

The Town of Warren
Development Review Board
Minutes of Meeting
Wednesday May 4, 2005

Members Present: David Markolf, Lenord Robinson, Jeff Schoellkopf, Chris Behn, Virginia Roth (participated only in consideration of applications 2005-01-SD & 2005-12-CU)

Others Present: Shelia Getzinger, Mac Rood, Mark Bannon, Rick Patterson, Laura Paterson, Miron Malboeuf, Ruth Robbins

- Agenda:**
- I. Call meeting to order 7:00 pm
 - II. **#2005-08-SD, Boundary Line Adjustment Article 6.2 (E)**, submitted by Bannon Engineering on behalf Jane Austin, seeking approval of a Two Lot Subdivision of 86 ± acres located off Cider Mountain Road, parcel # 012002-600. Located in Forest Reserve District. 10. Acres will be added to the adjacent existing parcel, #012003-000 owned by Chisel Tooth Group, Inc. The property is located off Cider Mountain Road in the Rural Residential /Forest Reserve Districts. This project requires review under Article 6, *Subdivision Review*, and Article 7, *Subdivision Standards*, of the *Warren Land Use & Development*
 - III. Subdivision, **#2005-01-SD, Boundary Line Adjustment, Article 6.2 (E)**, submitted by Karl Senor on behalf of Karl and Gayle Senor seeking approval of a two lot subdivision of 110.2 acres located off Senor Road in the Rural Residential District, parcel # 023008-601. A small portion of this parcel is located in the Forest Reserve District 13.1 Acres will be added to the existing adjacent parcel at 305 Old Farm Lane This project requires review under Article 6, *Subdivision Review* and Article 7, *Subdivision Standards of the Warren Land Use & Development Regulations*. This application was continued from March 23.
 - IV. Conditional Use & Variance Review, #2005-12-CU, submitted by Bast & Rood on behalf of Monteverde First Corporation, Parcel ID # 001012-000, 16.4 acres on the Roxbury Mountain Road. Applicant seeks Conditional Use Review for the construction of a residential outbuilding (gazebo) in the Forest Reserve District and a variance of 43' from the 150' side yard setback in that zone under the proposed development is an accessory use to a previously permitted residential structure. This project requires review under Article 2.1(*Table 2.1*) *Forest Reserve District*, Article 5.3 *Conditional Use Review* and Article 9.6 *Variances*.
 - V. Other Business

TOWN OF WARREN, VT

Received for Record May 26 2005

at 3:30 o'clock 10 M and Received in

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Elaine E. Fuller
TOWN CLERK

- a. Review and approve Minutes from April 6, 2005 & April 13, 2005

- I. **The meeting was called to order by Mr. Markolf at 7:03 pm.**
- II. **#2005-08-SD, Boundary Line Adjustment submitted by Bannon Engineering on behalf of Jane Austin.**

Mr. Markolf asked Mr. Bannon to give an overview of the application. Mr. Bannon explained that Ms. Austin was transferring 10.1 acres to the adjoining property owner, Chisel Tooth Group. Chisel Tooth Group was shy of the 100 acres necessary for their project to be approved and will be adding this to the conserved area of their project. Mr. Bannon emphasized that NO development was planned for this piece of property, and that it was part of the conserved open space planned by Chisel Tooth Group. Mr. Markolf expressed concern that this request be done correctly, as on its own, the 10.1 acre parcel would be a non-conforming lot, as all Forest Reserve land must meet a minimum 25 acre requirement. In discussion amongst the Board members and the Zoning Administrator, it was determined that as long as it was stipulated that the property was deeded and merged, creating a single piece of property equal to or greater than 25 acres, (which it will be) then it would be in conformance.

MOTION by Mr. Markolf that the application is complete and is classified as a Minor Subdivision. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion carried.

Mr. Markolf then continued with the review of the pertinent criteria.

Article 7, Subdivision Standards
§ 7.2, General Standards

MOTION by Mr. Behn that § 7.2, items A through H are either satisfied or not applicable to this application. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion carried.

§ 7.3 Protection of Primary & Secondary Conservation Areas

MOTION by Mr. Markolf that § 7.3, items A through C, are satisfied. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion carried.

§ 7.4 Open Space & Common Land

MOTION by Mr. Schoellkopf that § 7.4, items A through C, are either satisfied or not applicable to this application. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion carried.

§ 7.5 Stormwater Management & Erosion Control

MOTION by Mr. Behn that § 7.5 is not applicable to this application since no development would be taking place. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion carried.

