

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT & NOTICE OF DECISION
CONDITIONAL USE REVIEW

#2010-11-CU SUGARBUSH GOLF COURSE – TENT SITE

The Applicant, **Summit Ventures of NE, LLC (dba Sugarbush Golf Club)**, is requesting permission for a permanent tent site 100' long and 70' wide below the 7th tee at the Sugarbush Golf Course. The project location is at 1091 Golf Course Road on a 175.5± acre parcel in the Rural Residential District (Parcel Id# 053001-200).

A duly warned hearing was held on Monday August 30, 2010 and attended by DRB members Peter Monte, Chris Behn, Lenord Robinson and Jeff Schoellkopf. Others in attendance were: Leon Bruno, Kerry Blanchard, Andrew Newton, Anneliese and Jack Lindner, Craig Klofach, Bob Sexton, Brian Lee, Margo Wade, Jason Lisai, Miron Malboeuf and Ruth Robbins. Prior to the hearing a **site visit** was conducted by Mr. Monte, Mr. Robinson and Mr. Schoellkopf. Mr. Malboeuf, Warren Zoning Administrator was also in attendance along with Mr. Lisai, Ms. Wade and Mr. Smith of Sugarbush Resort. Interested parties who were at the site were Mr. and Mrs. Lindner, Mr. Lee and Mr. and Mrs. Murray. In addition to viewing the site which is by the 7th tee, the members also went to Mr. Lee's home to view the site from that perspective.

The first hearing was continued to Monday September 20, 2010 and attended by DRB members Peter Monte, Jeff Schoellkopf, Chris Behn, Virginia Roth and Bob Kaufmann. Others in attendance were: Jack and Anneliese Lindner, David Putter, Morgan Mohrman, Leon Bruno, Anne and David Ozimek, Harley Freedman, Robin Bleier, Seth Brennan, Craig Klofach, Brian Lee, Tim Piper, Win Smith, Margo Wade, Miron Malboeuf and Ruth Robbins.

A final hearing was held on Monday November 1, 2010 and attended by DRB members Peter Monte, Lenord Robinson, Jeff Schoellkopf, Chris Behn, Bob Kaufmann and Virginia Roth. Others in attendance were: Leon Bruno, Anneliese Lindner, Jack Lindner, Margo Wade, Chris Nordle, Seth & Elizabeth Brennan, Robin Bleier, Win Smith, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a complete application, location map, project narrative, parking site plan showing 90 spaces, notice to abutters and proof of mailing.
2. Letters in regard to this application were submitted to the DRB by the following individuals: Kevin Dunckley, 746 Golf Course Rd.; Steve & Anne Fleming and Robert & Lolli Leeson, 545 Triview Rd.; Patrick Dunckley, 746 Golf Course Rd.; Catherine Dunckley, 746 Golf Course Rd.; Vincent & Linda Dunckley, 774 Golf Course Rd.; David & Kathleen Kinne, 24 Triview Rd.; Jack & Anneliese Lindner, 169 Triview Rd.; Harley Freedman & Ena Sandler, 607 Triview Drive; Morgan & Ashley Mohrman, 512 Triview Road
3. Attorney David Putter also submitted a letter dated September 20, 2010 in his representation of the following Triview Road homeowners: Joseph and Rebecca Bachinsky, Seth Brennan, Anne and Steven Fleming, Harley Freedman, Helen S. Gilroy, James Joly, David and Kathleen Kinne, Brian Lee, Laura and Robert Leeson, Anneliese and Jack Lindner, Ashley and Morgan Mohrman, Anne and David Ozimek, Edna Sandler, and Jack Tatelman. Attorney Putter withdrew his representation of these residents on Triview Road with a letter dated October 26, 2010.
4. The applicant submitted a legal opinion letter dated August 30, 2010 prepared by Robert H. Rushford of Gravel and Shea Law Firm.
5. The applicant submitted an updated narrative of the project on October 21, 2010 and a further update on November 1, 2010.

