

Town of Warren
Development Review Board
Minutes of Meeting
Wednesday March 23, 2005

TOWN OF WARREN, VT 33
Received for Record April 14 2005
at 9:00 o'clock A M and Received
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Elaine F. Jellison
assistant TOWN CLERK

Members Present: David Markolf, Lenord Robinson, Eric Brattstrom, Virginia Roth

Others Present: Jason Lisai, (Sugarbush Resort) Margo Wade, (Sugarbush Resort) Bob Ackland, (Sugarbush Resort) David Blythe, and (Mountainside Condo Assoc.) Ron Zschaler, Miron Malboeuf, Ruth Robbins

Agenda:

- 1) Call meeting to order 7:00pm
- 2) Senor Subdivision hearing continuance request
- 3) Final Plan Approval for applications 2002-14-PUD-AM & 2002-01-CU-AM, (now 2005-01-PUD & 2005-01-CU) submitted by Summit Ventures NE, LLC (d.b.a. Sugarbush Resort).
- 4) Other Business: Review & sign minutes from 3/9/05

- 1) Mr. Markolf called the meeting to order at 7:07pm
- 2) The attorney representing the Senor Subdivision application 2005-01-05 has requested that the continuance of the hearing for this application originally scheduled for Wednesday March 23, 2005, but rescheduled for Wednesday May 4, 2005 at 7:00 pm.

MOTION by Mr. Markolf to reschedule the continuation of the Senor Subdivision hearing to May 4, 2005. **SECOND** by Mr. Robinson. **VOTE** unanimous, motion carried.

- 3) Mr. Markolf asked Mr. Lisai to give an update of any changes/developments since the last meeting of February 23, 2005. Mr. Lisai listed the additional materials that had been supplied to the Board: Exhibit 8, Traffic Impact Study prepared by RSG, Inc., Exhibit 9, Report by Pioneer Environmental Associates, LLC, regarding Stormwater Discharge Permit #1-1581 which includes the impact of the relocation of Hotel Brook, and Exhibit 10, a draft of Declaration of Condominium prepared by Gravel and Shea. The accompanying Association Bylaws have not yet been provided. (Exhibit "E" to the Declaration) Also submitted was an updated site plan, erosion control and stormwater plan and the ANR Act 250 submittal.

Mr. Lisai also noted some general items, such as a slight modification to the restaurant off of A-2, A-3, and confirmed that the Gatehouse would be a new build, not a renovation. They were continuing to work on value engineering components, construction timetables, and that the site plan/buildings could realistically be done within the timeframe they were looking at. Progress was also being made on the Hotel Brook design and its Act 250 review.

Mr. Markolf then suggested they get right to the list of areas of concern that was generated from the meeting of February 23, 2005. The first item was the necessity for a Bond and in what amount. Mr. Lisai stated that the balance of any work to be done that would have any impact on the Town would be approximately \$400,000. This includes any road crossings, stream crossings, where culverts would have to be pulled out and reinstalled, any impact to the intersections, and the balance of the stormwater project, e.g. any work that would directly impact the public. Mr. Lisai went on to say that the only element that would be impact this first construction season would be the Hotel Brook crossings, and requested that they bond just for that part, approx. in the amount of \$65,000 to \$85,000. This would take place after July 15, 2005.

The next item was concerns that had been expressed regarding the intersection.

Specifically, the intersection of Inferno Road, the Access Road, the Village Road and the Out Road. Mr. Lisai stated that the analysis done by RSD showed that it passes the level of service, either as a three-way stop (currently) or as a four-way stop. He noted that a three-way added just a couple of seconds to any wait one might encounter.

Mr. Markolf then asked for a "layman's" explanation of the findings contained in the traffic study, specifically the car count differences from the 2003 report and the current 2005 report. Ms. Wade referred to page 4 of the current report that showed the number of new trips under the previous Lodge proposal as being 120, while under this new proposal the number of new trips was only 52. This was made up of Day-skier parking spaces, Lodge employees, and Lodge Units. Ms. Wade also wanted it noted that the study used the seventh highest hour of traffic during a year's time. (i.e. the busiest day on the busiest weekend) The next charts referred to were on pages five and six which showed the estimated traffic flows under a "no build" scenario for the years 2005 and 2010, and a "Build" scenario also for the years 2005 and 2010. According to RSG the level of service for the "Build" scenario in 2005 was a "C" (defined as "average delays" of 15.1 to 25.0 seconds), and estimated in 2010 as a "D" level of service (defined as "long delays" of 25.1 to 35.0 seconds). Ms. Wade emphasized that these numbers were based on a non-average, very busy day.

