

Town of Warren
Development Review Board
Minutes of Meeting
Monday July 18, 2016

Members Present: Chris Behn, Don Swain and Tom Boyle.

Others Present: Devin and Taylor Corrigan, Bill Haynsworth, Anne Hyde, Damon Reed, Julie Deao, Kinny Perot, Gunner McCain, Melanie Simon, Mark Flinn, Diane Simon, Malcolm Simon, Shelia Ware, Barry Simpson, Clayton Paul Cormier, George Gardner, David Olenick, Miron Malboeuf and Ruth Robbins.

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

1. Application 2016-30-SD, Two Lot Minor Subdivision: The applicant, Andrew Schaffran, request Final Plan Review for a two lot minor subdivision. The subdivision involves the creation of a 1.1 acre parcel and a 3.2 acre parcel, the former with an existing SFD and the latter approved for the creation of a new SFD. The building envelope for the new lot will be located on the Eastern portion of the lot outside of the Meadow Land Overlay District and will be created under Conditional Use. The project is also located in the Rural Residential District (RR) at 1303 Fuller Hill Road, and is identified as Warren Parcel Id. #023002-400
2. Application 2016-41-CU, The applicants, Christopher & Julie Deao, request Conditional Use for Development of a 1.79 acre parcel formerly known as Alpine H-7 Lot 1&2. They propose to construct a SFD. The development involves slopes exceeding 15% (Steep Slopes). The property located off of Journey's End Lane in the Rural Residential Districts, Warren Parcel Id # 480701-000.
3. Application 2016-40-SD/BLA, The applicants, Kincaid Perot, Trustee of LBC Land Trust and Barry Simpson & Sarah Spencer Simpson propose to transfer .4 acres from a parcel of 132.7 acres (LBC Trust) identified as Warren Parcel Id #100004-601 to Warren Parcel Id 100004-100 located at 209 Bobbin Mill Road. The parcels are located in the Rural Residential and Bobbin Mill Commercial Districts
4. Deliberative Session (as necessary)

Mr. Behn called the meeting to order at 7:11 pm.

- 1) Application 2016-41-CU, The applicants, Christopher & Julie Deao, request Conditional Use for Development of a 1.79 acre parcel formerly known as Alpine H-7 Lot 1&2. They propose to construct a SFD. The development involves slopes exceeding 15% (Steep Slopes). The property located off of Journey's End Lane in the Rural Residential Districts, Warren Parcel Id # 480701-000.

The primary issue is the driveway needs to cross a small amount of steep slopes to reach the building site which is not being developed on steep slopes. Of all the possible entrances to the lot and building envelope, the one proposed creates the least amount of disturbance to slopes in excess of 15 and 25% grade. The steepness appears to be a manmade result from either the creation of Journeys End Lane or for the former purpose of logging the lot. As such, the previous survey utilized did not show the existing conditions.

MOTION by Mr. Behn that the DRB finds the application falls under the standards of Sec. 3.4 (B) (2) (a).

SECOND by Mr. Boyle. **VOTE:** All in favor, the motion passed.

MOTION by Mr. Boyle that the Board finds that Sec. 3.4 (C) items (1) and (2) are satisfied by the application with the inclusion of an erosion control plan. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

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MOTION by Mr. Behn that the Board finds the application has satisfied the standards of Sec. 3.4 (D) items (1) through (11). **SECOND** by Mr. Boyle. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Swain that the Board finds the application has satisfied the standards under Sec. 5.3 (A) items (1) through (5) Conditional Use Review. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Swain that the Board finds the application has satisfied the standards under Sec. 5.3 (B) items (1) through (6), and (9) through (11). **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Behn that the Board finds that the application has satisfied the standards under Sec. 5.3 (B) items (7) and (8) with the previous finding of the satisfaction of Sec. 3.4 (C) items (1) and (2) by the applicant. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Behn that the DRB grants Conditional Use approval for the development of a driveway on steep slopes subject to the usual conditions and findings voted on during this hearing. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