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6. The location requested is just below the 7th TEE. The size of the green space was 100 x70 and that was the maximum size tent they were requesting.
7. The "golf year" is defined as the period from mid May to mid October.
8. The existing parking at the golf club can accommodate up to 90 vehicles. If an event exceeded the 90 spots by the Club House the applicant has the ability to use Lincoln Peak for parking and shuttle guests from there.
9. The portable toilets will only be utilized periodically as facilities are available at the Club House. The applicant stated that one port-a- let is needed for every fifty people.
10. Power, if needed, would be provided by a portable generator, that would be relatively quiet, similar if not quieter than the mowing equipment they use.
11. The golf course had been in operation since the 1960's and a variety of events have taken place over the decades. The applicant stated that a dedicated tent location did not constitute a significant change in their operations.
12. The golf course can comfortably handle 144 golfers even up to 150. The club house, known as Hogan's, can accommodate 120 people including the use of the deck area.
13. The applicant stated that to remain competitive and offer their customers what they are looking for/asking for, this location is important to the mix of options.
14. A 200 person event would not be held at the same time they had 140 people on the golf course.
15. Though the request is for a "permanent" site, it actually will be restricted to a few events per year in the summer months and only of two types: wedding ceremonies [not receptions] and "après" golf outing events. The wedding ceremonies will typically be held on a Saturday and before dusk.
16. An "après" golf event would not occur on a Saturday as that is their prime golf day and these types of events tend to take place during the week [frequently on Mondays] and earlier in the day. A golf event would be before dusk and not involve any type of music and would only use this tented site if it could not be handled at Hogans. So as not to interfere with regular membership usage of the course, they try to limit these type of golfing events to pre July and post August.
17. Not all events would be tented – the resort does not own the tent and it adds an additional cost of \$2500 to the event therefore you may not see tents at all events and the tents will go up and come down and not left for several days due to the cost.
18. Golf events will not have any amplified music and there will be no parking on Triview Road.
19. The largest concern of the neighbors was the potential for increased traffic and noise having a negative impact on the neighborhood.
20. The applicant stated that some, not all of the wedding ceremonies might have a champagne toast and the golfing events would have alcohol served.

21. The applicant requested access to the tent site solely for the purpose of dropping off the wedding party [bride and her attendants] and for delivery of chairs and an arbor only in the event of wet conditions on the golf course that would prevent vehicular traffic over the course due to slipperiness.
22. The Board found that under Conditional Use Review, Article 5.3 (A) General Standards, the project as amended by the applicant satisfies the criteria and the agreement with the neighboring property owners and the applicant resolves any previous issues with the character of the neighborhood and traffic in the vicinity {Sec. 5.3(A) (2) & (3)}.

Notice of Decision:

The DRB approves the applicant's request for Conditional Use subject to the conditions as already voted on and the project being conducted as per the specifications submitted. Additionally and more specifically, the permit is also subject to the conditions as outlined in the Golf Club Tent Site Project Narrative dated November 1, 2010 with the following changes: 1) ACCESS: to read: *The main access route for events will be provided from the Club House over the golf course via carts or on foot. Disabled guests and members of the wedding party may be transported via any lawful route. Back of house equipment [tent food & beverage, tables & chairs, portable toilets, etc.] will not be delivered off of Triview Road* and 2) NOTIFICATION: to be excluded as a condition of any permit as municipal enforcement is not easily achieved.

The conditions with changes as stated above have been stated below as they appeared on the November 1, 2010 document and are a part of this approval as conditions of compliance with the permit.

Type of events limited to: wedding ceremonies and golf related events that exceed Hogan's space capacity. Wedding ceremonies include: exchange of vows, photography and toasts and does not include receptions. Golf related events include: corporate, reunion, charity and family golfing events. The number of events held at the site will not exceed 12, and would break down to six (6) wedding ceremonies and six (6) golf events. Event attendance will not exceed 150 golf event guests or 250 wedding ceremony guests.

Time of year will be limited to the months of May through October – while the Golf Club is open for the golf season.

Event Lengths will be as follows: Wedding ceremonies will be a maximum of 90 minutes between the hours of 9 am and dusk. Golf events will be a maximum of three hours between the hours of 12pm and 8pm. Golf events hosted at the tent site will only take place midweek.

Parking: All parking will be provided at the golf club parking lot off Golf Course Road or at the Lincoln Peak base area parking lots with guests shuttled over to the event. The Club House parking lot can accommodate 90 vehicles with the Lincoln Peak parking lot providing additional parking if needed. No parking will be allowed on Triview Road.

Access: The main access route for events will be provided from the Club House over the golf course via golf carts or on foot. Disabled guests and members of the wedding party may be transported via any lawful route.

Bathrooms: Temporary portable toilets [no more than three (3)] will be provided as needed at the tent site. Bathrooms are also provided at the Club House, which is within a reasonable walking distance to the site.

Power: If power is needed it will be provided via one portable generator with a decibel level no higher than 50 (measured from the property line).

Lighting: There will be no exterior lighting.

Music: There will be no amplified music.

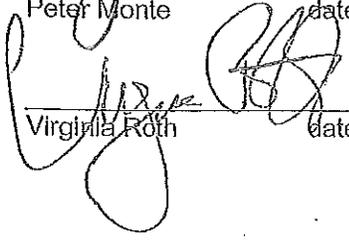
Tent: Tents will not exceed 5,000 square feet in foot print size. There will be no permanent tent structures or foundations. Tents will only be used for one day. Set up and break down will take place the day before the event and the day after, respectively, weather permitting.

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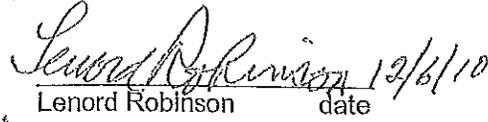
 12/6/10

Peter Monte date

 12/6/10

Virginia Roth date

Bob Kaufmann date

 12/6/10

Lenord Robinson date