

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
JANUARY 21, 2004**

**MEMBERS PRESENT:** Peter Monte, Chair, David Markolf, Vice Chair, Eric Brattstrom, Lenord Robinson & Chris Behn.

**OTHERS PRESENT:** Sue Carter, Alice Cheney, Rudy Elliott, Ron Zschaler, Jason Lisai, Bob Ackland, Margo Wade, Michael Kroposki, Miron Malboeuf, Shannon Hill, DRB/PC Assistant.

**AGENDA:** 1) 7:30 Call to Order  
2) Geiser - Conditional Use for an accessory dwelling  
3) Lincoln Peak Lodge - PUD/Subdivision Amendment Continuation  
4) Town Hall Lighted Directional Sign - Conditional Use  
5) Review/Sign of Minutes & Decisions  
a) Minutes January 7, 2004  
b) Lodge at Lincoln Peak Amendment Notice of Decision  
c) Reilly Notice of Decision

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**I. CALL TO ORDER**

Mr. Monte called the meeting to order at 7:30 PM.

**II. GEISER CONDITIONAL USE FOR AN ACCESSORY DWELLING**

Application #2003-110-CU Submitted by Matt Groom on behalf of Theodore Geiser requesting approval for a residential addition and an accessory dwelling. The 1.5 +/- acre parcel is located on Wildfire Drive in the Rural Residential District. The project requires review under Article 5, Development Review, of the *Warren Land Use & Development Regulations*.

**STAFF REPORT**

A site visit was conducted on January 17, 2004. Present at the site visit were DRB board members Peter Monte, David Markolf, Eric Brattstrom, Chris Behn as well as Matt Groom, Ted Geiser and Shannon Hill, DRB/PC Assistant. During the site visit the board discussed the location of the garage/apartment, the setbacks from the property adjoiners and the size of the accessory dwelling in relation to the main dwelling.

**PUBLIC INPUT**

There was no public input.

**GENERAL DISCUSSION**

Matt Groom presented the proposed project. He explained that the project entails adding onto the existing dwelling to make up 2,346 ft<sup>2</sup> for the main dwelling (including the garage space) and a 743ft<sup>2</sup> accessory dwelling. The main dwelling will have three bedrooms and the apartment will have one bedroom, making up a total of four bedrooms on the property.

The applicant received a septic disposal system design from Gunnar MacCain, but has not yet received a health permit from the Town of Warren or the state.

The driveway turnaround is located 13 ½ ft from the southern property boundary.

The board discussed whether the garage area should be included with the main dwelling. According to the town of Warren Land Use & Development Regulations, the accessory dwelling cannot be greater than 1000 ft<sup>2</sup> or 40% of the main dwelling, whichever is less. Mr. Monte read the state statute §4406 (D)(ii) which describes the area of the main dwelling used in the calculation as "living area". Based on the state statute definition the board decided the garage area should not be included in the area of the main dwelling.

In order for the board to permit an accessory dwelling of 743ft<sup>2</sup>, the main dwelling would need to be 1,856 ft<sup>2</sup>.

Mr. Groom explained that portions of the garage will be used for a stairway, a bump out entertainment center from the living room, a utility room and a workbench. He feels that these uses would constitute finished living area and should be included in the area of the main dwelling. He also explained that the garage will be heated and insulated.

Main dwelling without garage: 1603 ft<sup>2</sup>

The board recalculated the main living space to include the following items:

70 ft<sup>2</sup> utility room off basement

60 ft<sup>2</sup> staircase

42 ft<sup>2</sup> locked ski closet in the square footage of the main dwelling. Therefore the size of the main dwelling is 1858 ft<sup>2</sup>.

#### DELIBERATION/DECISION

**MOTION by Mr. Monte, seconded by Mr. Markolf, to require the applicant to submit an amended floor plan to include a finished locked ski closet in a portion of the garage that is not less than 42 ft<sup>2</sup> in area and will be used by the occupants of the main dwelling. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte, seconded by Mr. Markolf, that the accessory dwelling and the main dwelling must remain in common ownership. The ownership cannot be severed without prior approval by the Development Review Board. VOTE: unanimous; motion carried.**

**MOTION by Mr. Behn, seconded by Mr. Markolf, pursuant to §5.3 (A) (1), (2), (3) & (5) that the proposed development will not adversely effect the capacity of existing or planned community facilities or services, character of the neighborhood or area effected, traffic on roads and highways in the vicinity and the utilization of renewable resources. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf seconded by Mr. Behn, pursuant to §5.3 (A)(4) that the applicant must obtain all applicable state and local permits, including a local wastewater disposal system permit for four bedrooms. VOTE: unanimous; motion carried.**

