

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
PRD, SUBDIVISION & CONDITIONAL USE REVIEW
#2007-06-PRD, #2007-06-SD, & #2007-06-CU
WHEELER BROOK AKA BLUE TOOTH HLP

In March of 2006 Housing Vermont submitted an application for 20 units of housing to be built on the Bluetooth parcel owned by Sugarbush Development, LLC along with an additional parcel owned by Summit Ventures NE LLC. More specifically, this development proposes to subdivide a parcel owned by Summit Ventures [parcel id # 005006-000 24.3 +/- acres, parcel 11 7.7 +/- acres] and combine it with the Sugarbush Development parcel [parcel id # 005005-800 1.2 +/- acres] formerly known as the location of the Bluetooth Restaurant & Bar. The front parcel is at 1423 Sugarbush Access Road. The front parcel is in the Rural Residential District and the back parcel is the Vacation Residential District. Of the 20 units, sixteen are proposed to be rental and four units will be offered for ownership. All of the units to be developed are proposed as "affordable housing" units. During the course of the review process, the applicant submitted an amended application that decreased the project to a total of 18 units, all rental.

A duly warned hearing for Sketch Plan Review was scheduled for Wednesday April 19, 2006 but continued at the request of the applicant until Wednesday May 17, 2006. A site visit was held prior to the start of the April 19th meeting and attended by members Lenord Robinson, Chris Behn, Peter Monte and David Markolf. Others in attendance were: Andy Broderick of Housing VT, Jeff Nelson of Pioneer Environmental Associates, Peter DeGraff of Otter Creek Engineering, Taze Fulford of William Maclay Architects and Miron Malboeuf, Zoning Administrator. Subsequent hearings were also held on August 9, 2006, March 21, 2007 and June 20, 2007.

May 17, 2006: Members present: Peter Monte, David Markolf, Chris Behn, Bob Kaufmann and Lenord Robinson. Others present: Dana Haskin, Andy Broderick, Bill Maclay, Peter DeGraff, Pat Collins, Kirk Westover, Cindy Carr, Mark Bannon, Virginia Roth, Dottie Kyle, Miron Malboeuf and Ruth Robbins.

August 9, 2006: Members present: Peter Monte, David Markolf, Virginia Roth, and Lenord Robinson. Others Present: Sally Bryson, Jeremiah Shanahan, Nicole Fitch, Peter DeGraff, Andy Broderick, Pat Collins, Erin Post, Linda Lloyd, Bob Ackland, Margo Wade, Bill Maclay, Rick and Laurie Patterson, Miron Malboeuf and Ruth Robbins.

March 21, 2007: Members Present: Peter Monte, Lenord Robinson, Virginia Roth and Jeff Schoellkopf. Others present: Craig Chase, Ryan Caisns, Erin Post, Andres Torizzo, Preston Jump, Linda Lloyd, Bill Maclay, Kathy Beyer, Miron Malboeuf and Ruth Robbins.

June 20, 2007: Members present: David Markolf, Chris Behn, Bob Kaufmann, Virginia Roth, Lenord Robinson and Peter Monte. Others present: Bill Nedde, Bill Maclay, Kathy Beyer, Dave Olenick, Erin Post, William Senning, Susan Hemmeter, Alec Newcomb, Don Swain, Charlie Snow, Jim Caffrey, Miron Malboeuf and Ruth Robbins.

Findings of Fact & Conclusions of Law:

- 1- The applicant submitted a completed application, subdivision worksheet and a list of abutters and proof of mailing. An amended application and subdivision worksheet reducing the total number of units to 18 was submitted during the process along with a new notification to abutters and certification of mailing.
- 2- The following documents were also submitted for this application:
 - Overall Site Plan prepared by Otter Creek Engineering dated 2/2/06
 - Site Sketch Plan by Maclay Architects dated 3/28/06

TOWN OF WARREN, VT

Received for Record 8/6 2006
at 10:30 o'clock A M and Received

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Robert G. [Signature]