Mr. Markolf commented that he really didn't have the authority to question a professional's work and that the paperwork was impressive. Yet, he had a hard time believing that there wouldn't be more of an impact. He went on to ask about the "Build", "No Build" information from the 2003 report located on page 15. Ms. Wade explained that the software used then was different than for the current report, which is considered better. Mr. Markolf went on to ask about a right-hand turn lane off of the Access Road. Mr. Lisai stated RSG felt that that would increase car speed and impact pedestrian traffic and in turn not decrease wait times significantly enough to warrant doing. The proposed recommendation was a better defined four-way intersection, three-way stop, with an improved alignment of the Village Road.

Mr. Markolf then asked if he didn't remember that at one time there was a plan discussed for management to help direct and control traffic flow on the busier days. Mr. Lisai said that yes, they had a Traffic Management Plan from the Lodge that was being updated for this project. Mr. Zschaler commented that over 29 years of observation that when that intersection gets overloaded the traffic can back up as far down as The Bridges. Mr. Markolf replied that he didn't feel that anyone could design an intersection that would take that flow of traffic on those peak periods. He went on to say that he felt the only answer was manpower. Mr. Lisai added that with the car counts they do, that this year they so far had seven days of over 1,000 cars, two of those days were over 1200. In comparison, their busiest weekday, a Wednesday, was 696, and the lowest count was 166 cars, indicating a large swing in fluctuation. Mr. Markolf then asked under what scenario did the need for traffic personnel kick in. Mr. Lisai said it would be the usual peak times of Christmas week, Martin Luther King Weekend, and Presidents Week. He also went on to say that there was an opportunity to promote the increase in Mad Bus ridership and to better utilize the Resorts pick up service from the internal lots. Mr. Markolf also stated that though manpower could be of help, there were instances where they created a problem instead of solving it. Mr. Lisai replied that it was a fine balance in providing guest service if someone had a question in addition to being directed as to where to park. Mr. Zschaler asked if there would be a right hand shoulder turn lane for Lot G off of the Access Road and Mr. Lisai replied that at this time no, there was not. Mr. Malboeuf asked if they were considering using a valet service as part of their plan. Mr. Lisai said yes, it may be considered.

The third item discussed was the use of the Sugarbush Village Parking Lot. Mr. Lisai stated that they had a management plan for when The Lodge was going to be built right next to the

lot and that they had a good base line to work from. Mr. Lisai referred to the comments submitted by Mr. Zschaler and stated that there were a couple of corrections to be made. One was that a site plan map showed "formerly" Village Edge, which Mr. Lisai stated, was not "formerly". He went on to add that there is an island indicated in the parking area that does not exist. Mr. Markolf asked for a clarification of one of Mr. Zschaler's observations that with the construction of Buildings A-2, A-3 and A-4, that approximately 35% of the existing parking would be reduced. Mr. Zschaler did add that that did not take into account parking lot G. As a result, where do those parkers go? (It was also noted at this time that another abutter, Mr. Donetelli of Village Edge #5, also submitted a letter of concern regarding the parking at the Sugarbush Village parking lot.)

