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TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY OCTOBER 19, 2005

TOWN OF WARREN, VT

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at 11 o'clock A M and Received in
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Ruth Robbins
TOWN CLERK

Members Present: Peter Monte, David Markolf, Eric Brattstrom (for app #2005-02-SD only),
Chris Behn and Virginia Roth.

Others Present: Betty Maguire, Joyce Crabtree, Pamela Lerner, Stephen Willis, Patti
Kaufmann, Bob Kaufmann, Joe Geiger, Laura Geiger, Joyce Westcott,
Joe Scanzillo, Erin & Peter Cozzi, Mark Bannon, Miron Malboeuf and
Ruth Robbins

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

1. Application #2005-09-SD, Mays's Two Lot Subdivision, Continued from September 7, 2005, Preliminary Plan Review. Applicant asked to be continued until November 16, 2005
2. Application #2005-02-SD, (continued from 10/05/05), submitted by Erin Chase Cozzi for a 3 lot Subdivision on a 16.1 acre parcel (B) of a 29.3 acre parcel, # 001005-000 in the Rural Residential and Meadowlands Overlay Districts, (Article 2 Tables 2.2 and 2.13 respectively) for Final Plan Approval. The applicant proposes to subdivide the property into: Lot 1 (5.4 +/- acres), Lot 2 (4.1 +/- acres) and lot, Lot 3 (7.4 +/- acres) Lots are to be served by an-site drilled wells and a community wastewater disposal field located on lot 2. This project requires Review under Article 6, Subdivision Review and Article 7, Subdivision Standards of the Warren Land Use and Development Regulations. (Members: Chris, Dave, Lenord, Virginia & Eric),
3. Application #2005-11-CU Conditional Use Review- Accessory Dwelling, submitted by Joseph G. Scanzillo, parcel ID # 0016005-901, 211 South Hollow Road, 12.7 ± acres located in the Rural Residential District. The Accessory Dwelling is to be located in the third story of an existing barn now under renovation. This project requires review under Articles, 2 Table 2.2, 4.1 Accessory Dwellings and Article 5, Conditional Use, of the Warren Land Use and Development Regulations. (Members: Peter, Chris, Dave, Lenord, & Virginia)
4. OTHER BUSINESS
 - a. Review and approve Minutes from October 5, 2005
 - b. Review and sign Findings of Fact & Notice of Decisions:
 - i. Application #2005-12-SD, Roth, formerly approved as #2004-02-SD
 - ii. Application #2005-09-CU submitted by Lawrence C. and Karol A. Auer, seeking conditional use approval to develop a primary dwelling within the Forest Reserve District.

The meeting was called to order at 7:13 pm.

- 1- Mr. Monte opened the hearing for application #2005-11-CU, by asking Mr. Scanzillo to give an overview of what his plans were. Mr. Scanzillo explained that he was seeking permission to use the third floor of the barn on his property as an accessory dwelling. The barn had been rebuilt after collapsing a few years ago and is the accessory structure to an old 4-bdrm house that Mr. Scanzillo has rented out for several years. Mr. Scanzillo also stated that he had had the wastewater system recently updated and that it was more than adequate for both the house and the proposed accessory dwelling. The Board did ask that he have the installer of the system certify the installation in addition to the health permit he already has. Mr. Markolf added that even if given approval by the Town that he would also have to check with the State Labor & Industry Dept. as well. Mr. Monte asked if the setbacks for the barn were in compliance. Mr. Scanzillo said he believed that the distance was 200' or more in any direction.

With no other questions from the Board, Mr. Monte asked for comments/questions from those in the audience. Ms. Westcott stated that she had no problem with the request for an accessory dwelling, but that she wanted clarification of where the wastewater system was located and its relationship to her well. Mr. Markolf commented that he was concerned about not having a complete site plan. Mr. Malboeuf produced the plan that had been filed for the health permit and Mr. Scanzillo said he would provide another copy for this application. Mr. Monte assured Ms. Westcott that there were required separation distances when installing wastewater systems. Upon further review of the health permit site plan that Ms. Westcott's spring had not been taken into consideration.

MOTION by Mr. Behn that the applicant have his engineer of the wastewater system provide confirmation that the new system meets or exceeds the State and local requirements for distance from an existing spring that is located downhill on a neighbor's property. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the documentation provided by the engineer include a) sketch plan showing the Westcott spring location and b) within 12 days from tonight (10/19/05) that a copy of such documentation be filed with both the Warren Zoning Administrator and Ms. Westcott. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that a copy of Bannon Engineering's site plan dated 4/11/04 that had been filed with the health permit be filed with the Development Review Board for this application. **DISCUSSION:** It was determined that if the above request is combined with this request that that would be acceptable. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

Ms. Lemer expressed her concern about the potential for future traffic. Mr. Monte responded by saying that this was just the addition of one bedroom and that future requests for development were unknown at this time.