TOWN CLERK

TOWN OF WARREN
 DEVELOPMENT REVIEW BOARD
 FINDINGS OF FACT & NOTICE OF DECISION
 WHEELER BROOK #2007-06-SD/PRD/CU

- Landscape Plan dated 3/28/06
 - Sketch Plan by Maclay Architects dated 5/18/06
 - Site Sketch Plan A by Maclay Architects dated 5/10/06
 - Site Sketch Plan B by Maclay Architects dated 5/10/06
 - Elevation Drawing by Maclay Architects dated 5/10/06 [small]
 - Perspective Drawing by Maclay Architects dated 5/10/06 [small]
 - Site Plan #1 by Otter Creek Engineering dated 5/10/06
 - Landscape Plan L1 by Broadleaf dated 7/11/06
 - Photos of existing conditions A.1 by Maclay Architects 7/13/06
 - Photos of proposed view from Access Road A.2 by Maclay Architects 7/13/06
 - First & second Floor Plans A.3 by Maclay Architects dated 7/13/06
 - Site Density Plan A.4 by Maclay Architects dated 7/13/06
 - Preliminary Plan by Maclay Architects dated 8/9/06
 - Site Plan C 1.0 by Otter Creek Engineering dated 2/20/07
 - Proposed Grading Plan C 3.0 by Otter Creek Engineering dated 3/5/07
 - Proposed Utility Plan C 4.0 by Otter Creek Engineering dated 3/5/07
 - North Building #1 plans by Maclay Architects dated 3/16/07
 - Southeast building #3 plans by Maclay Architects dated 3/16/07
 - North building #1 Elevations by Maclay Architects dated 3/16/07
 - Southeast Building #3 Elevations by Maclay Architects dated 3/16/07
 - Overall Site Plan SP-1 dated 6/13/07
 - Grading & Utility Site Plan SP-2 dated 6/13/07
 - Erosion Control Site Plan SP-3 dated 6/13/07
 - Wastewater disposal Plan SP-4 dated 6/13/07
 - Engineering Details D-1 thru D-6 dated 6/13/07
 - Building #1 Elevations 1-A.2.1 dated 5/11/07
 - Building #2 Elevations 2-A.2.1 dated 5/11/07
 - Building #3 Elevations 3-A.2.1 dated 5/11/07
 - Building #1 Floor Plan 1-A1 dated 6/12/07
 - Building #2 Floor Plan 2-A1 dated 6/12/07
 - Building #3 Floor Plan 3-A1 dated 6/12/07
 - Easement Modification Agreement
 - Warren volunteer Fire Department letters – one dated 8/8/06 and the other dated 4/15/07.
 - Building #1 Elevation drawing dated 6/20/07
 - Final Landscape Plan dated 6/12/07
- 3- The applicant stated that they were attempting to keep a rural feel to the project and that the site was a challenge due to the amount of level area to work with along with meeting the setback requirements.
- 4- There is an access uphill of the project to which there is a deeded easement. The Board aims to minimize the number of road cuts and to look for consolidation whenever possible. Assuming the project receives approval, the applicant is willing to provide for access easements to immediate abutters.
- 5- The culvert that is located downhill of the parcel on the access road is in need of repair and is on the Town's list to be replaced. The applicant will be conscientious of not adding any additional stress to the situation.