Mr. Lisai also went on to clarify that at this time they had no proposals for anything to be built on the site of the Sugarbush Village parking lot, even though they had a brochure circulating that showed differently. Mr. Zschaler commented that his submittal was to bring to the Board's attention circulation problems that have existed for some time. Mr. Lisai stated that he and Mr. Zschaler had had some conversation and felt they were on "the same page". He went on to say that some minor adjustments could be made such as the placement of the jersey barriers, and some better signage. Mr. Markolf then asked what changes were made or going to be made to the existing approved traffic management plan for the Sugarbush Village Parking lot. Mr. Lisai stated that they hadn't submitted any changes as of yet but that they were still discussing details with Mr. Zschaler and attempting to find some common ground. (Copies of Exhibit # 26 from the Lodge proposal were reviewed)

Mr. Zschaler added that he felt with the lot being wider and cars parking down the center created a hazard to public safety. In addition the parking lot had become more popular due to its increased visibility since several trees had been cleared for the proposed Lodge project. Mr. Lisai stated that there would be continued monitoring, by lot, and that the RSG report included the number of units at B-1 even though it was not being built at this time. As far as future development boundary, it was possibly misinterpreted, Mr. Lisai stated. Though they do intend to do something there at some time in the future, nothing is being done now, and they are not requesting any approval for future plans at this time. He went on to say that the highest and best use and in keeping with the Town Plan, that mixed use and residential development would potentially be considered for that area. The purpose being to help integrate the base area and the Village. Mr. Markolf also clarified that the DRB is not looking at this as a future development zone but as a parking lot with certain restrictions and requirements.

A Letter from Mr. Borel of Chez Henri was discussed, as he had concerns about potential changes to the "In Road" and "Out Road" ski trails that gave skiers access to his establishment. Mr. Lisai stated that no changes were being made that would affect those trails and that they would still pursue some better signage for that area. Mr. Blythe of Mountainside Condominiums, wanted reassurance that Mountainside owners would still have their ski on/off access that they currently have. Mr. Lisai showed him that though there would be some regrading due to the Hotel Brook reconfiguration, that their access was virtually unchanged. Mr. Blythe noted that the language in the previous permit for the Lodge is not applicable under this new scenario and would need to be changed. He went on to say that he and Mr. Lisai would work it out outside of the meeting.

Next on the list was a concern about the Hotel Brook relocation, the width of the repairian zone, crossings and how it looked. Mr. Lisai said that they had submitted an updated

narrative to ANR and Act 250 to indicate the change in orientation of the brook. They felt very confident that their permit process with those agencies would be approved, as it was a "win win" situation for all parties. Mr. Markolf said that that sounded good and that he would defer to the State's judgement.

A detailed recommendation from the Warren Fire Department was the next item to be discussed. Mr. Lisai spoke about the meeting he had had the night before with the fire department. He stated that the Fire Dept had some specific recommendation regarding the underground parking area and the location of some doors, as well as the zones and placement of hydrants. He felt that by the end of the meeting that on the whole the project was acceptable and that they were working on specific language to cover those items discussed. He went on to say there would be continuing conversations with the Fire Dept. as some of the details came up during construction of the project. Mr. Markolf, who was at the Fire Dept. meeting, also noted that it was discussed that someday there would come a point at which the fire house would have to be enlarged. Mr. Lisai also indicated that it was his understanding that the Fire Dept would have their letter prepared by Saturday March 26.

The last item on the list was the Condominium Documents. The question was asked if the document spelled out any restriction/rules for how the parking with each of the units was governed. The underground parking is referred to in Sec. 3.1, as part of the "Common Elements" The Condominium Bylaws have not been provided as of yet, which most likely would have more detail as to parking restriction/accommodations for unit owners.

With the "list" completed, Mr. Lisai said they had no further submittals and that they felt they had met the requirement of the land use regulations. Mr. Markolf said he had a couple of further items to address. He went on to say that he very much wanted to see some landscape screening by the proposed employee parking area located next to the CB1 building. Mr. Lisai indicated that he did not feel that would be a problem. Mr. Markolf asked if there were any changes to the utilities, would they still be underground? Yes, replied Mr. Lisai, anything new would be underground. Mr. Markolf also inquired as to the domestic water issue, which he thought was still up in the air as of the last meeting. Mr. Lisai said they were going with Mountain Water Company and converting the wells that were previously drill for the Grand Summit and Lodge projects.

With no further comments from the Board members of the public Mr. Markolf commenced on going through the criteria for approval of the application, as amended.