§ 7.6 Community Services & Facilities

MOTION by Mr. Behn that § 7.6, A through C, was satisfied and subject to the conditions set upon the Chisel Tooth Group, #2005-01-PRD. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, motion carried.

§ 7.7 Roads & Pedestrian Access

MOTION by Mr. Behn that § 7.7 is satisfied and subject to the conditions set upon the Chisel Tooth Group, #2005-01-PRD, regarding the public non-motorized access to the conservation portion of the parcel. SECOND by Mr. Robinson. VOTE: all in favor, the motion carried.

§ 7.8 Water Supply & Wastewater Disposal

§ 7.9 Utilities

§ 7.10 Signs

MOTION by Mr. Markolf that § 7.8, § 7.9, and § 7.10 are all either satisfied or not applicable to this application. SECOND by Mr. Behn. VOTE: all in favor, motion carried.

MOTION by Mr. Markolf that the DRB grant the applicant's request for a boundary line adjustment subject to it's being deeded and merged with Lot 6, and the conservation area stipulations outlined in the Chisel Tooth approval, #2005-01-PRD. SECOND by Mr. Behn. VOTE: all in favor, the motion carried.

III. **Subdivision, #2005-01-SD, *Boundary Line Adjustment*, submitted by Karl Senor on behalf of Karl and Gayle Senor and represented by Attorney Shelia Getzinger.**

Mr. Markolf asked Ms. Getzinger to review the request from the Senors. She explained that the Senors, who own a large parcel of land, had agreed to sell to the Godfreys, 13.1 acres that the Godfreys wanted as an additional buffer with their existing lot. Ms. Getzinger went on to say when asked by Mr. Markolf, that there was no intent of any development on this additional piece of land. It was purely for privacy. Discussion ensued regarding the possible access to the parcel. A private right of way exists that serves three homes and ends at the Godfrey's current property line, and could only be extended with the approval of all on the right of way.

MOTION by Mr. Markolf to deem the application complete with all items in Table 6.2 B being included on the final mylar, and that this is being classified as a minor subdevelopment/lot line adjustment. SECOND by Mr. Behn. VOTE: all in favor, the motion carried.

Article 7, Subdivision Standards

§ 7.2, General Standards

MOTION by Mr. Markolf that § 7.2 is satisfied or not applicable to the application. SECOND by Mr. Robinson. Discussion: Mr. Markolf asked if the "twist" involving financing contingencies from the previous meeting had indeed been resolved. Ms. Getzinger replied that yes, the "twist" was a non-issue. VOTE: all in favor, the motion carried.

§ 7.3 Protection of Primary & Secondary Conservation Areas**§ 7.4 Open Space & Common Land****§ 7.5 Stormwater Management & Erosion Control****§ 7.6 Community Services & Facilities**

MOTION by Mr. Behn that § 7.3, § 7.4, § 7.5, and § 7.6, are satisfied or not applicable to this application. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion carried.

§ 7.7 Roads & Pedestrian Access**§ 7.8 Water Supply & Wastewater Disposal****§ 7.9 Utilities****§ 7.10 Signs**

MOTION by Mr. Behn that § 7.7, § 7.8, § 7.9, and § 7.10, are satisfied or not applicable to this application. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion carried.

MOTION by Mr. Behn that the DRB grant the applicants request for a boundary line adjustment with the conditions that it be deeded and merged into one lot, and that the guidelines from Table 6.2 (B) be adhered to with the submission of the mylar. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion carried.

IV. #2005-12-CU, Conditional Use & Variance Review, submitted by Bast & Rood on behalf of Monteverde First Corporation, Parcel ID # 001012-000, 16.4 acres on the Roxbury Mountain Road.

Mr. Markoff asked Mr. Rood to give an overview of the applicant's request. Mr. Rood explained that the applicant wanted to have a gazebo that was going to be built by Yestermorrow students.

Mr. Schoellkopf brought to the attention of the Board that he was on the staff at Yestermorrow, teaching one week a year, and wanted to make sure there was no perceived conflict. Mr. Rood said that Yestermorrow students were just being used as builders, that the application was made by Monteverde, with Bast & Rood representing them.

Mr. Malboeuf informed the Board that there was an existing permit for a two-unit residence that had yet to be built. This request was for an accessory building to that main structure "to be". Mr. Malboeuf went to share his conversation with Mr. Monte, Chair of the Board, who suggested that the Board might want to consider putting a deadline on to when the main structure is built. (how do you have an "accessory" building when there's no building for it to be an accessory to?).

