

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
FEBRUARY 18, 2004**

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

OTHERS PRESENT: Kathy and Frank Partch, Dick and Diane Palmer, Real Estate Agent, Dave Olenick, Graham and Maxine Hewison, Paul & Victoria Eardensohn, Paul Gutierrez, Warren Land Co; Lauren Kolitch, legal representation for Ms. Bren, Robin Bren, an Eardensohn property adjoiner; Mark Bannon, the Eardensohn engineer; Shannon Hill, DRB/PC Assistant.

- AGENDA:**
- 1) 7:30 Call to Order
 - 2) 7:30 Sugartree Inn – Conditional Use for a Restaurant
 - 3) 8:15 Warren Land Co. Informal Discussion – 5 Lot PRD on the Sugarbush Access Road
 - 4) 8:30 Eardensohn 4-Lot Subdivision Continuation
 - 5) Lodge at Lincoln Peak
 - a) Discuss Michael Kroposki’s Lodge at Lincoln Peak comments
 - b) Discuss bound document and Mylar recording requirements
 - 6) Signing of Minutes & Decisions
 - a) Sign Minutes from January 21, 2004 & February 4, 2004.
 - b) Review Geiser Notice of Decision for an accessory dwelling
 - c) Review Heroux Notice of Decision for a 2-Lot Subdivision
 - d) Review Notice of Decision for the Lodge at Lincoln Peak

I. CALL TO ORDER

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

II. SUGARTREE INN – CONDITIONAL USE FOR A RESTAURANT

Application #2004-03-CU submitted by Graham Hewison on behalf of Frank and Kathleen Partsch seeking conditional use approval for a public restaurant at the Sugartree Inn. The property is located on the north side of the Sugarbush Access Road in the Vacation Residential District. This project requires Conditional Use Review under Article 5, Development Review, of the Warren *Land Use and Development Regulations*.

STAFF REPORT

Mr. Brattstrom recused himself from hearing the Sugartree Inn Conditional Use application. He explained that being fellow Inn keepers they were friendly and he did not feel comfortable sitting on the board.

Legal Warning for this hearing ran on February 3, 2004 in the Times Argus and on February 4, 2004 in the Vermont Journal.

A site visit was conducted on February 14, 2004. Present at the site visit were board members Peter Monte and Dave Markolf. Others present were David Olenick, representing the potential buyers of the Inn and applicants and Frank Partch, the current owner of the

Inn. During the site visit the board discussed the number of parking spaces, site distance from the curb cut on the Sugarbush Access Road as well as recommended some potential solutions to the parking and sight distance problem. It was determined during the site visit that the Inn would require 18.25 parking spaces. This number was determined as follows:

- 2 parking spaces for the house (the two people living in the house would double as employees for the Inn, therefore they do not require double the parking to be residents & employees)
- 1 parking space for an additional employee at the Inn
- 6.25 parking spaces for the 25 seats in the restaurant
- 9 parking spaces for the sleeping units, one for each of the nine rooms

However, in the proposed configuration there are only 17 parking spaces.

Mr. Monte and Mr. Markolf made the following suggestions to the applicant regarding the parking and traffic issues:

1. Mr. Monte suggested the applicant call around to other Inn's who operate public restaurants and determine what % of the guest eats dinner at the Inn. They explained that this information may help the DRB waive parking spaces by providing evidence that there is overlapping use within the building and therefore would not require as many parking spaces.
2. The two board members encouraged the applicant to look into moving the existing curb cut to the South West to increase the sight distance for people turning left out of the parking area and onto the Sugarbush Access Road. They explained that the access could be moved to the south west and have the driveway curve right, past the gazebo and up to the upper parking lot. The board members believed the applicant may be able to maintain the same number of parking spaces with this configuration as they are proposing in the plans.
3. If all else fails, the board members recommended a "No Left Turn" or "Right Turn Only" sign for people turning onto the Sugarbush Access Road.

The applicant explained that the driveway through his property that leads to the Rosita's restaurant is a deeded Right of Way. He was not sure, but believed that Sugarbush Resort may also have rights to the Right of Way. Therefore, he would need permission from anyone who has deeded access through the Right of Way to relocate it. The board asked him to look into it.