Article 7 Subdivision Standards

§ 7.2 General Standards, (A) through (H)

MOTION by Mr. Robinson that the application conforms to the standards in § 7.2, items A through H. **SECOND** by Mr. Brattstrom. **DISCUSSION:** Ms. Roth asked to make sure Mr. Markolf's screening request is included as item (F) refers to Landscaping & Screening. Mr. Lisai assured her it would be done. **VOTE** unanimous, motion carried.

§ 7.3 Protection of Primary & Secondary Conservation Areas, (A), (B) and (C)

MOTION by Mr. Markolf that the criteria in § 7.3, items A, B, and C are satisfied. **SECOND** by Ms. Roth. **DISCUSSION**, None. **VOTE**, unanimous, motion carried.

§ 7.4 Open Space & Common Land, (A), (B), (C) and (D)

MOTION by Ms. Roth that the criteria in §7.4, items A, B, C, and D are satisfied. **SECOND** by Mr. Markolf. **DISCUSSION**: none. **VOTE** unanimous, motion carried.

§ 7.5 Stormwater Management & Erosion Control, (A) through (J)

MOTION by Mr. Robinson that the criteria for § 7.5, items (A) through (J) are satisfied. **SECOND** by Mr. Brattstrom. **DISCUSSION**: Mr. Lisai felt they met the criteria and added that it was a strong, strictly regulated process, especially where they were located, and with the changes to the ANR rules and Act 250, believed they had a very good plan in place with a lot of outside and internal oversight. Mr. Markolf asked where they were in the Act 250 process. Mr. Lisai answered that they had a hearing scheduled for April 6, 2005 at 7 pm and had a couple of criteria to review with them. Mr. Markolf also inquired as to where they stood with permits from ANR. Mr. Lisai stated that they were still going through the process of supplying updated information and getting amendments to their previous permits. **VOTE**: unanimous, motion carried.

§ 7.6 Community Services and Facilities, (A), (B) and (C)

MOTION by Mr. Markolf that § 7.6 (A) is satisfied. **SECOND** by Mr. Robinson. **VOTE**: unanimous, motion carried.

MOTION by Ms. Roth that § 7.6 (B) is satisfied **SUBJECT TO** the receipt of a satisfactory letter from the Warren Fire Department. **SECOND** by Mr. Markolf. **VOTE**: unanimous, motion carried.

MOTION by Mr. Markolf that § 7.6 (C) is satisfied. **SECOND** by Ms. Roth. **VOTE**: unanimous, motion carried.

§ 7.7 Roads & Pedestrian Access, (A) through (O)

DISCUSSION: Mr. Markolf commented that this is where the Board makes sure that there are pedestrian paths to and from the adjoining property owners. Mr. Lisai stated that they would build paths on their land, and that the adjoiners could build a path to connect, but that they (Sugarbush) would not build theirs for them. Mr. Robinson said he believed that that was the same as before, and Mr. Lisai went on to say they had an open dialogue with adjoiners. Mr. Malboeuf brought up the fact that there had been a change regarding signs. He stated that there was a new State requirement for 911 purposes that all streets have the florescence green street signs, of which there was a charge for, how much he couldn't say at this time. Mr. Lisai said that would not be a problem. Mr. Blythe wanted clarification regarding Mountainside's access. Mr. Lisai confirmed that Mountainside's easement to the end of the bridge was as it has always been, and that he and Mr. Blythe were discussing how residents from Mountainside got from the bridge to the Village Lift or base area over snow surface. Mr. Blythe pointed out that the previous permit had some elaborate language (paragraph 31) that was not applicable now. Mr. Lisai said that under this proposal residents would not have to do anything different than they currently do now.

MOTION by Mr. Markolf that § 7.7, (A) through (O) is satisfied. **SECOND** by Mr. Brattstrom. **VOTE**: unanimous, motion carried.

§ 7.8 Water Supply & Wastewater Disposal, (A) through (F)

DISCUSSION: Mr. Lisai stated that they were in the process of applying for one new permit in addition to the ones from the previous application. He also noted that there was a change from the previous application in that the water supply system was being changed from a transient system to a public community system.

MOTION by Mr. Robinson that § 7.8, (A) through (F) is satisfied upon the receipt of all applicable State permits currently in progress. **SECOND** by Ms. Roth. **VOTE:** unanimous, motion carried.