- 6- The Town's regulation calls for 22 feet deep parking spaces But the applicant stated that it was more typical to have 18 to 20 feet. The Board seemed to agree that there could be some flexibility on that issue.
- 7- The applicant stated that the design was on the current site with no additional fill utilized.
- 8- The rental units would be two bedrooms of approx. 850 to 950 square feet and one bedrooms of 650 to 750 square feet.
- 9- It was noted that the parking requirement was for three spaces for every two dwelling units and two per duplex unit.
- 10- A neighbor across the Access Road from the proposed project expressed concern about viewing the back of the project and wanted to be assured that there would be adequate screening. He also expressed concern about the location in regards to safety for families since it is on a busy road.
- 11- Anticipated rents would be in the range of \$550 to \$650 for a two bedroom and \$700 to \$750 for a three bedroom. No rent subsidies will be used.
- 12- Parking was located so that tenants would not have to cross the drive to enter their units.
- 13- The boundaries of the project meet the State setback requirements for streams [in this case Wheeler Brook].
- 14- A landscape plan shows that the existing vegetation that would be preserved where possible and new plantings would be a mix of soft and hard wood trees.
- 15- The applicant's engineer addressed the State of Vermont deeryard map, which they felt was very inaccurate as it showed a deer yard area encompassing the current Blue Tooth building.
- 16- The plans showed that the drives were all 20 feet wide, exceeding the 18-foot requirement and that none of the turn radiuses were tighter than 30 feet.
- 17- The Fire Department recommended two parking spaces per unit instead of the standard one and a half spaces per unit. It was determined that the standard was sufficient.
- 18- The ownership will be a partnership between Housing VT and Central VT Community Land Trust as well as some banks that will be limited partners. The apartments will be kept affordable by keeping the debt load low with numerous tax credits that will be employed since it is deemed affordable housing. Central VT Community Land Trust will also manage the project upon it's completion.
- 19- Mrs. Roth's husband, John Roth, is the owner of the adjacent parcel that is being considered for acquisition for the wastewater system by the developers of this project. Mr. Monte, chair of the DRB asked the applicants if they had any problem or were uncomfortable with Mrs. Roth reviewing and voting on this application. The applicants did not express any concern that there was any conflict with Mrs. Roth serving on their application.
- 20- Due to the size and nature of the project, the applicant was advised that they needed to check with the State Labor & Industries Dept. for any appropriate permits.

- 21- Mr. Ackland, of Sugarbush Resort, shared not only his personal support of the project but also as a representative of Sugarbush. He felt it was a good design, a good fit and an improvement that will be more attractive than what currently exists.
- 22- Ms. Lloyd, director of the Mad River Valley Planning District, emphasized that a recent housing study supported the significant need for workforce housing and that this project would help meet that need.
- 23- The applicant stated that leasing policies would be tailored for the specific needs of the community, such as giving preference to local residents or those working in Warren. He also said that these units would be full time rentals, not short term, and that there will also be income requirements and the like consistent with State policy for affordable housing projects.
- 24- It was stated that the Madbus will stop wherever they need to along that route.
- 25- The Board inquired about provisions for a "play area" and was told by the applicant that such an area would be a part of the final plan.
- 26- When the project was amended to delete the two duplexes and increase the rental units from 16 to 18, a couple three bedroom units were added to the existing one and two bedroom units. The estimated rent for a three bedroom was quoted as \$720 with the two bedroom being \$650 and the one bedroom \$540.
- 27- The final plan shows 28 spaces for parking that equals one and a half per unit plus one extra space.
- 28- The final plan showed that the green space located between the buildings that was away from the road would open for residents to "recreate". When asked if there would be any swings or such, the reply was that traditionally they did not include play equipment partially due to the liability and maintenance but also due to the different mix of residents and not always having a demand for such.
- 29- The final plan shows that the applicant plans to maintain the current grade as much as possible so that there would be minimum cuts and fills. They would also be utilizing standard silt fences and establishing a storm water basin that would collect any runoff both during construction and once the project is completed. In some areas of the project grass lined swales would be used post construction, and initially before the grass has grown they would be filled with crushed stone (referred to as "stone chuck dams). It was also noted that erosion blankets would also be used.
- 30- Yearly inspections of the storm water pond (basin) would be required to be done by the property management.
- 31- Board members had a safety concern about the lack of fencing around the storm water pond. The applicant said that one of the reasons for not having a fence was for aesthetic reasons and in a similar situation in Middlebury they were planting raspberry bushes to act as a barrier in lieu of a fence. They also stated that the area between the buildings and the pond would eventually be "grown up" with trees and other vegetation as they did not plan to maintain it as lawn area.