GENERAL DISCUSSION

Mr. Olenick represented the project on behalf of the applicant, Graham and Maxine Hewison, who is interested in purchasing the Sugartree Inn. As requested during the site visit, Mr. Olenick researched the Right of Way through the property. He explained that the only beneficiaries to the Right of Way are the owners of Rosita's restaurant and The Sugartree Inn. Sugarbush does not have any claim to the Right of Way. He noted that Mark Bannon, a Profession Engineer, had looked at the sight distance on the Sugarbush Access Road.

In a memo from Mr. Bannon, he stated that he measured the sight distances at the existing and proposed Sugartree Inn drives. The results indicate the following:

Existing:

Looking East toward Deli: 165'

Looking West toward the Bridges: 350'

Proposed:

Looking East toward Deli: 200'

Looking West toward the Bridges: 400'

The posted speed appears to be 40 mph.

VTrans Standards for Residential or Commercial Drives for posted 40 mph:

Minimum stopping Sight Distance: 275'

Minimum corner sight distance: 440'

Advance warning signs are required if obtainable corner sight distances are below minimum stopping sight distances.

Therefore, the sight distance looking east toward the Paradise Deli would increase by 35', but still not meet the standard for VTrans Standards for Residential or Commercial Drives at a speed limit of 40 mph.

Mr. Olenick noted that while relocating the drive is an option, they cannot do it without the permission of Steve Fowler, the owner of Rosita's.

Mr. Partch noted that he had called around to other Inn's to ask how many of the guest eat dinner at the restaurant. He stated the following results:

Weathertop: 50% eat in house

1824 House: 80-90% eat in house

Mill Brook: 60% in the summer eat in house, 100% in the winter because they only sell packages including meals.

Mr. Partch explained that currently the restaurant only has 16-17 seats, but they have a permit from the state for 25 seats. He further explained that they are technically short 1-2 spaces (depending how you round the calculation). However, since a majority of the guests will likely be eating in the restaurant they should not need all 18.25 spaces. The applicant requested the board waive the two parking spaces and allow the applicant to have 17, as shown on the proposed plans.

Mr. Partch testified that Mr. Fowler, the adjoining property owner of Rosita's, is not willing to work on combining the access or changing the Right of Way until he has decided how he would like to use his property. Mr. Partch explained that they would be happy to have a condition on the permit that once Mr. Fowler comes in to the DRB for a change of use that the owners of the Sugartree Inn would be required to attend the hearings and work with the board and Mr. Fowler to resolve the parking and safety concerns raised by the board.

The board believes that, if it is designed properly, the applicant will not lose parking spaces by relocating the access to the South West. They feel safety is more important than the number of parking spaces.

The potential owners of the property Graham and Maxine Hewison, explained that they are from England and would operate the restaurant as an English Tea Room from approximately 3-6PM. They would like the option of having the restaurant open for dinner a few days a week. They feel that the board is overreacting about the safety concern and stated that there have been no accidents due to the short sight distance on the Sugarbush Access Road.

The applicant explained that the Hewison's have signed a contract and sale agreement that has a stipulation that they obtain the conditional use permit for the public restaurant.

Mr. Olenick recommended mirrors on the opposite side of the road to see around the corner of the Sugarbush Access Road. Mr. Markolf does not believe that mirror's would help.

The board discussed criteria #5.3(A)(3) of the Town of Warren Land Use & Development Regulations that states that the board cannot approve a project that would create unsafe conditions on roads. Although the Inn is a preexisting use, the applicant is requesting an increased use of an unsafe curb cut. The board feels that they cannot increase the use of an unsafe curb cut, regardless of how long it has been there for. Therefore they were not willing to grant the permit with the existing curb cut location.

MOTION by Mr. Markolf, to continue the hearing to a date certain and request the adjoining land owner, Steve Fowler, come to the meeting to discuss his possible use of the Right of Way through the Sugartree Inn property. The motion was withdrawn after some discussion.

