

Town of Warren
Development Review Board
Minutes of Meeting
Monday April 20, 2015

Members Present: Peter Monte, Chris Behn, Tom Boyle, Virginia Roth and Bob Kaufmann.

Others Present: Randy Graves, Amy Kretz, Margo Wade, Jim Westhelle, Win Smith, Nick Morehouse, Bob Ackland, Miron Malboeuf and Ruth Robbins.

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

- 1) Application **2015-15-PUD**, (continued from March 30th, 2015) **an amendment to 2011-15-PUD: Summit Ventures NE, LLC** (Applicant) seeks approval for the second phase of the Lincoln Peak Base Area Redevelopment Phase II Master Plan project. This next phase, called Phase IIB - Gadd Brook Residences, will be located within the Lincoln Peak Village. The Master Plan project consists of six building sites with a mix of condominium style and mixed-use buildings. The proposed buildings will house approximately 93 residential units. Underground parking will be provided for all new buildings. Surface parking and access drives will be shared with the Lincoln Peak Base Area and adjoining Sugarbush Village. Strong pedestrian connections are proposed between the existing base area and the Sugarbush Village. Additional project components include the completion of the Gadd Brook restoration (formerly Hotel Brook); the construction of stormwater, water supply, wastewater and utility infrastructure; Village Double chair lift relocation and replacement, improvements in skier traffic management at the approach to the Village Double; improvements to beginner skier terrain and children's ski school terrain; and the creation of eight new parcels to accommodate the proposed new buildings, master association and reconfigured Sugarbush Village parking lot. Building sites and associated site improvements will be constructed in phases over several years. Phase IIB - Gadd Brook Residences includes construction of a 16-unit full ownership condominium complex with a mix of 2, 3 and 4 bedroom units with single level (flats) and two level (townhouse) configurations. The building size is approximately 40,000 square feet with 3 and 4 stories over an underground parking garage. The building is New England vernacular clapboard style with muted colors consistent with the existing mountain village character and the planned color palate for the overall Lincoln Peak Village. Additional project components include reconfiguration of the Sugarbush Village Drive and Sugarbush Village parking lot, construction of the "Green," site grading, installation of landscaping and site lighting, renegotiation of riparian buffer zones for Rice Brook using native tree and shrub species, construction of pedestrian sidewalks and walkways, installation of stormwater collection and treatments, connection of two new wells to the Mountain Water Company system, installation of wastewater and site utility infrastructure, and installation of way finding and project signage (including the demarcation of protected riparian buffer zones). The project also include a boundary line adjustment of the previously approve Phase II subdivision plan. The project site is located in the Sugarbush Village Commercial District (SVR) off of Sugarbush Village Drive and is identified as parcels 250020, described as 1020.5 Acres on the 2014 Warren Grand List
- 2) Other Business

Mr. Monte called the meeting to order at 7:09 pm.

Application **2015-15-PUD**, (continued from March 30th, 2015) **an amendment to 2011-15-PUD: Summit Ventures NE, LLC** (Applicant) seeks approval for the second phase of the Lincoln Peak Base Area Redevelopment Phase II Master Plan project.

Mr. Monte started the meeting by saying that a lot had happened since the last meeting with the creation of two Memorandums of Understanding [MOU] and would the applicant please summarize them for the record. Ms. Wade spoke up and said that the shorter of the two MOUs was between the resort and the Town that talked about Sugarbush hosting fundraising efforts to help fund the Warren Volunteer Fire Dept. [WVFD] in the acquisition of a platform truck and upgrades to the Sugarbush fire station. The second lengthier MOU pertains to the agreements reached with the WVFD in satisfying the standards of the Warren Land Use and Development Regulations for the application under review for the development of Gadd Brook. Ms. Wade noted that this MOU could be considered a permit condition in its entirety or individual items could be pulled out as conditions. She also told the Board that the Fire Safety Committee consisting of members of the Select Board, the WVFD and the resort were involved in putting these documents together and that they were executed by the parties at the Select Board meeting last Tuesday, April 14th.

Mr. Monte brought up that several of the conditions in the MOU require action(s) that will need to take place off in the future. Since the ownership will change at some point he felt it was important that it be made clear that these conditions are binding not only on the current owners but any and all successive owners. Mr. Monte then asked knowing it was a compromise if what has been agreed to gives a reasonable level of safety and security so that the Fire Department was satisfied. Mr. Morehouse answered yes. He continued to say that it was not perfect but it is adequate, it's enough. Mr. Monte also said the other issue pending was whether or not this development created an undue financial burden on the town. He asked Mr. Ackland if he was here for the Select Board and could speak for the Board and he replied that yes he would. He said that the Select Board was satisfied but added that it was a beginning and there needed to be an ongoing effort going forward. Mr. Boyle added that Sugarbush has really stepped up and become a partner and that they have spear-headed the effort to help the WVFD get the equipment they need to be more effective fire-fighters.

