

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
APRIL 14, 2004**

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

OTHERS PRESENT: John Vihinen, Warren Land Company; Albert Siner, Jeffrey Siner, Dexter Lefavour, Elaine and Van Nilsson, David Dion, Hoyt Barringer, Shannon Hill, DRB/PC Assistant.

AGENDA:

- 1) 7:30 PM Call meeting to Order
- 2) 7:30 PM, Warren Land Co
- 3) 8:30 PM, Lott/Barringer
- 4) Other Business
 - A) Discuss CBC Mylar PLAT filing extension
 - B) Discuss Content of Warren Webpage
 - C) Sign Minutes from March 17, 2004
 - D) Review and sign Riverwatch Construction Notice of Decision
 - E) Review and sign Lott/Barringer Notice of Decision

I. CALL TO ORDER

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

II. WARREN LAND COMPANY 6-LOT PRD

Application #2004-01-PRD submitted by Warren Land Company seeking approval for a 6 Lot Proposed Residential Development. The property is located on the North side of the Sugarbush Access Road in the Rural Residential District. This project requires review under Article 6, Subdivision Review, Article 7, Subdivision Standards, and Article 8, Planned Residential Development of the Warren Land Use and Development Regulations.

STAFF REPORT

Mr. Monte read the legal warning which ran in the Vermont Journal on February 4, 2004.

Mr. Monte also noted that a site visit was conducted on April 10, 2004. Present at the site visit was board member Peter Monte as well as the applicant, John Vihinen, adjoining property owners, Elaine and Van Nilsson, and Shannon Hill, DRB/PC Assistant. During the site visit the group walked the site, saw the proposed building locations and discussed the project.

The Nilsson's raised the following concerns:

- they believe that the house site on Lot #3 is fairly close to their property line.
- They are concerned about preserving their water supply
- the width of Tishman and Morning Star Drive, one lane road in most places

Mr. Monte requested the applicant make the area between the Nilsson's house and the proposed house on Lot #3 a no cut area and that the applicant define a specific building envelope on that lot. Mr. Monte also suggested the applicant prepare a draft condominium declaration for the shared driveway, wastewater system and common property.

Mr. Brattstrom, Mr Behn and Ms. Hill conducted a site visit on April 14, 2004 at 1:00PM. They walked the sites and Ms. Hill informed them of the discussion had during the prior

site visit. Mr. Behn noted that he would like the proposed driveway flagged. Mr. Brattstrom asked Ms. Hill to look into whether the lot contains deer-yards.

GENERAL DISCUSSION

Mr. Vihinen came before the board to present the project on behalf of the Warren Land Company. He explained the project which includes five lots of 1 to 2 acre each with the remaining land being common between the lots. He noted that he met with the Warren Fire Department who will be providing the DRB with a letter of support for the project. He explained that the Fire Department would like him to build a 50,000 gallon pond on the upper lot and have a gravity fed hydrant system.

Ms. Hill noted that on the town of Warren tax map the 23 +/- acre parcel in question in part of a larger 156 +/- acre parcel. The parcel continues on the other side of the Sugarbush Access Road, around a lot and back onto the north side of the Access Road. Ms. Hill noted that there is no subdivision on record that separates the 23 +/- acre parcel from the larger parcel. The entire lot was under common ownership until the 23 +/- acre parcel was transferred to the Warren Land Company.

Mr. Vihinen presented a deed from the Warren Land Records that indicated that in 1959 the land where the Sugarbush Access Road is was conveyed to the Town of Warren. The deed indicated that the town owns the property and it is not just a right-of-way for use of the road. The board discussed the deed and Mr. Monte noted that the Warren Land Use and Development Regulations definition of contiguous land states that a division of land by a right of way, including a town road, shall not render such and non-contiguous. However, since the Sugarbush Access Road is owned by the town and it is not a right-of-way this might make the lot non-contiguous.

Ms. Hill noted that she printed a map of the property and that it contained no deer-yards. The board was surprised the parcel was not deer-yards since they saw a lot of evidence of deer activity.

Mr. Vihinen explained that the parcel uphill of him is approximately 200 acres. He mentioned that he was told that the parcel was permanently conserved. The board requested he track down the conservation deed in the vault as proof that the parcel does not require access.

The Nilsson's voiced concern about the proximity of the house on Lot #3 to their house and the width of Tishman Road and Morning Star Drive. They requested the applicant maintain at least 40 foot no cut area between their property line and the house on Lot#3.

Ms. Hill distributed a packet of information from the 2 prior subdivisions referred to as the 1995 Leinbach 4-Lot subdivision and the 2000 Reynells 2-Lot Subdivision. It was noted that during the Leinbach subdivision the Planning Commission made a finding that "*the proposed road maintenance agreement will provide access to four Leinbach sites, one Long Associates site on the 5-acre parcel and four Long Associates lots on the 23-acre plus the existing Leinbach residents. Limit: 10 houses.*"

The board reviewed the driveway location and notices that it crosses slopes in excess of 25% slope. They explained to the applicant that development on slopes in excess of 15% is a conditional use and must be reviewed under Article 5 of the Warren Land Use and

Development Regulations. Mr. Monte suggested that due to the sensitivity of the parcel that the condominium documents may contain some language about perpetual maintenance of erosion control for the driveway.

Mr. Vihinen noted that each property owner will be responsible for the installation of their well and septic system. When he installs the driveways he will run pipes along the side for all of the utilities. Mr. Vihinen further noted that above the cul-de-sac the driveway was designed to curve away from the house sites because the slope is less and the area closer to the houses is wet and may be used for the fire pond location.