Mr. Partch, the owner of the Sugartree Inn explained that the board is placing a great hardship on them. On the one hand they cannot sell their property without this approval. The board will not grant the approval without relocating the curb cut. However, they cannot relocate the curb cut without the permission of the adjoining land owner. The adjoining land owner has already stated he will not grant approval until he knows what he wants to use his property for. They feel like they are in a no-win situation.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Behn, pursuant to §5.3 (A)(1&2) that the proposed use of the property will not adversely affect the capacity of existing or planned community facilities or services or the character of the neighborhood or area affected. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3 (A)(3) that the road will be relocated such that the curb cut is on the southwestern corner of the southern parcel and that the existing curb cut shall be discontinued. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §5.3 (A)(3) that based on the conditions contained herein that the proposed use of the property satisfies the criteria for traffic on roads and highways in the vicinity. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, pursuant to §5.3 (A)(4&5) that the proposed use satisfies the criteria for bylaws now in effect and the utilization of renewable energy resources. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3 (B)(1) that the proposed use is not applicable to the standards for building design. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3 (B)(2) that because of the likelihood that guests will eat in the restaurant, therefore reducing the stress on parking spaces, the board grant the waiver of four parking spaces. The applicant must maintain a minimum of fourteen parking spaces. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §5.3 (B)(2) that based on the conditions contained herein, the project satisfies the criteria for traffic circulation and access. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn, pursuant to §5.3 (B)(3) that the proposed use is not applicable to the criteria for bicycle and pedestrian access. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, pursuant to §5.3 (B)(4) that based on the conditions contained herein, the project satisfies the criteria for parking and service areas. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, pursuant to §5.3 (B)(5 thru 11) that the proposed use is not applicable to the criteria for outdoor storage and display, landscape 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. Robinson, to approve the permit subject to the conditions contained herein as well as the following conditions:

- 1) A new site plan must be submitted to the DRB by June 1, 2004 indicating the new access and parking configuration.**
- 2) The restaurant may not open to the public until the board has approved the site plan and the reconfigured curb cut and parking configuration has been established. VOTE: unanimous; motion carried.**

The board informed the applicant that to meet the requirements of this zoning permit, the applicant must obtain approval by the Warren Selectboard for the relocated curb-cut.

III. WARREN LAND COMPANY – INFORMAL DISCUSSION

Paul Gutierrez came before the board to informally discuss the Warren Land Company's plans to develop 23 +/- acres on the Tishman Road. He explained they have enough septic capacity for eight homes, but felt the property only lent itself to 5 suitable house sites. He noted that portions of the property are steep, and that the house sites are located on approximately 15-20% slopes. The road accessing the upper properties will traverse through slopes greater than 25%, but will be graded to meet the 15% slope requirement.

The board recommended the Warren Land Company include the following information when they submit a formal application:

- Indicate building envelopes for each house site, avoiding sloped >25%
- Notify the Fire Department and set up a meeting to discuss emergency access to the lots
- Condominium/Restrictive Covenant Documents outlining the maintenance agreements for the road and wastewater disposal system
- Indicate extent of clearing limits for each lot
- Phasing Schedule for the development
- Statement indicating the impact on the municipal services as well as the school

The board discussed the prior Long Associates Subdivision. They recalled there being some issue surrounding the width of Tishman Road. They suggested the Warren Land Company look into the prior subdivision and make sure the project meets all of the conditions. Ms. Hill noted that she would look into the prior subdivision before the formally warned hearing.

IV. EARDENSOHN – 4 LOT SUBDIVISION HEARING CONTINUATION

Application #2003-09-SD submitted by Victoria Gadd Eardensohn requesting approval of a four lot subdivision of 16.6 +/- acres into Lot 1 (2.2 +/-), Lot 2 (3.0 +/-), Lot 3 (5.1 +/-) and Lot 4 (6.3 +/- acres). The property is located on the corner of German Flats and Sugarbush Woods Road in the Vacation Residential District. The subdivision requires review under Article 6, Subdivision Review, & Article 7, Subdivision Standards, of the Warren Land Use & Development Regulations.

STAFF REPORT

This hearing is a continuation from January 7, 2004. Mr. Markolf submitted a letter of support for the subdivision from the Warren Fire Department.