One of the requirements for an accessory dwelling is its square footage limitation to 40% of the square footage of the primary dwelling. Mr. Monte asked what that calculation was. Mr. Scanzillo replied that the main house was 3012 sq. ft. and that 40% would be 1204 square feet. However, the regulation reads that the limitation is either 40% of the main dwelling or 1,000 square feet, whichever is less. The current plans show 1200 sq. ft. being utilized.

MOTION by Mr. Monte that the applicant reconfigures the usable square footage to a maximum of 1,000 sq. ft. in order to comply with § 4.1 (B) (2). **SECOND** by Mr. Markolf. **VOTE:** YEA: Mr. Monte, Mr. Markolf, Mrs. Roth. NAY: Mr. Behn. The motion passed, three to one.

MOTION by Mr. Monte that the revised floor plan be submitted by November 2, 2005. **SECOND** by Mr. Markolf. **VOTE:** YEA: Mr. Monte, Mr. Markolf, Mrs. Roth. NAY: Mr. Behn. The motion passed three to one.

Mr. Monte called attention to § 4.1 (B) (4) which requires the accessory dwelling to be retained in common ownership and not be subdivided or converted for sale without first coming back before the DRB. Mr. Scanzillo stated that it was not his intention to separate the barn from the house.

Mr. Markolf said that he'd like to see some consistency in the bedroom count on the documents provided. Mr. Scanzillo pointed out that the three bedrooms indicated on the plan were consistent with the wastewater permit, but has been revised to one bedroom to comply with the Accessory Dwelling regulations.

MOTION by Mr. Monte that the requirements of *Table 2.2 (E)* are satisfied subject to and including those items previously voted on. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that § 5.3 *Conditional Use Standards, (A) General Standards, items (1) through (5)* are satisfied. **SECOND** by Mr. Monte. **DISCUSSION:** Mr. Monte asked the applicant to show where on the plans parking would be for the accessory dwelling. M. Scanzillo indicated that the first level of the barn was garage space for several vehicles. Mr. Monte then asked about the water supply. Mr. Scanzillo said a well had not been drilled but that the existing water supply was a spring that had been more than adequate. **VOTE:** all in favor, the motion passed.

Mr. Monte asked about the height of the barn. The applicant responded that the ridgeline height over the average grade was 32'; 37' at the highest, 30' at the lowest. A question about exterior lighting was also raised, and the applicant responded that it was all currently conforming downcast lighting.

MOTION by Mr. Markolf that § 5.3 *(B) Specific Standards items (1) through (11)* are either found to be satisfied by the applicant or not applicable. **SECOND** by Mr. Monte. **VOTE:** YEA: Mr. Monte, Mr. Markolf, Mrs. Roth. NAY: Mr. Behn. The motion carried three to one.

MOTION by Mr. Markolf that § 5.3 *(C) District Standards items (1) through (4)* are not applicable and that *(D) Flood Hazard Overlay District Standards items (1) through (12)* are not applicable. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion carried.

MOTION by Mr. Monte to consider this application as approved subject to reconvening this hearing on November 2, 2005 at 7pm to receive, review and approve or disapprove the additional documents requested; the revised floor plan, complete site plan, and verification/documentation of the Westcott septic/well issue. **SECOND** by Mr. Markolf. **VOTE:** YEA: Mr. Monte, Mr. Markolf, and Mrs. Roth. NAY: Mr. Behn. The motion carried three to one.

2- Application #2005-09-SD, Mays's Two Lot Subdivision

MOTION by Mr. Monte to continue the hearing on this application, at the request of the applicant, until November 16, 2005 at 7pm. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

3- Application #2005-02-SD, (continued from 10/05/05), submitted by Erin Chase Cozzi for a 3-lot Subdivision on a 16.1 acre parcel (B) of a 29.3 acre parcel, # 001005-000 in the Rural Residential and Meadowlands Overlay Districts.

Mr. Monte started the hearing by relaying some comments from fellow DRB member Lenord Robinson who was unable to be at the meeting but had been at the site visit and wanted his comments reiterated at this hearing. Mr. Robinson wanted to urge the selection of the driveway cut location across from Galloping Wind Drive as he felt it 1) was the safest and 2) had the least impact on the Meadowland Overlay District. This driveway cut is also known as Option AA on the most recent site plan.

Mr. Monte then asked what had been or might be approved by the Select Board. Mr. Markolf replied that the Select Board Road Commissioner had originally wanted Option B, as it had the maximum sight distance, but that he found Option AA to be acceptable. Mr. Markolf also pointed out that Options A, AA, and B all met the State requirements for sight distance.

