

**Town of Warren
Development Review Board
Minutes of Meeting
Monday August 1, 2016**

Members Present: Peter Monte, Don Swain, Chris Behn and Virginia Roth.

Others Present: David Frothingham, Matt Groom, Jon Locker, Patrick Campbell, Barry Simpson, Shelia Ware, George Gardner, David Olenick, Malcolm Simon, Diane Simon, Mark Flinn, Miron Malboeuf and Ruth Robbins.

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

1. Application **2016-45-CU**, The applicants, Brooke & Patrick **Campbell**, requests Conditional Use for Develop of a Garage with an Accessory Dwelling on the Second Floor. The development requires Conditional Use under § 4.1. The property located at 158 Fuller Hill Rd is in the Warren Village Historic Residential District, Warren Parcel Id # 023001-010
2. Application **2016-30-SD** (Continued from July 18th, 2016), 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 acres parcel with an existing SFD. The remainder of the 4.3 acre or 3.2 acre parcel involves 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
3. *Sketch Plan Review*: Application **2016-50-SD**, Two Lot Minor Subdivision: The applicants, Mathew & Zoe C **Groom**, request Sketch Plan Review for a two lot minor subdivision. The subdivision involves the creation of a 3.5 acre lot from approximately a 99.5 acres parcel. The applicant plan to develop the remainder (96. Acres) at a later date. The project is also located in the Rural Residential (RR) and Meadow Land overlay (MO) Districts at 1094 VT Rte. 100, and is identified as Warren Parcel Id. # 100002-200
4. Deliberative Session (as necessary)

Mr. Monte called the meeting to order at 7:05 pm. He announced that they would be taking the applications in an order different from what they were on the agenda.

- 1) Application **2016-30-SD** (Continued from July 18th, 2016), 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 acres parcel with an existing SFD. The remainder of the 4.3 acre or 3.2 acre parcel involves the creation of a new SFD.

Mr. McCain noted that this application was actually the Gardner Subdivision and that Mr. Schaffran was the potential buyer of the new lot being proposed. He then continued to summarize the current status of the proposed project. Mr. McCain said that at the last meeting there was much discussion about the proposed road cut which was arrived at based on a site visit with the Road Foreman. Mr. McCain said he has since meet with Mr. Simpson, the DPW and Road Commissioner, and they are now proposing a driveway access adjacent to the proposed new property line. [on the south side of the dead tree]. He continued to say that the new proposal decreases the impact on the meadowland and changes the issue of potential stormwater issues as there is now a culvert that will be carrying any stormwater. Mr. Swain asked what reasons Mr. Simpson gave for preferring the new location and Mr. McCain said he couldn't speak for him. Mr. Malboeuf said that Mr. Simpson would be attending the meeting but with the change in order of the agenda he'd be arriving a little

later. Mr. Malboeuf did note that in discussion with Mr. Simpson that it was brought up that the newer proposal would require less cutting into the bank than the previous location would. Mr. Malboeuf also noted that the Planning Commission is very concerned about incursions into the meadowland area and other broad excavations. He also said that this new proposal would allow for the existing house's road cut to be discontinued upon the development of the new home therefore no new curb cut would be added. Mr. McCain said that a legal agreement would be drawn up as to the joint use of the drive between the two property owners. Mr. Monte said that a condition stipulating an agreement should be part of any approval.

Mr. Swain thought that the previous proposal was safer than the new one. Mr. Behn offered his opinion about the safety issue saying that with the dead tree to one side cut down and the brush around the tree to the other side that the current proposal would be greatly improved regarding any safety issue. Both Mr. Swain and Br. Behn had recently visited the site. Mr. Swain said he agreed with what Mr. Behn suggested and that the new proposal did create less of an intrusion onto the meadowland agricultural soils. A discussion then took place about sight lines and how they are affected by the speed of the vehicle of which there was some conflicting information. Mr. Simpson, the town Public Works Director and Road Commissioner, arrived and shared his thoughts on the proposed road cut. Mr. Simpson began with his concern that the previous proposal would require a much deeper cut into the bank than what was now being considered. The reason for the bank cut would be to comply with a required 25 foot level apron at the foot of the driveway. The DRB members asked various questions of Mr. Simpson as to the pros and cons of the different proposed road cuts being considered. Mr. Swain asked him if he would be prepared to issue a permit for the proposed location and he replied "he could be" with some other requirements such as how the road was to be built and how it was to be maintained. Mr. Monte assured him that the latter regarding maintenance amongst multiple users has consistently been addressed by the Board.

MOTION by Mr. Swain that the Board accept the Town Road Commissioner's opinion that the proposed location is acceptable to the town versus the previous proposed road cut. **SECOND** by Mr. Behn. **DISCUSSION:** Mr. Monte wanted to make sure they weren't missing a third option of utilizing Mr. Schaffran's existing drive and extending it into the newly created lot as it was his opinion that it might better satisfy the requirements of the Meadowland Overlay District. Mr. McCain stated that it was their professional opinion that there was no viable route through Mr. Schaffran's property. Mr. Swain wanted to move forward with a vote on this motion and then they could discuss whether or not it complied with the Meadowland standards. Mr. Monte wanted the members to understand that a vote on this was not approving this particular road cut proposal. **VOTE:** Two members [Behn, Monte] NAY; Two members [Swain, Roth] YEA. The **MOTION FAILED** due to the lack of a majority vote in either the affirmative or negative.