- 32- The size of the storm water pond is estimated to be approx. 110 feet long by 20 feet at the widest and 8 feet at the narrowest.
- 33- The applicant has had a positive response from Sugarbush in regards to hooking up to their snowmaking water line for the required fire hydrant. Since the line is across the street, the applicant will have to speak to the Town as to how they should access the water line (open cut or drill underneath) .
- 34- The density of the project is a total of 18 units on 9.75 acres which gives a density of 2 units per acre. No bonus is needed or was requested and the project is in both the Rural Residential District and the Vacation Residential District with the actual structures located in the Rural Residential District.
- 35- The Board designated the project as a Crossroad Hamlet under *§ 8.3 (D) (1) of Article 8, Planned Unit & Planned Residential Development of the Warren Land Use & Development Regulations.*
- 36- The applicant stated that they have no plans for signage other than just the required 911 street sign.

Notice of Decision:

The Development Review Board, finding that the application meets the standards Article 7, *Subdivision Standards* and Article 8 *Planned Unit & Planned Residential Development* of the Warren Land Use and Development Regulations., hereby approves the application as amended to show a total of 18 rental units and three buildings, subject to the approval of the Subdivision Plat by the DRB and the following conditions:

- 1) The project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated:
 - In the application
 - All exhibits furnished by the applicant
 - The Subdivision Plat as approved by the Development Review Board [DRB].
 - All findings of fact and conclusions previously stated above in this decision
- 2) The basin fencing shown on the engineer's plan SP2 and SP3 be a four foot high fence - either chain link or some other type of fence that is backed by chicken wire to deter small children. Prior to occupancy of the buildings and prior to the installation of the fence, the design and materials of the fencing to be used must be approved by the Warren Zoning Administrator.
- 3) The water supply must receive State approval/permit before occupancy as well as any other applicable State permits.
- 4) All roads within the project should be 16' width plowed in winter.
- 5) Drives to be no less that 30' inside radius, both directions.

- 6) It is the understanding of the Fire Department that there shall be no fireplaces, wood or gas, in any areas of the project.
- 7) A fire hydrant (with one steamer and two 2 ½" connections) shall be installed on the drive's inside radius across from the project's entry near the eastern end of Building #1. Said hydrant shall be hooked up and supplied by the existing Access Road snowmaking pipeline. All hook ups, road work, etc. Shall be done in conjunction with, and as per existing agreements and policies of Sugarbush Resort.
- 8) Each of the project's three buildings shall have Knox Box certified systems, whose placement and installation shall be coordinated with the Chief of the Warren Fire Department. Project units shall be numbered independently in a consecutive manner, not related to their building locale [i.e. units numbered 1 through 18, NOT Building 1-Unit 5], and shall be made visible on building exteriors.

In Accordance with Section 6.5 and the Act[§ 4416], within 180 days of the receipt of final plan approval under Section 6.4 (C), the applicant shall file 4 copies of the final subdivision plat, 1 mylar copy and 3 paper copies, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plats not filed and recorded within this 180-day period shall expire. Prior to plat recording, the plat must be signed by at least two authorized members of the Development Review Board.

The surveyed site plan to be recorded in the Warren Land Records shall include a separate sheet that shows only the following information: Lot Lines, Lot Line Dimensions, Parcel Area Text, Building and Out Building Locations, Boundary Information such as fences, stone walls, boundary markers, and additional sheet(s) that show the same information plus all other detail required by this approval.

Not later than ten (10) days after the date the surveyed site plan is filed for record in the Warren Land Records, the applicant shall caused to be filed with the Town Zoning Administrator a certificate by a Vermont registered land surveyor or a Vermont licensed professional engineer that the certifier has delivered a readable digital copy of the site plan as filed in the Warren Land Records in AutoCAD drawing format release 2000 or later format to the Warren Lister's office. In addition the drawing should be referenced to Vermont State Plane Feet Coordinates. The deadline for filing this certificate may be delayed to a latter date with either (a) approval of the DRB (b) the written permission of the Warren Lister's Office. Such DRB approval or Town Lister's permission may be given at any time before or after the deadline.

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TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
WHEELER BROOK #2007-06-SD/PRD/CU

DEVELOPMENT REVIEW BOARD

Peter Monte date

Lenord Robinson - Aug 3

Lenord Robinson date

Virginia Roth 8/3/07

Virginia Roth date

David Markolf Aug 3 07

David Markolf date

Chris Behn 08-03-07

Chris Behn date

Bob Kaufmann 08-3-07

Bob Kaufmann date