In looking at some of the agreed to actions in the MOU, the question was raised as to what happens if no agreement on an action is reached by the three parties [Sugarbush, Select Board and WVFD]. It was determined that the MOU calls for mediation versus binding arbitration should there be any dispute or disagreement. Mr. Monte felt it would be better to use arbitration as it is more legally binding. Mr. Ackland said he was not at the Select Board meeting but would not have a problem with binding arbitration and Mr. Smith said he would not either though it would be his preference to not find them in that position.

MOTION by Mr. Monte that should the DRB approve this application and adopt the MOUs, there will be a condition that requires the Town of Warren and the applicant to submit to binding arbitration under the American Arbitration Association and its rules or such other arbiter and its rules as the parties may

agree upon, to resolve any issues regarding the siting and improvements for the Fire Station located in Sugarbush Village. SECOND by Mr. Boyle. VOTE: four in favor, one abstention. The motion passed.

MOTION by Mr. Monte that the DRB finds that the MOUs [dated April 14, 2015] and the original design of the building as modified, makes adequate provisions for fire safety for people as well as the structure and grounds. SECOND by Mr. Kaufmann. VOTE: four in favor, one abstention. The motion passed.

MOTION by Mr. Monte that the Board adopt as conditions those measures in the MOUs as proposed by the town and the applicant as conditions. SECOND by Mr. Kaufmann. VOTE: four in favor, one abstention. The motion passed.

Mr. Monte then asked the applicant what the status was of the stormwater construction permit was. Ms. Wade said that it was still under review but that they expect it to be issued anytime now – in the next two weeks, max of four weeks. Mr. Monte asked if there were any issues or was it just a time factor. Ms. Wade said they were asked for some additional detail which is currently being reviewed. Another item yet to be voted on was the standards under Sec. 7.8 Water Supply and Wastewater Disposal. This had been held over due to the WVFD request for better access to the water supply in snowmaking line. Ms. Wade told the Board that the applicant had agreed to install an extension of the snowmaking line from a juncture above Rice Brook Condos down to the Rice/Gadd Brook green as stated in the MOU.

MOTION by Mr. Boyle that the Board finds the standards of Sec. 7.8 have been satisfied with the agreement to give better access to the snowmaking line for fire suppression purposes. SECOND by Mrs. Roth. VOTE: four in favor, one abstention. The motion passed.

MOTION by Mr. Monte that the standards of Sec. 7.6 Community Services and Facilities have been satisfied by the application as amended. SECOND by Mrs. Roth. VOTE: four in favor, one abstention. The motion passed.

MOTION by Mr. Monte that the Board finds the standards of Sec. 7.5 Stormwater Management and Erosion Control have been satisfied by the application. SECOND by Mr. Kaufmann. VOTE: all in favor, the motion passed.

The last thing to cover, said Mr. Monte, was the boundary line adjustment to the lot that Gadd Brook will sit on. This will be an amendment to an approved plat and the adjustment was precipitated by the removal of a proposed hot tub that was shown in a previous plan. Ms. Wade also told the Board that the lot itself was the same total size only the lines had been moved.

MOTION by Mr. Monte that the Board finds that the requested boundary line adjust does not create any adverse effect on the subdivision criteria. SECOND by Mr. Behn. VOTE: all in favor, the motion passed.

MOTION by Mrs. Roth that the DRB approves the application for the construction of Phase IIB - Gadd Brook Residences and the requested boundary line adjustment, subject to the conditions voted on by the Board and all other usual stipulations. SECOND by Mr. Kaufmann. VOTE: four in favor, one abstention. The motion passed.

In other business Mr. Smith briefly shared with the Board the next application regarding the new chairlift and what will be involved. Since Mr. Smith would not be in town for that meeting he wanted to give an overview. The Valley House which dates back to 1960, will be taken down to the footprint. A carpet loader will be installed and a lot of the existing impervious surface material will be removed and replaced with pervious material. A foundation wall will be replaced with a retaining wall said Mr. Smith but the main issue will be that the location is within the 50 foot stream setback from Clay Brook. Mr. Smith continued to say that despite that they were improving on current conditions which will hopefully be taken note of by the Act 250 review folks. There is an existing structure that serves as a water plant that will remain as it currently draws from Clay Brook and the filters are there so it is their hope that the State will allow it to remain within the buffer zone.

The DRB reviewed and signed the minutes of March 30th. The meeting was adjourned at 7:57pm.

Respectfully submitted,

Ruth V. Robbins

DRB/PC Assistant

Development Review Board

Peter Monte date

Chris Behn date

Tom Boyle date

Virginia Roth date

Bob Kaufmann date