§ 7.9 Utilities, (A) & (B)

DISCUSSION: Mr. Lisai confirmed that all utilities were going to be underground as before, however the 18,00 gal propane tank would not be underground but would be fenced to limit access.

MOTION by Mr. Markolf that § 7.9, (A) & (B) were satisfied. **SECOND** by Mr. Robinson. **VOTE:** unanimous, motion carried.

§ 7.10 Signs

MOTION by Mr. Markolf that § 7.10 is satisfied as per the existing permit and conditions contained within. **SECOND** by Mr. Brattstrom. **VOTE:** unanimous, motion carried.

Mr. Markolf brought up the topic of construction safety, signage, and how the previous permit had some specific language due to the Lodge's proximity to Sugarbush Village and the impact the construction would have on that area. Mr. Lisai stated that with this being a much tighter building envelope, that the safety issue was entirely Sugarbush's responsibility, and that public safety would be addressed in language they would provide.

Article 8 Planned Residential Developments & Planned Unit Developments**§ 8.4 Planned Unit Developments**

DISCUSSION: Mr. Lisai comments that under § 8.4, Planned Unit Developments, item (C), General Standards, that numbers 1 through 8 were essentially covered under the Subdivision criteria review.

Mr. Lisai stated that lighting was the same specification as before, that the only changes would be some location changes in the parking areas. Mr. Malboeuf asked if the standards under § 8.4, (D) had been complied with. Mr. Markolf read the items out loud and commented that he didn't see a problem with any of them. Mr. Lisai also noted that he felt that it was the redevelopment of an existing base area that would be significant improvement to the architectural features there.

MOTION by Ms. Roth that § 8.4, (A) through (D) is satisfied. **SECOND** by Mr. Markolf. **VOTE:** unanimous, motion carried.

§ 8.5 Open Space & Common Land Standards

DISCUSSION: Mr. Markolf noted that these criteria had been gone over in § 7.4. **MOTION** by Mr. Markolf that § 8.5 is satisfied. **SECOND** by Mr. Robinson. **VOTE:** unanimous, motion carried.

Article 5 Development Review

DISCUSSION: Under § 5.3, Conditional Use Review Standards, General Standards, item #5, Mr. Malboeuf asked if the applicant was still going to use/recycle the heat from the snow making facility. Mr. Lisai answered no, it was not part of this project. Mr. Lisai went on to say that they were participating with the State program, Efficiency Vermont, which would work with the architectural team to help them meet a high standard of efficiency. He also stated that Act 250 had conditions along those lines as well. Lighting is also mentioned in this section. Mr. Malboeuf asked if all the new lighting would conform with the current ordinance, where some of the existing lighting did not. Mr. Lisai said it would and that some of the existing lighting was grandfathered with the Forest Service Land permit. (i.e. Gatehouse and the temporary buildings). To clarify, if a building with non-conforming lighting is scheduled to be removed, then the non-conforming lighting goes away and can only be replaced with conforming lighting. The only exception is the Valley House, which is remaining as is for the time being.

MOTION by Mr. Markolf that § 5.3 Conditional Use Review Standards, (A) through (D) are satisfied. **SECOND** by Mr. Robinson. **VOTE:** unanimous, motion carried.

Mr. Markolf commented that he felt a little uncomfortable granting an overall approval without having the actual language to move on. Mr. Malboeuf pointed out that a verbal approval was just that, and that the permit approval did not become final and binding until the language had been reviewed and signed.

MOTION by Mr. Markolf to approve the application subject to the formulation of the actual permit language and its subsequent review and signing by the Board members. **SECOND** by Mr. Brattstrom. **VOTE:** unanimous, motion carried.

4) Other Business

Minutes from the meeting of March 9, 2005 were reviewed and signed. The upcoming meeting schedule was reviewed.

The meeting was adjourned at 9:35 pm

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

David Markolf _____ date

Lenord Robinson 4/13/05
Lenord Robinson _____ date

Eric Brattstrom 13 Apr '05
Eric Brattstrom _____ date

Virginia Roth April 13, 2005
Virginia Roth _____ date