Mr. Markoff asked Mr. Rood if he could share the applicant's timetable. Mr. Rood said that the gazebo was to be built this fall as part of a Yestermorrow course. As far as the main structure was concerned, he believed that the applicant was waiting until he had his financing together, and that he (Mr. Rood) expected that the applicant would be seeking another extension. Mr. Malboeuf said that Mr. Monte had specifically suggested that the Board allows one more extension, and then if the primary structure had not been built, that the gazebo be removed.

Mr. Schoellkopf asked for clarification as to where in the ordinance it stated that the primary structure had to be built prior to an accessory building. Mr. Malboeuf said he thought it was at least implied in the definitions and all agreed that the board had dealt with this kind of situation before. Mr. Malboeuf also stated that it was especially critical since this was located in the Forest Reserve District. Mr. Rood commented that taking the structure down would most likely not be a problem if required but would be wasteful, and as such, would most likely cause the owner to reconsider building it at all.

Mr. Behn suggested as many as two or three extensions as a possibility. Discussion also included comments of other kinds of primary uses of the property that the proposed accessory structure could be an accessory to such as an agricultural activity (garden shed, green house). Mr. Schoellkopf commented that he didn't see any reason to put a time condition on this, but also stated that he felt it would be important to condition that the structure not be used for habitation or made more habitable with plumbing and the such. Mr. Markolf asked the Board members what their feeling was as to putting a time limit on the primary structure being built. Despite the suggestion from Mr. Monte, the Board members all expressed that there didn't need to be a time limit.

Mr. Markolf then asked the Board to shift gears for a minute and discuss the issues of setbacks, visibility and visual impact that the project would have. Mr. Rood then gave a description of the project as to location, what was currently there, and any changes. He went on to state that though there was a clearing, to meet the setback requirements, some additional clearing would have to take place.

Article 2, Zoning Districts & District Standards
§ 2.4, District Objectives, Uses & Standards, Table 2.1, Forest Reserve District

DISCUSSION: Mr. Markolf noted that the proposed clearing would be taking place away from the property line. He then asked Mr. Rood what landscaping was planned. Mr. Rood stated that significant landscaping had already taken place. Mr. Markolf then asked that since there already was landscaping in place, that asking for any disturbed landscaping to be restored would be a problem. Mr. Rood said that landscaping in keeping with the surroundings should not be a problem. In addition, there were no changes to the driveway, the structure was being placed on piers on ledge, thus no erosion expected. Mr. Markolf asked that precautionary measures be taken to make sure there was no erosion issue. **MOTION** by Mr. Markolf that the proposed project conforms to the criteria included under § 2.4, Table 2.1, a-f5 **SECOND** by Mr. Behn **VOTE:** all in favor, the motion carried.

Mr. Schoellkopf then wanted to note for the record that **Article 3, § 3.6, C (1)**, allows the Board to grant the requested setback reduction as long as the reduction meets all conditional use standards set forth in Article 5.

Article 5, Conditional Use Standards
§ 5.3 (A), General Standards

MOTION by Mr. Behn that items 1 through 5 of § 5.3 are either satisfied or not applicable to this application. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, motion carried.

§ 5.3 (B), Specific Standards

DISCUSSION: Mr. Markolf asked what the plan was for the color of the structure. Mr. Rood stated that he had yet to have a discussion with the owner regarding color, but that conditioning the permit to have the structure in earth tones was not a problem. Mr. Behn asked if there was to be any lighting. Mr. Rood said yes, placed up inside the roof, thus downlighting, which does conform to the ordinance.

MOTION by Mr. Markolf that § 5.3 (B) is satisfied subject to the color of the gazebo be of a muted earth tone hue, that the roof be non-reflective, and that the landscaping be in keeping with the surrounding vegetation. In addition, the lighting is to be in conformance with the current lighting ordinance. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion carried.

It was determined that § 9.6, Variance, was not required since the setback variance requested was allowed under § 3.6 (C) 1.

MOTION by Mr. Markolf to grant the applicant's conditional use request. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion carried.

V. Other Business

Minutes from April 6, 2005 & April 13, 2005, were signed with the exception of Mr. Monte's signature.

The meeting was adjourned at 8:42pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant


David Markolf date

 05-25-05
Chris Behn date

 5/25/05
Lenord Robinson date

Jeff Schoellkopf date

 5/25/05
Virginia Roth date