APPLICANTS COMMENTS

Mark Bannon, and Victoria and Paul Eardensohn came before the board to discuss their proposed 4-lot subdivision. Mr. Bannon explained that they met with the Warren Volunteer Fire Department twice and modified the plan according to their recommendations. The fire department conditioned their approval on the applicant reducing the grade on the upper portion of Sugarbush Woods Road. If the applicant cannot

reduce the grade of the road due to ledge or some other unforeseen circumstance than the houses on the two upper lots must have sprinkler systems installed.

The DRB noted that the applicant will need permission from the Selectboard to do work on the road.

They also included the following in the plans after the last DRB meeting:

- Building Envelopes with metes and bounds
- Limits of clearing
- Indicate areas of slopes >25% and between 15-25%

Ms. Kolitch came before the board as attorney for Robin Bren, a property adjoiner. Ms. Kolitch explained the following concerns:

- 1) **SPRING**: The spring servicing the Bren family home is located on the Eardensohn property. A number of homes in the neighborhood have deeded rights to use the spring, although only approximately 6 are using it at the time. A 3,000 gallon holding tank was installed to help with low flow problems. Ms. Kolitch is concerned that the water use for the subdivision will further stress the spring used by the neighbors. She requests the board require the applicant to drill the proposed wells on the Eardensohn property and conduct a water drawdown test to prove the spring will not be effected. She would like this to be a condition of the permit. Ms. Kolitch believes the spring is considered a public water supply by the State of Vermont and does not know how many properties in the area have deeded rights to the spring. She also believes all of the property owners with deeded rights to the spring should be notified of the subdivision hearing.
- 2) **EROSION**: Ms. Kolitch explained that a logging road was built last winter near the location of the proposed driveway accessing the proposed upper two lots. According to MS. Kolitch the installation of the logging road caused flooding to a neighboring property last spring. She stated that as a result of the poor design for the logging road the Town had to come and put in culverts that divert the water under the road and is drained onto the Bren property. Ms. Kolitch would like to hire an engineer to look at the driveway and the proposed plans and determine if the proposed driveway design is adequate to protect the Bren property. Ms. Kolitch contacted a number of engineers who stated they could not give an accurate opinion on the stormwater design until the snow has melted. She requested the board bifurcate the project and continue to review the two lower two lots until she can hire an engineer to evaluate the stormwater design. She noted that Ms. Bren has no concerns about the lower lots. Ms. Kolitch believes that by denying the Bren family the option of waiting until Spring to have the plans evaluated by an engineer that the board would be encouraging people to file applications in the winter.
- 3) **AESTETICS**: Ms. Kolitch explained that the driveway accessing the upper two lots intersects the Sugarbush Woods Road directly across from the Bren house. She is concerned about the headlights from cars glaring in the Bren's windows. She recommends the board give aesthetic consideration to the project and consider conditions relating to downcast lighting, underground utilities and limits on clearing.

Mr. Bannon noted that he had been in contact with Ms. Bren in the past and had changed the plans in an attempt to accommodate her concerns. In response to Ms. Kolitch concerns, Mr. Bannon explained the following:

- 1) In reference to the spring issue, Mr. Bannon explained that the State of Vermont does not show the spring as a public water supply on their webpage. He admits that this is not conclusive proof that the spring is not a public water supply. He further explained that there could be a number of issues with the spring that are causing the water shortages, including a leak in the pipes, freezing pipes or numerous other problems. Mr. Bannon feels that the 3,000 gallon holding tank should be more than sufficient for the six homes using the spring, and if it is not then there is a problem with their system. He believes requiring the applicant to conduct a drawdown test is an excessive burden, and there is no evidence to prove the proposed wells will have any effect on the spring. He also noted that the spring and proposed wells are in different drainage basins and therefore may have different sources of water.
- 2) In response to the stormwater drainage concern brought up by Ms. Kolitch, Mr. Bannon explained the design incorporates 18" culverts, 100' apart and proposed grading that would divert most of the water to drain onto the Eardensohn property. He stated that as designed, the stormwater management system would be more than adequate for the proposed project.

Ms. Bren expressed concern about the safety of the road. She explained that her driveway is on a corner where there is not much sight distance in either direction. She noted that last winter an ambulance could not make it to her house because of the poor driving conditions. She is concerned that increasing the traffic on the road will exacerbate the safety issue.