**MOTION by Mr. Markolf seconded by Mr. Behn, pursuant to §5.3 (A) (4) that the**

proposed development satisfies, subject to conditions contained herein, the criteria for bylaws now in effect. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf seconded by Mr. Robinson, pursuant to §5.3 (B) (1) thru (11) that the proposed development either satisfies or is not applicable to the criteria for building design, traffic circulation and access, bicycle and pedestrian access, parking and service area, outdoor storage and display, landscaping and screening, protection of natural resources, erosion control, surface water protection, lighting and performance standards. VOTE: unanimous; motion carried.

MOTION by Mr. Monte seconded by Mr. Markolf, that the applicant must submit to the DRB within 10 days elevations of the proposed structure with dimensions indicating the maximum height. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf seconded by Mr. Brattstrom, to approve the application, subject to the conditions contained herein. VOTE: unanimous; motion carried.

### III. LODGE AT LINCOLN PEAK PERMIT AMENDMENT

Application #2002-01-CU-AM and #2002-14-PUD-AM submitted by Summit Ventures NE, LLC (d/b/a Sugarbush Resort) requesting an amendment to a prior Conditional Use/Subdivision and Planned Unit Development decision for the Lodge at Lincoln Peak. The project requires review by the DRB under Article 5 – Development Review, Articles 6 & 7 – Subdivision Review and Articles 8 – Planned Unit Development Review of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

#### STAFF REPORT

Ms. Hill noted that she received an e-mail from David Blyth, the Mountainside attorney, who would not be submitting any comments regarding the Lodge at Lincoln Peak permit amendment. The board did receive written comments from Michael Kroposki and Ron Zschaler.

#### PUBLIC INPUT

Mr. Kroposki raised the following concerns:

- Are there any parking spaces allocated for the owners club in the Lodge?
- How can the Lodge increase by 10,000 ft<sup>2</sup> with no more parking spaces required?
- The employee parking lot is not within 300' of the Lodge as required by §3.10 (A)(1) of Warren zoning
- An easement is recorded in the Warren vault giving the Lodge deeded rights to park in lots E & F. These lots are first come first serve between skiers and people staying at the Lodge. The only exclusive parking for the Lodge is the underground parking area. §3.10 states that parking should be exclusive.

Mr. Zschaler explained that some of his concerns were discussed by Mr. Kroposki. One additional concern he had was that the underground parking spaces do not meet the required minimum size of 9' by 22' in §3.10 (A)(1) of the Warren zoning regulations. He believes that if visitors are allowed to park their own cars in the underground parking that it will put

additional stress on the Village Parking Lot. He feels that if people are coming and going from the Lodge that they will not want to use the valet parking. He further noted that the Lodge has no deeded rights for the employees to park at the 22 acre site.

#### GENERAL DISCUSSION

Mr. Lisai addressed the public's concerns. He stated that the increase in the Lodge square footage has been allocated for services to operate the facility such as house keeping and kitchens. These service areas do not require additional parking spaces. He feels that the employee parking was discussed at length during the last permit hearings and since the proposal has not changed the issue does not need to be discussed again. The applicant is opposed to allocating Parking Lot D for the Lodge parking because it is slated as green space during the summer.

The board determined the proposed parking to be as follows:

193 spaces in lots E & F

139 spaces in the underground parking

90 spaces at the 22 acre site for employee parking

TOTAL SPACES: 422 Spaces

According to Exhibit 27 the total parking required for the Lodge is 446 spaces, a shortfall of 24 spaces. Ms. Wade explained that there is a lot of shared use built into the 446 parking spaces. This number assumes that all facilities are at full capacity and there is no overlap of users within the Lodge (ie staying at the Lodge and using the restaurant). She also noted that the DRB has the authority to waive parking requirements under §3.10(c).

The board believes that it is better to have the existing parking scheme and have it be stressed from time to time than to create more parking areas. However, they think that the Lodge should have deeded shared parking between the resort and the Lodge for the amount of parking that is required by the regulations.