More discussion ensued and Mr. Behn finally asked the question of Mr. Simpson of whether or not he would approve a road cut that would move 20 feet down onto Mr. Gardner's lot. Mr. Simpson said "much better" and Mr. Gardner and his attorney Ms. Ware agreed it would not be a problem. Mr. McCain said there would be no substantial grade changes with the relocation and Mr. Monte made the following motion;

MOTION by Mr. Monte that should the Board approve the application for a subdivision it will include the following three conditions: 1) the plan last revised 8/1/16 must be further revised to show the driveway moving inside the eastern boundary of Lot 1 in its entirety and then crossing the Meadowland in a direct route to the building envelope; 2) the existing driveway serving Lot 1 must be discontinued upon the development of the new drive to Lot 2, and the existing drive to Lot 1 may continue to be used until the new drive is constructed; and 3) the large dead tree which is located at the point of the proposed new drive to Lot 2 must

be removed. **SECOND** by Mr. Behn. **DISCUSSION:** Mr. Gardner requested that the new drive be kept to the south of an existing fence which Mr. McCain replied that it would be. Mr. Simpson noted that this new location creates better sight lines in both directions and that there may not be a need for a new culvert. Mr. Behn said he wanted to have the dead tree removed now and not wait for the road development to happen. Mr. Swain agreed as it would increase safety around that bend. A friendly amendment was made by Mr. Swain and agreed to by the seconder Mr. Behn that the tree will be cut down within 90 days of the final approval of this application. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds the applicant has satisfied the standards under Table 2.13 (E) (1) (a) (iii) of the Meadowland Overlay District. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Behn that the Board finds the application satisfies the standards of Sec. 5.3 (A) (1) through (5). **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Behn that a tree buffer zone be established and reflected on the final plat of a 15 foot area along the southern edge of the building envelope where no trees with trunks larger than 6 inches in diameter at chest height can be cut unless diseased or dying. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds Sec. 7.2 satisfied; Sec. 7.3 is not applicable; Sec. 7.4 is not applicable; Sec. 7.5 is satisfied; Sec. 7.6 is not applicable; Sec. 7.7 satisfied, Sec. 7.8 satisfied; Sec. 7.9 satisfied and Sec. 7.10 is not applicable. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the applicant must submit to the DRB prior to the approval of the final plat [Mylar] the deed provisions and road maintenance agreement as they pertain to the newly proposed cut through Lot 1. **SECOND** by Mr. Swain. **VOTE:** All in favor, the motion passed.

MOTION by Mr. Monte that the Board approves, with the afore voted on conditions and findings, the requested 2-lot subdivision subject to the information submitted and conditions approved. **SECOND** by Mr. Swain. **VOTE:** all in favor, the motion passed.

- 2) Application 2016-45-CU, The applicants, Brooke & Patrick Campbell, requests Conditional Use for Develop of a Garage with an Accessory Dwelling on the Second Floor. The development requires Conditional Use under § 4.1. The property located at 158 Fuller Hill Rd is in the Warren Village Historic Residential District, Warren Parcel Id # 023001-010.

Mr. Campbell told the Board that he wanted to construct a garage with an accessory dwelling on the second floor that would be barn-like in appearance and measuring 26L x 28W x 24H. A neighbor did submit a concern about the scale and appearance of the proposed structure. Mr. Campbell said they were using other barn like structures in the area as a model for what they wanted to do. Mr. Monte noted that the Town Plan clearly encourages the development of accessory dwellings as they also can lead to possible affordable housing units. Mr. Campbell also told the Board that they had a wastewater permit for four bedrooms so they are covered for the addition of a bedroom as there are only three bedrooms in the primary dwelling [the yield from the well is 120 gal/min].

MOTION by Mr. Monte that the Board finds Sec. 4.1 Accessory Dwelling (A) (1) (a) and (b) to be satisfied by the application. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

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

In discussion the Board noted that there were no issues regarding the standards of Table 2.3 Warren Village Historic Residential District for this request.

MOTION by Mr. Behn that the exterior walls of the new structure will be wood or wood appearing like material. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Swain that the standards of Sec. 5.3 (C) (2) have been satisfied. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Behn that based on the findings the application for the development of a garage with an accessory dwelling is approved with the conditions already voted on, the plans as submitted as well as standard conditions for Conditional Use. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

- 3) Sketch Plan Review: Application 2016-50-SD, Two Lot Minor Subdivision: The applicants, Mathew & Zoe C Groom, request Sketch Plan Review for a two lot minor subdivision. The subdivision involves the creation of a 3.5 acre lot from approximately a 99.5 acres parcel. The applicant plan to develop the remainder (96. Acres) at a later date. The project is also located in the Rural Residential (RR) and Meadow Land overlay (MO) Districts at 1094 VT Rte. 100, and is identified as Warren Parcel Id. # 100002-200

The applicant is requesting a Minor 2-lot subdivision of a 98.7 acres with possible future subdivision plans for the remaining acreage. He is looking to develop 3-bedroom homes of approx. 2500 square feet on approx. three to four acre lots. The Board did not see any red flags or concerns.

The meeting adjourned at 9:36 pm.

Respectfully submitted,

Ruth V. Robbins

DRB/PC Assistant

Development Review Board

Peter Monte date

Don Swain date

Chris Behn date

Virginia Roth date