND** by Mr. Monte. **VOTE:** three in favor, one opposed. The Motion passed with a majority of the members in the affirmative.

MOTION by Mr. Monte that the one-tenth acre building site indicated on the site plan for Lot 2 is the only developable site outside of the Meadowland Overlay District. **SECOND** by Mr. Swain. **VOTE:** three in favor, one abstained. The Motion passed with a majority of the members in the affirmative.

MOTION by Mr. Monte that under Table 2.13 (E) (1) (a) (i) that the approval of development on the half-acre site would minimize any disruption of the scenic quality of the meadowland. **SECOND** by Mr. Swain.
DISCUSSION: It was noted by Mr. Bannon that the building envelope is situated such that it would be barely is at all visible from the road due to the topography of the parcel. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that under Table 2.13 (E) (1) (a) (ii) that the proposed half-acre building envelope retains the maximum possible meadowland for agricultural purposes. **SECOND** by Mr. Swain. **DISCUSSION:** Concern was expressed about how the drive to the proposed building envelope on Lot 2 appears to bisect the meadowland which we usually try to avoid, though there appears to be no other alternative that would also maintain privacy for both lots. . Mr. Bannon noted that from a scenic or view standpoint the drive is not intrusive. Mr. Monte **MOVED** to *table* this motion so that another motion could take place first. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion to table passed.

MOTION by Mr. Swain that the Board finds the applicant has satisfied the standards of Table 2.13 (E) (1) (a) (ii) provided that 1) the building envelope is reconfigured to an approximate 100’ by 200’ rectangle that parallels the tree line to the northeast and reduces the intrusion into the meadowland to the southwest and still maintains a total area of one-half acre; 2) additionally, the proposed half-acre “swap” parcel for conservation will be reconfigured to that the easterly boundary is extended so that it meets the proposed north/south boundary line between Lot 1 and Lot 2. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

The vote on the previous motion re: Table 2.13 (E) (1) (a) (ii) was as follows: **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the proposed building envelope utilizes the least productive land and protects primary agricultural soils and that the development will not conflict with existing agricultural uses in the area. [As per Table 2.13 (E) (1) (a) (iii).] **SECOND** by Mr. Swain. **VOTE:** three in favor, one abstained. The Motion passed with a majority of the members in the affirmative.

MOTION by Mr. Monte that the DRB imposes development restrictions on the area noted as “swapped” land that will prohibit development in that area in any manner that would not be allowed under the standards of the Meadowland Overlay District. **SECOND** by Mr. Schoellkopf. **VOTE:** three in favor, one abstained. The Motion passed with a majority of the members in the affirmative.

MOTION by Mr. Monte that the Board finds Sec. 7.2 General Standards items (A) through (H) satisfied by the application. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds Sec. 7.3 and 7.4 are satisfied by the applicant. **SECOND** by Mr. Swain. **DISCUSSION:** Let it be noted that the engineer of the project, Mr. Bannon, testified that neither the proposed drive nor the building envelope encroach on any primary or secondary conservation areas. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that Sec. 7.5 , 7.6, 7.7, 7.8 and 7.10 are satisfied subject to the condition that 1) an erosion control plan for the driveway leading to the building envelope in Lot 2 be submitted for approval by the DRB prior to any construction on Lot 2 and 2) a state wastewater permit for Lot 2. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that all utility extensions to Lot 2 will be placed underground noting that the utilities for Lot 1 will remain above ground. **DISCUSSION:** In order for the utilities to be installed above ground the applicant must show that to place them underground is unreason and prohibitively expensive. Location of the utilities must also be shown on the final plat. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the requested subdivision is approved by the Board subject to the voted on conditions as well as the standards conditions placed upon subdivisions. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

Application **2015-71-CU** amend Conditional Use approval **2014-50-CU/ZP**; the applicant, **Mountainside Condominium Association** requests approval for a revised building site; the new location will accommodate an increase in the riparian buffer from Rice Brook. Additionally the applicant proposes a relocation of the parking lot and increased excavation of adjacent slopes.

The Chairman began this hearing requesting an amendment to an existing permit with the reading of a letter from the Warren Volunteer Fire Department [WVFD]. The letter asks if with the reopening of this project due to changes that have been made to the siting of the structure, can the WVFD request a meeting with the design team to review apparatus access to the rear of the structure. Mr. Gallup began his presentation telling the Board that they were seeking an amended permit from the Town due to the reconfiguration of the structure’s footprint in order at address Act 250 requirements that the building be as far away from Rice Brook as possible. He also emphasized that the pre-existing non-compliant issues that had been addressed previously by either lessening or correcting were still in place. The distance from the stream is now at 17 feet at the closest point whereas before it was just under 5 feet. Mr. Gallup also told the Board that even with reconfiguring the

parking area they were able to maintain the same number of spaces and the depth of each individual space as requested by the Fire Dept. He also noted that all the provisions that were agreed upon with the fire dept. in the original permit have been kept. Other changes made as a result of this reconfiguration is that entryways have been shortened up by a couple of feet and “jogs” along the back side by the brook have been eliminated.

Other items of note are the following: trees and vegetation will be maintained for screening from Forum Drive to Mountainside Drive; in changing the parking a retaining wall is being used that will be made of two-tiered block construction, the grading plan includes an erosion control plan for the construction of the retaining wall which shows both winter and summer plans, all fire safety improvements in the new building are still part of this plan, and the only reason we are here is amend our town permit so we can satisfy Act 250 by moving the building further away from the stream. The stream bank restoration plan TO BE SUBMITTED.

MOTION by Mr. Swain that the Board finds under Sec. 3.8 that the reconfiguration of the structure from that which was previously approved does not increase any non-conforming dimensional aspects of the development including not only the building but also that related to parking spaces. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Swain that the plans as submitted satisfy Sec. 3.8 (A) (2) allowing the structure to be rebuilt after damage as the reconstruction does not increase the degree of nonconformance. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

This amendment request also requires review under Article 5, conditional Use.

MOTION by Mr. Monte that the DRB postpones the review of Sec. 5.3 (A) item (1) until the applicant has met with the Warren Volunteer Fire Dept. **SECOND** by Mr. Boyle. **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 (A) items (2) through (5). **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board will continue this hearing until January 4, 2016 at 7:00 pm. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

2015-75-SD, Two lot minor subdivision of 15.6 acres located at 900 Plunkton Gap Road; Peter & Suzanne Sanborn propose the creation of 12 .2 acre parcel (Lot 1) for an existing two bedroom house to be converted to a 4 bedroom residence and a 3.4 acres parcel (lot 2) with a 4 bedroom single family residence.

Mr. McCain representing the homeowners, came before the Board for a 2-lot subdivision request. After going over the plans with the members the following “to-do” list was put together: secure road cut permit from Warren Select Road Commissioner; note who the abutting land owners are on the site plan; note building envelope set back distances on site plan and designate the wetlands buffer on the site plan.

2015-76-SD, Two lot minor subdivision of 42.97 acres located at 4690 VT RTE. 100; Travis L. **Morse** proposes the creation of 39.94 parcel (Lot 1) for an existing two bedroom house and a 3.03 acres parcel (lot 2) with a 3 bedroom single family residence.

Mr. Morse represented himself and explained to the Board his request for a two lot subdivision. After a review of the proposed plan the DRB requested the following: a residential driveway approval from the state DOT and building envelopes indicated for both lots on the site plan.

The DRB adjourned at 10:02 pm.

Respectfully submitted,
Ruth V. Robbins
DRB/PC Assistant

Development Review Board

Peter Monte date

Jeff Schoellkopf date

Tom Boyle date

Don Swain date