

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
FEBRUARY 4, 2004**

MEMBERS PRESENT: David Markolf, Vice Chair, Eric Brattstrom & Lenord Robinson

OTHERS PRESENT: Jason Heroux, Carl Senor, Bruce Fowler, Dave Olenick, Kathy and Frank Partch, Dick and Diane Palmer, Shannon Hill, DRB/PC Assistant.

- AGENDA:**
- 1) 7:00 Call to Order
 - 2) Heroux 2-Lot Subdivision on Senor Road
 - 3) 7:30 Sugartree Inn Informal Discussion
 - 4) Review Trusova – Alpaca Farm PRD Mylar
 - 5) Signing of Minutes & Decisions
 - a) Review Minutes 1/21/04
 - b) Discuss Geiser Decision & Updated Plans

I. CALL TO ORDER

Mr. Markolf called the meeting to order at 7:05 PM.

II. HEROUX 2-LOT SUBDIVISION ON SENOR ROAD

#2003-09-SD submitted by Riverwatch Real Estate seeking approval of a 2-Lot subdivision of 12.6 +/- acres into Lot 1A (8.5 +/-) and Lot 1B (4.3 +/-). The property is located on Senor Road in the Rural Residential District with a portion of the property in the Meadowland Overlay District. The subdivision requires review under Article 6, *Subdivision Review*, & Article 7, *Subdivision Standards*, of the *Warren Land Use & Development Regulations*.

STAFF REPORT

Mr. Markolf read the legal warning which ran in the Vermont Journal on January 14, 2004. He noted that the hearing was continued from January 7, 2004 and re-warned because the meadowland on the property was not mentioned in the original warning. Mr. Robinson was not at the initial hearing, however he reviewed the minutes and a plan prior to tonight's hearing.

GENERAL DISCUSSION

Mr. Heroux submitted a new site plan indicating the location of the designated meadowland as well as the 100' setback from the river. The house was shown outside of these boundaries.

Mr. Heroux stated that the sugar house will be removed to improve the sight distance and he will get a curb-cut permit for the access off Senor Road from the warren Selectboard.

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, to approve the subdivision, subject to the conditions placed on the project during the January 7, 2004 hearing. VOTE: unanimous; motion carried.

PUBLIC INPUT

After the board approved the Heroux 2-Lot subdivision and the applicant left the meeting a property adjoiner, Bruce Fowler, arrived. He explained that one of the other property adjoners had the right of first refusal on the 26 +/- acre parcel, but did not buy it because they were told they could not develop the property. He also expressed concern that his spring that runs from the Senor property, across the road and through the Heroux property has stopped working. He believes that the heavy equipment used recently on the Heroux property has crushed the spring line. He testified that he has lived at the property for 20 years and never had a problem with the spring before.

Mr. Markolf explained to Mr. Fowler that these are not issues that the DRB has jurisdiction over. The board explained that the prior subdivision approval for the property had as a condition of the permit that Mr. Heroux locate and protect the spring line. They stated that if Mr. Fowler believes the line has not been protected than he should find some evidence and contact the zoning administrator. As far as the right of first refusal and development of the property is concerned, the board explained that if those were verbal agreements and not recorded in the vault that they have no bearing on the town permitting process.

III. SUGARTREE INN INFORMAL DISCUSSION

Mr. Olenick came before the board for an informal discussion to review an application he submitted on behalf of Frank and Kathleen Partsch seeking conditional use approval for a public restaurant at the Sugartree Inn.

STAFF REPORT

Ms. Hill noted that she had scheduled a site visit for February 14, 2004 at 10AM and that the warned hearing is scheduled for February 18, 2004 at 7:30 PM.

Ms. Hill also explained that she had researched the existing permits on the property and the only zoning permit she found was for the construction of the gazebo within the property boundary setback. Therefore, the Inn is a preexisting use that has never been permitted.

GENERAL DISCUSSION

Mr. Olenick described the proposed project. He explained that the applicant is not proposing any interior or exterior renovations. The Inn has an existing 25 seat dining room that is used to serve the Inn guests. They would like to open up the existing restaurant to the public. He explained that they have completed the parking calculations and they are short one or two parking spaces. The applicant explained that they upgraded their septic system last year and they have all of the wastewater disposal system permits for the town and the state.

Mr. Markolf requested the applicant write out the parking calculations and describe how they came up with that figure. The board noticed that on the site plan a corner of the house is on the adjoining property. The applicant explained that they have an easement from the

adjoining property owner for the corner off the building. The board requested the applicant submit a copy of the easement for the file.

The board was concerned about adequate parking and traffic safety. It was noted that the existing curb cut does not have much sight distance onto the Sugarbush Access Road. The board questioned whether the existing curb cut could be closed and the applicant could share the Rosita's access. The applicant noted that they would look into this option, but that they did not know what Steve Fowler, the owner of Rosita's, was planning to do with his property. They believe that Mr. Fowler may be opposed to sharing the access because it may restrict the use of his property in the future.

The applicant explained they do not anticipate any change to the existing sign and that deliveries would not change.

IV. REVIEW TRUSOVA MYLAR PLAT

The board reviewed, approved and signed the Trusova Mylar Plat.

V. OTHER BUSINESS

a) Approval of meeting minutes

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

b) Discuss Geiser Updated Plans

The board received the following updated plans:

- 8 1/2" by 11" Summary Sheet
- 8 1/2" by 11" second floor plan
- 8 1/2" by 11" first floor plan
- 8 1/2" by 11" basement floor plan
- 8 1/2" by 11" South elevation
- 8 1/2" by 11" East elevation
- 8 1/2" by 11" West elevation
- 8 1/2" by 11" North elevation

Ms. Hill explained that she had received updated plans and calculations from Matt Groom, the Geiser's representative. It turns out the original calculations Mr. Groom submitted did not include the finished basement and that the total square footage of the main dwelling will be 2,328 ft². Therefore, 40% of the main dwelling would allow them to build a 952 ft² accessory dwelling on the property. The accessory dwelling they are proposing is 758 ft². Due to the error in calculations, the board placed conditions on the project that would require the Geiser's to finish part of their garage. Now, with the accurate calculations, that will not be necessary to comply with the zoning regulations for accessory dwelling which dictate that an accessory dwelling must be 1000 ft² or 40% of the main dwelling, whichever is less.

The board decided that since the applicant does not need to finish off part of the garage to comply with the zoning regulations that they would remove the conditions from the Notice of Decision.

c) Lodge at Lincoln Peak Meeting with the Fire Department

Mr. Markolf reported that the fire department had met with Sugarbush Resort staff regarding the Lodge at Lincoln Peak permit amendment. During the hearing the following concerns were discussed:

- 1) The fire department would like Sugarbush to clarify whether the fan system in the underground parking garage is intake, exhaust or capable of both.
- 2) The fire department is concerned about the consolidation of fuel sources created by the valet parking. They question whether the proposed sprinkler heads, water pipes and pressure are adequate for the parking garage sprinkler system.
- 3) The fire department would like clarification on where the entrance and emergency access to the kitchen is within the Lodge.
- 4) The fire department would like the Lodge gas lines piping to be installed in a fashion that zones (areas within the Lodge) could be independently turned off within the building.

VI. ADJOURNMENT

MOTION by Mr. Robinson, seconded by Mr. Markolf, to adjourn the meeting.

VOTE: unanimous; motion carried.

The meeting adjourned at 8:30 PM.

Respectfully submitted,
Shannon M. Hill
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

David Markolf (date)

Lenord Robinson (date)

Eric Brattstrom (date)