The board waived the following parking requirements for the Lodge at Lincoln Peak:

- Pursuant to §3.10(c)(5) the board waived the requirement for the parking to be within 300 feet of the Lodge
- Pursuant to §3.10(c)(2) the board waived the requirement for exclusive use of parking spaces
- Pursuant to §3.10(c)(5) the board waived the dimensional requirements for the underground parking

The board believes it would be difficult to place a condition on the Lodge permit requiring valet parking at a specific resort capacity. They discussed having a certain level of occupancy trigger valet parking. Mr. Malboeuf, the Zoning Administrator, stated that the zoning administrator is not a traffic cop and that such a condition would make the permit very difficult to enforce. The DRB ultimately decided not to impose a condition for valet parking and to rely on the business compulsion of the lodge management to provide adequate and orderly parking.

Mr. Kroposki believes the zoning regulations clearly state that there is a public interest in exclusive parking for a business. He objects to the DRB waiving some of the parking requirements and believes they are taking the wrong approach.

Mr. Markolf noted that the Warren Fire Department would like to review the revised plans for the Lodge. They are particularly interested in reviewing the underground parking and any other changes made to the Lodge design that may affect fire safety.

Mr. Lisai explained that he had met with Mr. Malboeuf to discuss the amount of the bond. He noted that according to condition #6 of the Lodge Decision #2002-14-PUD & 2002-01-CU that the parking areas are covered by the bond. He believes that it is inappropriate for the bond to cover the parking areas since this work could be considered normal maintenance. The board decided that the public has an interest in the parking lots being constructed using proper erosion control and therefore they elected to leave the condition as stated.

Mr. Lisai also noted that the wastewater system is listed as being covered by the bond. Since the wastewater system was permitted under a separate decision, it should not have been listed in the Lodge decision as being covered by the bond. Therefore, the board decided the wastewater management work is not covered by the bond.

Mr. Lisai further noted that Pizzagalli & Markowski, the Lodge contractors, will both have performance bonds for the project. Mr. Monte suggested the applicant determine if Pizzagalli & Markowski could list the Town of Warren as an insured party on the bond. This would satisfy the Town of Warren bond requirement. Mr. Malboeuf stated that he would accept a bond from Pizzagalli & Markowski with the Town of Warren named as a beneficiary.

Mrs. Wade submitted a new bound document containing the updated information.

#### DELIBERATION/DECISION

**MOTION by Mr. Monte seconded by Mr. Markolf, that Sugarbush must record a deed in the Warren vault allowing shared parking between Sugarbush Resort and the Lodge in Parking Lot C. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte seconded by Mr. Markolf, that within ten days of this hearing the applicant must meet with the Warren Fire Department and review the changes to the Lodge at Lincoln Peak. The Fire Department will have ten days after reviewing the plans to submit written findings to the Development Review Board. The hearings will be reopened at the Fire Departments request. VOTE: unanimous; motion carried.**

**MOTION by Mr. Monte seconded by Mr. Behn, to approve the Lodge at Lincoln Peak permit amendment, subject to the conditions contained herein, for application #2002-01-CU-AM and #2002-14-PUD-AM submitted by Summit Ventures NE, LLC (d/b/a Sugarbush Resort) requesting an amendment to a prior Conditional Use/Subdivision and Planned Unit Development decision for the Lodge at Lincoln Peak VOTE: unanimous; motion carried.**

**IV. TOWN OF WARREN – LIGHTED DIRECTIONAL SIGN**

Application #2003-103-CU submitted by the Town of Warren on behalf of Carl Lobel requesting approval to construct a lighted sign just south of the Town Hall. The proposed sign is intended to discourage visitors to the town hall from parking in Carl Lobel's driveway. The property is located on Main Street in the Warren Village Historic Residential District. The project requires review under Article 5, Development Review, of the *Warren Land Use & Development Regulations*.

**GENERAL DISCUSSION**

The board decided to continue the Lobel hearing to the next available date due to the late hour.

**MOTION by Mr. Monte seconded by Mr. Markolf, to continue the Lobel hearing to March 3, 2004 at 7:30 PM. VOTE: unanimous; motion carried.**

**V. OTHER BUSINESS**

a) Approval of meeting minutes

**MOTION by Mr. Monte, seconded by Mr. Behn, to approve the minutes from January 7, 2004 as corrected/amended. VOTE: unanimous; motion carried.**

**VI. ADJOURNMENT**

**MOTION by Mr. Brattstrom, seconded by Mr. Behn, to adjourn the meeting. VOTE: unanimous; motion carried.**

The meeting adjourned at 10:00 PM.

Respectfully submitted,  
Shannon M. Hill  
DRB/PC Assistant

**DEVELOPMENT REVIEW BOARD**

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Peter Monte (date)

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David Markolf (date)

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Chris Behn (date)

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Lenord Robinson (date)

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Eric Brattstrom (date)