Mr. Behn believes that developing Lot #3 is marginal. The board agreed that the entire site is fragile and must be developed carefully with attention to steep slopes, shallow soils and visibility from other areas within the valley.

Mr. Vihinen showed the board and neighbors the elevations for the proposed post and beam houses.

The board, applicant and neighbors discussed the status of Tishman Road and Morning Star Drive. The board believes the road is inadequate and would like the applicant to work with the other residents of the roads to come up with a solution. Mr. Markolf noted that he remembers the fire department requiring turn-offs and widening of the road during one of the prior subdivisions. He requested Ms. Hill look into it before the next meeting.

The board requested the applicant provide the following information:

- building envelopes
- designated no-cut areas
- draft condominium declaration for the shared driveway, wastewater system and common property
- erosion control plan
- engineered road design
- conservation easement or deed for the Smith property

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Mr. Behn, to deem the application complete and classify the application a major subdivision. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Monte, to continue the hearing to May 12, 2004 at 7:30 PM. VOTE: unanimous; motion carried.

III. LOTT/BARRINGER – CONDITIONAL US REVIEW FOR AN ACCESSORY DWELLING #2004-07-CU-AM submitted by Hoyt and Nancy Barringer on behalf of Rosalie Wecksler and Andrew Lott seeking to amend their prior conditional use approval for a Cottage Industry to include an accessory dwelling within the main house. The property is 28+/- acres located on Cold Spring Road in the Rural Residential District with a portion of the lot in the Meadowland Overlay District. This project requires Conditional Use Review under Article 5, *Development Review* of the Town of Warren Land Use and Development Regulations.

STAFF REPORT

Ms. Hill noted that after the hearing on March 17, 2004 where the DRB granted approval for a Cottage Industry on the Lott/Barringer property that Mr. Barringer contacted her to explain that he would like to retain use of the accessory dwelling. During the hearing on March 17, 2004 Mr. Barringer explained that he would not be using the accessory dwelling and therefore the board did not consider the impact of the apartment on the overall project. Mr. Hill explained to Mr. Barringer that he would need to come back to the DRB to re-instate the use of the accessory dwelling.

GENERAL DISCUSSION

Mr. Barringer and Mr. Dion came before the board to present the project. Mr. Barringer explained that the accessory dwelling is 616 ft², and that the main dwelling is 6,017 ft². Mr. Barringer noted that he plans to have an apprentice for his pottery business reside in the dwelling. However, he would not like to be limited to just apprentices living in the accessory dwelling.

The board noted that there is ample parking on the property and that since the accessory dwelling already exists that it is not applicable to most of the review criteria.

DELIBERATION/DECISION

MOTION by Mr. Behn, seconded by Mr. Monte, pursuant to §5.3 that the proposed accessory dwelling is not applicable to the criteria for the utilization of renewable resources, building design, bicycle and pedestrian access, outdoor storage and display, landscaping and screening, protection of natural resources, erosion control, surface water protection, lighting, performance standards and district standards; and satisfies the criteria for the capacity of existing or planned community facilities or services, character of the neighborhood or area affected, traffic on roads or highways in the vicinity, bylaws now in effect, traffic circulation and access, parking and service areas. VOTE: unanimous; motion carried.

MOTION by Mr. Behn, seconded by Mr. Monte, to approve of the amendment to a prior Conditional Use approval for a Cottage Industry to include an accessory dwelling within the main dwelling. VOTE: unanimous; motion carried.

V. OTHER BUSINESS

a) Discuss CBC Mylar PLAT filing extension

Mr. Siner and Mr. Lefavour came before the board requesting a 30-day extension of the mylar filing deadline. The deadline to file the mylar was April 6, 2004. Mr. Lefavour dropped off copies of the plans on Mylar at around 3:00 PM on April 6, 2004. Mr. Markolf and Mr. Robinson were contacted and refused to sign the seven pages of mylar cover page, septic design and site plans. They noted that the Mylar should be one page and contain all of the information requested by the DRB. It was also noted that one of the conditions of the project required the Mylar to be a boundary survey and indicate that the parcel is greater than 6 acres.

MOTION by Mr. Monte, seconded by Mr. Behn, to deny the request for a 30-day extension because the requirement comes from the state statute and the board does not have the authority to extend it. VOTE: unanimous; motion carried.

b) Discuss Content of Warren Webpage

The board decided to save this discussion for another night.

c) Sign Minutes from March 17, 2004

MOTION by Mr. Monte, seconded by Mr. Behn, to approve the minutes from March 17, 2004 as corrected/amended. VOTE: unanimous; motion carried.

d) Review and sign Riverwatch Construction Notice of Decision

Ms. Hill noted that a condition of the Riverwatch Notice of Decision for the conditional use at the Hiram Inc property is that the board must receive and approve a site plan for the Hiram Inc. property on Flat Iron road indicating five parking spaces for the employees of Alta Inc. before the board signs the decision. The board decided not to sign the Notice of Decision.

e) Review and sign Lott/Barringer Notice of Decision

The board reviewed and signed the Lott/Barringer Notice of Decision.

VI. ADJOURNMENT

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

The meeting adjourned at 9:35 PM.

Respectfully submitted,
Shannon M. Hill
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte (date)

David Markolf (date)

Chris Behn (date)

Eric Brattstrom (date)