- 2) Application 2016-40-SD/BLA, The applicants, Kincaid Perot, Trustee of LBC Land Trust and Barry Simpson & Sarah Spencer Simpson propose to transfer .4 acres from a parcel of 132.7 acres (LBC Trust) identified as Warren Parcel Id #100004-601 to Warren Parcel Id 100004-100 located at 209 Bobbin Mill Road. The parcels are located in the Rural Residential and Bobbin Mill Commercial Districts

Mr. Simpson explained to the Board that back when he and some others bought the Bobbin Mill property in 1970 they were told and presumed it was correct that part of the land transfer was a small piece across the river where there were guide wires anchored from two towers from the Bobbin Mill. The guide wire from the smokestack still exists. Ms. Perot spoke next and told the Board that she thought she owned the four tenths of an acre until she received a call from Mr. Simpson. She continued to say that instead of going to court that she and Mr. Simpson worked it out as it made sense to her that he own it knowing that the guide wire was there. Ms. Perot has a pending sale agreement with the National Forest Service [NFS] who is aware of the issue and has no problem with the adjustment in acreage.

Mr. Swain asked why the DRB even needed to hear this and was told that the NFS requested a ruling by the DRB. Mr. Reed, an abutter to the subject property, and a member of the Warren Conservation Commission, asked if there would be any change in the access to the property. Mr. Simpson said he has been and will continue to be allowing access via his property.

MOTION by Mr. Behn that the DRB finds that the requested Boundary Line Adjustment reflects the historical use of the property, does not create any new lots nor does it change any uses of the property. As such, with no material change review under the standards is not called for. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

Mr. Simpson then expressed how lucky we were to have the efforts of Ms. Perot who has been a leader in land conservation. Mr. Reed also thanked her as there was a time when this particular piece of land that the NFS is buying was eyed for development.

MOTION by Mr. Behn that the DRB approves the boundary line adjustment as requested. **SECOND** by Mr. Boyle. **VOTE:** all in favor, the motion passed.

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- 3) Application 2016-30-SD, Two Lot Minor Subdivision: The applicant, Andrew Schaffran, request Final Plan Review for a two lot minor subdivision. The subdivision involves the creation of a 1.1 acre parcel and a 3.2 acre parcel, the former with an existing SFD and the latter approved for the creation of a new SFD. The building envelope for the new lot will be located on the Eastern portion of the lot outside of the Meadow Land Overlay District and will be created under Conditional Use. The project is also located in the Rural Residential District (RR) at 1303 Fuller Hill Road, and is identified as Warren Parcel Id. #023002-400.

Mr. McCain told the Board that the plan presented at Sketch Plan Review was largely unchanged except for a change in the access point for the driveway. A couple of the DEB members had attended a site visit and agreed that what was proposed seemed to be the best possible with good sight lines and appears to meet state standards. Mr. Malboeuf noted that though Mr. Weston from the road crew looked at the proposed road cut the Director of Public Works, Mr. Simpson, who signs off on such applications has yet to do so. Mr. McCain spoke up and said that they would certainly expect to have a condition of any approval that a Road Access permit must be obtained but that since Mr. Schaffran has no immediate plans to develop the property they saw no urgency in applying. Mr. Olenick noted that under Article 3 of the regulations it states that the access permit shall be obtained from the Select Board after DRB approval.

At this point the DRB asked for those in attendance to identify themselves and whom they may represent and if they had any comments. Mr. Simon, an abutter across the road, read part of a submitted letter dated 7/11/16 that expressed his concern about stormwater runoff with an additional driveway. Mr. Simon's daughter also spoke about the potential for water issues to their property even though she and her husband are not direct abutters and suggested that Mr. Schaffran should use his existing driveway access to access the new house site. Ms. Hyde and Mr. Haynsworth who are directly across the road abutters also expressed concern about possible water issues due to their location as well. [Note: a letter with similar concerns was submitted by Ms. Meyer of 179 Kathy Meyer Road dated 7/18/16].