Mr. Bannon explained that the primary access to the proposed upper lots would be on the southern side of the Sugarbush Woods Road, which is approximately 11% grade and meets the VT Agency of Transportation standards.

Mr. Monte noted that if the upper Sugarbush Woods road were the only access to the proposed lot he would not approve of the subdivision because it would be increasing the use of an already dangerous road. However, because there is the option of using the lower section of Sugarbush Woods Road he feels better about the project.

Ms. Bren also explained that between the house and the Sugarbush Woods Road to the south there is a steep stone wall that has been eroding. She has lost trees in this area over the past few years.

Mr. Bannon believes the stormwater controls will improve the situation. Mr. Eardensohn explained that the existing road leading to the proposed upper lots was built as a logging road and was not designed by an engineer. He believes that once the road is improved the stormwater management situation will improve drastically. Mr. Eardensohn also noted that there is no proof that the driveway caused the erosion on the road or the flooding of the neighbor's house. Mr. Bannon offered to include an additional drainage swale on Lot 4, parallel to and above Sugarbush Road to divert water onto the Eardensohn's property, although he does not believe it is necessary.

Mr. Behn recommended the board place a condition of the project stating that in the spring if Ms. Bren hires an engineer and finds a deficiency with the plans she has some recourse. Mr. Monte noted that that would leave an open ended decision and the applicant would not have a clear title to sell the properties.

The board took a “straw vote” to see how the majority was feeling about the application:

- Mr. Markolf stated that he is satisfied with Mr. Bannon’s plan.
- Mr. Behn feels that the plan is a well thought out and well design plan prepared by a licensed professional engineer. He noted that Mr. Bannon’s license is on the line.
- Mr. Robinson agreed this was a good plan and thought the board should proceed and approve it.
- Mr. Brattstrom feels that since there is a shallow sloped route to the Eardensohn property and since Mr. Bannon offered to include an additional drainage ditch on the driveway that he is satisfied there will be no adverse effect on the Bren property.
- Mr. Monte stated he would be inclined to give Ms. Bren the time to hire an engineer and review the designs. He also proposed Ms. Bren show the board proof that she has retained a professional engineer and a statement from the engineer backing up Ms. Kolitch’s statements about having to wait until the snow has melted to evaluate the site.

In light of the boards’ response, Ms. Kolitch explained that her client would not be satisfied if the board approved the subdivision without giving her a chance to hire an engineer and review the plans in the spring. She explained that Ms. Bren would likely appeal the decision to the Vermont Environmental Court.

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Mr. Behn, to find the application submitted by Victoria and Paul Eardensohn for a 4-Lot subdivision is complete. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson, pursuant to §7.2 (A) that the proposed subdivision satisfies the standards for character of the land. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §7.2 (B) thru (E) that the proposed subdivision satisfies the standards for conformance with the Town Plan and other regulations, compatibility with existing settlement patters, density and lot layout and establishment of a building envelope. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom pursuant to §7.2 (F) that the following areas shall be designated as no cut areas:

- 1) Lot #1 –the area designated as wetlands and within 50’ of the eastern property boundary along German Flats Road**
- 2) Lot #2 – within 50’ of the eastern property boundary along German Flats Road**
- 3) Lot #3 - within 50’ of all property boundaries**
- 4) Lot #4 – south of the berm line as indicated on the PLAT**
- 5) There shall be no cutting on any slopes > 15%**

The only exception to the no cut areas listed above are those areas within the building envelopes, shown on the final PLAT, and as necessary for the installation and maintenance of the septic, utilities, berms, driveways and drainage swales or dead and diseased trees. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §7.2 (F) that based on the conditions contained herein, the proposed subdivision satisfies the criteria for landscape and screening. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.2 (G) that the proposed subdivision is not applicable to the standards for energy conservation. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Robinson, pursuant to §7.2 (H) that the proposed subdivision is not applicable to the standards for disclosure of subsequent development plans. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, pursuant to §7.3 that the proposed subdivision satisfies the criteria for protection of primary and secondary conservation resources. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn, that as a condition of the approval, should one be granted, the applicant must submit to the board for approval the protective covenants and deeds for the shared wastewater disposal system and the shared driveways. The covenants and deeds must outline the financial responsibility for maintenance. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, pursuant to §7.4 that based on the conditions contained herein, the proposed subdivision satisfies the criteria for open space and common land. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §7.5 that the applicant must indicate an additional water diversion on Lot #4 driveway on the final Plat. Based on this condition the proposed subdivision meets the criteria for stormwater management and erosion control. VOTE: (4 yes, 1 no (PM)); motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, pursuant to §7.6 that the