Mr. Monte then asked Mr. Bannon to update the Board on any changes from the last meeting. Mr. Bannon pointed out on the revised site plan where he noted the location and measured the distance between the Geiger's leach field and Lot #2's well; verified the distance between the Kaufmann's well and the community mound leach field; added screening in the form of seven trees between Lot #2 and the Geigers; and also noted screening for a section of the proposed driveway Option AA consisting of seven trees. Mr. Bannon also reported on the feasibility of installing a bridge over the stream as being cost prohibitive (est. @ 1.5 mil) and not recommended by State officials. Mr. Markolf also asked Mr. Bannon if he had any additional information regarding moose habitat. Mr. Bannon said no he did not as there is no formal tracking other than moose crossings being noted at locations where moose are hit.

MOTION by Mr. Monte that the two road cuts be those indicated on the site plan as Option AA, servicing Lots #1 and #2, and the driveway for Lot # 3 at the north end of the parcel. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

Mr. Behn asked if the screening proposed on Lot #2 had been discussed with the abutters, the Geigers. Mr. Bannon said no, but that it had been suggested at the last meeting. Mr. Behn also asked how he arrived at the placement of the trees proposed along the driveway leading into Lot #1. Mr. Bannon stated it was not a guess, but that he actually stood along the south side of the parcel and looked back to see where the drive would be most visible and determined the location from there.

MOTION by Mr. Monte that the Board approve the screening as shown on Lot # 1 and Lot #2 consisting of 2" caliper spruce trees 5' in height from the top of the root ball, and that the southeast corner of Lot # 1 be left uncut with the exception of the apple tree along the road side that may be pruned for increased sight distance and any diseased or dying trees. **DISCUSSION:** Mr. Geiger stated that he was concerned that 5' high trees would be ineffective. As he explained, when one walks out of the back of his house facing Lot # 2, you are already four feet up off ground level. As the property exists now, he could easily see into Lot #1. Was there a way they could condition for the installation of taller trees? Mr. Bannon replied that getting taller trees and getting them planted successfully might be a bit of a challenge. Mr. Kaufmann asked if moving the building site or the western side of the building envelope further east away from the Geigers property line would be an option. Mr. Monte said that typically the Board would require that no cutting of trees or brush along a property line and have not made it a practice to require the addition of trees for screening purposes. In essence, both homeowners have the option to plant trees on their side of the property line. What the Board is considering by requiring the addition of these trees is beyond the normal expectation. It is not altogether fair to place the burden just on one homeowner – even though one homeowner gets there first, they should know that they are always at risk for development on the lot next door. Mr. Markolf agreed with Mr. Monte statements, but added that he thought it shouldn't be a problem to at least move the westerly boundary of the building envelope twenty feet to the east. **AMENDMENT to MOTION** by Mr. Markolf to move the westerly boundary of the building envelope twenty feet to the east. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the required screening on Lot #2 to be installed prior to occupancy of the new dwelling, and the location of the screening to be placed in the sight line between the new dwelling and what is now known as the Geiger residence (parcel ID # 001004-300). **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

Mr. Monte asked the applicant if they had a common road maintenance agreement as well as a common septic agreement. Mr. Bannon replied that the Board would receive them. Mr. Monte reminded him that the Board typically requires that it be supplied within two weeks of the final vote prior to signing the final approval.

MOTION by Mr. Markolf that the Board finds the application conforms to the requirements of *Table 2.13 (E) Supplemental Development Standards item (a)*. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that § 7.2 *General Standards (A) through (H)* are satisfied by the application subject to the conditions found herein. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that § 7.3 *Protection of Primary & Secondary Conservation Areas* is satisfied by the application. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that § 7.4 *Open Space & Common Land* is satisfied by the application. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that the applicant provides an erosion control plan to satisfy § 7.5 *Stormwater Management & Erosion Control* to the DRB by November 2, 2005. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the common road leading into Lots #1 & # 2 be a minimum of 16' in width and maintained to a minimum of 14' with a turning radius of not less than 30'; that the private drive sections be a minimum of 14' in width and maintained to a minimum of 12' in width; and that the private drive into Lot #3 have a turning radius of not less than 30'. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the utilities into the three home sites be placed underground. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that § 7.6 *Community Services and Facilities*, § 7.7 *Roads & Pedestrian Access*, § 7.8 *Water Supply & Wastewater Disposal*, § 7.9 *Utilities*, and § 7.10 *Signs* are found to be satisfied by the application. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board recess the further consideration of this application until Wednesday November 2, 2005 at 7 pm but deem the application approved subject to the satisfactory review and approval of the additional information/documentation requested during this hearing. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

4- Other Business

In other business the Board approved/signed the minutes of October 5, 2005, and also approved/signed the decisions for application #2005-12-SD Roth 6-lot Subdivision and application #2005-09-CU Auer Conditional Use permit for the construction of a primary dwelling in the Forest Reserve District.

The Board also set the date and time for a site visit for application #2005-13-CU which is a request for approval of a building site located on a parcel that is in both the Rural Residential District and Meadowland Overlay District for Friday October 28, 2005 at 9am.

The meeting was adjourned at 9:48pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

Development Review Board

Chris Behn date

David Markolf date

Virginia Roth date

Eric Brattstrom date

Peter Monte date

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