DRB member Mr. Swain said that with this much concern being expressed about water run off that there must be a way to somehow determine whether or not it is a significant problem or not. The driveway is estimated by Mr. McCain as having a length of about 400 to 450 feet. Mr. Swain said that even if it was a gravel drive that it would be considered an impervious surface that would create some water run-off. Mr. Swain also asked the question that if there already is an issue should it be addressed by the town or by the applicant. He continued to say that if there have been historic water issue then the homeowners should take it to the Select Board. If the creation of an additional drive also presents a significant water issue then in his opinion it needs to be quantified.

Mr. McCain then made some comments – he said that many people experienced damage due to Tropical Storm Irene. However, the current standards do not require that roads and drives be designed to withstand that kind of event. He continued to say that though they have not actually calculated it the amount of impervious surface is probably about .14 acre. The State requirement for the creation of a Stormwater Management Plan is one acre of impervious surface.

Mr. Behn also wanted to discuss the curb cut and its effect on fragmentation of the meadowland as it appears to look like a pretty good cut through an open area of meadow. Mr. McCain told the Board that they felt that the first 150 feet of the drive they did not consider “meadowland” as it was not prime agricultural soils due to

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the slope exceeding 15% and prime ag soils are only considered if less than 15%. Mr. McCain also noted that in utilizing Mr. Schaffran's existing drive would ultimately impact more of the gentler meadowland property. Some questioned whether or not the drive using Mr. Schaffran's existing drive could avoid some of the meadowland by going up through some of the wooded area. Mr. McCain said that was not a practical solution for several reasons. He continued to say that this was their proposal and if the DRB wanted to deny the application they would go back and consider their options.

Mr. Behn said that he did not want to move forward based on not having more Board members, and also wanting to hear from the Road Commissioner, Mr. Simpson. Mr. Swain said that the Board could adjourn and get into deliberative session which given the absence of information on stormwater and the lack of input from the Road Commissioner as well as the amount of cut in the meadowland. Mr. Simon spoke up to add to his concerns the visual impact by allowing the subdivision to take place. He went on to say that the character of the neighborhood has been larger open lots for many years despite the zoning allowance of one acre minimum lots. He also added that the lots surrounding the applicants parcel were all of several acres and nowhere near the one acre minimum. Ms. Ware and Mr. McCain pointed out that there were lots adjacent or nearby that were as small as two and three acres. Mr. Swain got clarification from the abutters that the objection they raised about visual impact was focused on the road cut more than the potential house which would be up in the wooded area. Ms. Ware noted that the State in 1991 approved a subdivision of this parcel in this configuration however there has never been any Town approval prior to this application.

It was then determined that the Board would quickly run through the subdivision standards to make sure there were not any other issues that the applicant might need to address. Items that were notable from the review of Article 7 Subdivision Standards were:

The wastewater system will be a mound system and a state permit will be obtained;

The existing farmhouse has a permitted traditional system but was not reviewed by Mr. McCain for this application;

Sec. 7.2 (A) character of land and (C) compatibility with existing settlement patterns still need to be considered; (D) density and lot layout – does this proposal create a “dog-leg” lot?; (F) landscaping and screening items (2) and (3) to be considered.

Sec. 7.3 (B) (3) regarding the driveway issue

Sec. 7.4 (B) (2) character of open space

Sec. 7.5 (E) and (G) Stormwater control

Sec. 7.7 (K) driveway [also Sec. 3.1 (C) standards}

Conditional Use review will be dependent on the resolution of issues under Article 7. Table 2.13 Meadowland Overlay District standards will also be reviewed.

MOTION by Mr. Behn that the Board continues this hearing until Monday August 1, 2016. **SECOND** by Mr. Swain. **VOTE:** all in factor, the motion passed.

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The DRB adjourned the meeting at 9:12 for a deliberative session which ended at 9:44pm.

Respectfully submitted,

Ruth V. Robbins

DRB/PC Assistant

Development Review Board

Chris Behn date

Don Swain date

Tom Boyle date