proposed subdivision satisfies the criteria for municipal facilities and services, fire protection facilities, and parks and playgrounds. VOTE: unanimous; motion carried.

MOTION by Mr. Robinson, seconded by Mr. Behn, pursuant to §7.7 that based on the conditions contained herein, the proposed subdivision satisfies the criteria for roads and pedestrian access. VOTE: (4 yes, 1 no (PM)); motion carried.

The board reviewed §7.8, water supply and wastewater disposal, of the Warren Land Use & Development Regulations. The following questions arose that the board did not feel they had adequate answers to:

- 1) Is the spring that serves the Bren house, and others in the neighborhoods, designated as a public water supply by the state?
- 2) How many users have deeded rights to the spring? Mr. Bannon determined the size of the well shield for the spring based on the six known current users. Ms. Kolitch questions whether the well shield should be drawn for all of the potential users. The board does not have evidence on the record or independent technical expertise to answer this question.

The board also noted that if Ms. Bren wanted to offer evidence to support her contentions, a continuation of the hearings would offer her a chance to gather that information, or at least, to show why additional time after the next hearing would be needed for this purpose.

Due to the late hour and the unanswered questions that will require further research, the board decided to continue the hearing to a date certain.

Ms. Bren objected to continuing the hearing to March 3, 2004 explaining it cost her approximately \$900 to come up to Vermont from Virginia. She again requested the board continue the hearing to April or May so she can have a chance to hire an engineer to evaluate the stormwater design.

The board discussed continuing the hearing to March 17, 2004. The Eardensohn's are not available on March 17, 2004. The next available date was March 31, 2004. Ms. Bren stated that she could not make it back to Vermont on March 31, 2004. The board decided that since Ms. Bren would not be coming to the meeting anyway, they may as well hold it sooner rather than later and decided on March 3, 2004.

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

Ms. Kolitch objected to continuing the hearing to March 3, 2004 stating she has a heavy word load and would not be able to conduct the research she would like to within the next two weeks. The board noted her objection.

V. SUGARBUSH RESORT – LODGE AT LINCOLN PEAK PERMIT AMENDMENT

Ms. Hill distributed comments she received from Michael Kroposki on January 26, 2004 regarding the Lodge at Lincoln Peak.

MOTION by Mr. Monte, seconded by Mr. Robinson, to notify Mr. Kroposki that the record for the Lodge at Lincoln Peak permit amendment hearings was closed at the January 21, 2004 meeting. VOTE: unanimous; motion carried.

Ms. Hill also distributed the rebuttal from Mr. Lisai, Sugarbush Resort Planner, replying to the Warren Fire Departments requests as listed in the February 4, 2004 DRB minutes.

The Warren Fire Chief, Butch Hartshorn, requested the DRB include the following excerpt from a memo from the Warren Volunteer Fire Department to Jason Lisai, Sugarbush Resort Planner, in the legal record of the meeting:

“Regarding sprinklers in the parking areas of the Lodge at Lincoln Peak, you stated that the sprinkler system heads exceed state and NFPA-13 (1996) and NFPA-13 (1999). Let it go on record that we as the Warren Volunteer Fire Department still have concerns about such things as magnesium wheels and parts, hydrogen fuel cells in close quarters, etc. “

VI. OTHER BUSINESS

Due to the late hour the board decided not to conduct any other business this evening.

VII. ADJOURNMENT

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

The meeting adjourned at 11:45 PM.

Respectfully submitted,
Shannon M. Hill
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte (date)

David Markolf (date)

Chris Behn (date)

Lenord Robinson (date)

Eric Brattstrom (date)