

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MAY 12, 2004**

MEMBERS PRESENT: Peter Monte, chair, Lenord Robinson and Jason Heroux.

OTHERS PRESENT: John Vihinen, Dexter Lefavour, Michael Ketchel, Elaine and Van Nillson, Patricia Lynch, Alice Cheney, Rick Schaffer, Ted Joslin, Charles Booher, Jim Halavonich, Shannon Hill, DRB/PC Assistant.

- AGENDA:**
- 1) Call meeting to Order 7:30 PM
 - 2) 7:30 PM - Warren Land Co. 6 Lot PRD on the Access Rd in the Rural Residential District
 - 3) 8:30 PM - Booher 2 Lot Subdivision on Fuller Hill Road in the Warren Village Historic Residential District
 - 4) 9:15 PM - CBC 18 Unit PRD on the Access Road in the Vacation Residential District, re-approval
 - 5) 9:30 PM - Other Business
 - a. Discuss meeting start time
 - b. Review and Sign minutes from April 28th
 - c. Review and Sign Lodge at Lincoln Peak Mylar
 - d. Review and Sign Riverwatch Construction Mylar
 - e. Approve invoice from zoning attorney

I. CALL TO ORDER

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

II. WARREN LAND COMPANY – 5-LOT PRD ON TISHMAN ROAD

Application #2004-01-PRD submitted by Warren Land Company seeking approval for a 6-Lot Proposed Residential Development of 23.4 +/- acres. The property is located on the North side of the Sugarbush Access Road in the Rural Residential District. The applicant would like to subdivide the property into Lot 1 (2.75 +/- acres), Lot 2 (2.27 +/- acres), Lot 3 (1.04 +/- acres), Lot 4 (1.01 +/- acres) and Lot 5 (2.00 +/- acres) and one common lot made up of Lot 6 (14.3 +/- acres). This project requires review under Article 6, Subdivision Review, Article 7, Subdivision Standards, and Article 8, Planned Residential Developments of the WARREN LAND USE AND DEVELOPMENT REGULATIONS.

STAFF REPORT

Ms. Hill noted that there was another site visit on May 12, 2004 at 6PM. The locations of buildings and the road centerline were staked. Mr. Heroux, Mr. Robinson, Mr. Vihinen and Ms. Hill attended the site visit.

Dave Markolf, Eric Brattstrom and Chris Behn were unable to attend the meeting. Since Mr. Schoellkopf served as an alternate most recently, Ms. Hill contacted Jason Heroux and Virginia Roth to fill in as alternates. Ms. Roth was unable to attend.

Ms. Hill noted that she had received two e-mails from neighbors of the project, Frank Catania and Joe Lucchese. She distributed copies to the board and applicant to review.

GENERAL DISCUSSION

Mr. Vihinen explained that he changed the plans due to feedback from the Development Review Board and property adjoiners during the last hearing. The following items were changed:

- The upper driveway was moved west to keep it away from the property adjoiners
- The location of the fire pond was moved east
- They included clearing limits for all of the lots, including a 40 foot no cut area between Lot # 3 and the adjoining Nillson property
- The lot lines were adjusted
- Other minor revisions

Ms. Vihinen also submitted a copy of the Smith Current Use application from the vault and the Draft Homeowner Documents. The current use application is not a permanent conservation easement, as was stated in the prior hearing. Therefore the Smith property may some day require access. Ms. Hill noted that the tax map shows a right of way through a driveway east on the Sugarbush Access Road.

Mr. Vihinen explained that he has not received the letter of support from the fire department yet. He noted that they had requested the fire pond and that Mr. Vihinen widen the turning radius for the access to Lot 3 & 4.

The board requested the following:

- label the clearing limits for all of the lots.
- double check the acreage on the plans since the lot lines have changed since the last hearing and the acreage has remained the same on the plans
- make sure the home owner association documents include appropriate provisions for lawyer's fees
- the portion of the driveway that is not on common land must have a right of way.

Mr. and Mrs. Nillson explained that they are pleased with the 40 foot no cut area from their property boundary on Lot #3, but they are still concerned about the safety and accessibility on Tishman Road and Morning Star Drive. They noted that the existing 8 lots (including the Warren Land Co. property) have a road maintenance agreement recorded in the Warren vault, but that it has never been enforced. Mr. Nillson said that he plows both Tishman and Morning Start Drive and that they get very narrow in the winter. The Nillsons stated that most vehicles get stuck on the corner of Tishman and Morning Star Drive.

Mr. Vihinen agreed that the corner is a problem area, but believes that the right-of-way is not wide enough to fix the road properly. The land they would need to acquire to widen the road is owned by Frank Catania, who has already written an e-mail opposing the project.

Mr. Vihinen noted that he had attempted to contact all of the property owners on both Tishman and Morning Start Drive. He stated that he would repair any damage created by

vehicles during construction and he would contribute his fair share for the plowing and maintenance during construction. He explained that he will be selling the properties and therefore it is in his best interest to maintain the road. He further noted that the existing residents of Tishman Road and Morning Star Drive will benefit from the development because there will be 5 more owners to pay to maintain the road.

Mr. Monte explained that the board is faced with a question of whether or not the road is too unsafe so 5 more lots cannot be created. The Mrs. Nillson requested the board require a traffic safety study for the road to prove that it is safe.

Ms. Lynch explained that she lives in the last house up Tishman Road. She stated that the intersection of Tishman and Morning Star Drive is unsafe. She also stated that people have a hard time making the corner up Morning Star Drive and that when they can't make it they park their cars in the road, blocking her access to her house. She suggested the applicant install a pull off so people can park their cars off the road.

The board agrees that a pull off would be a good idea, but since the right-of-way is only 25' they don't have the room.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Robinson, that should the proposed project be granted final approval, the owners of the 5 subdivided lots must pay their fair share to maintain Tishman Road and Morning Star Drive on a pro-rata basis based on the number of lots. The homeowners association must manage the collecting of the fees from each of the owners of the 5 lots. VOTE: unanimous; motion carried.

Mr. Vihinen stated that he would include language in the Homeowner Documents that requires the homeowner association to collect the fees for the maintenance of Tishman Road and Morning Star Drive.

MOTION by Mr. Monte, seconded by Mr. Heroux, to continue the Warren Land Company hearing to June 9, 2004 at 7PM. VOTE: unanimous; motion carried.

III. BOOHER – 2-LOT SUBDIVISION

Application #2004-01-SD submitted by Charles and Sue Booher seeking approval for a 2 Lot Subdivision of 3.0 +/- acres on Fuller Hill Road in the Warren Village Historic Residential District. The applicant would like to subdivide the property into Lot 1(1.5 +/-) and Lot 2 (1.5 +/- acres). This project requires Review under Article 6, *Subdivision Review* and Article 7, *Subdivision Standards* of the WARREN LAND USE AND DEVELOPMENT REGULATIONS.

STAFF REPORT

Ms. Hill noted that there was a site visit May 12, 2004 at 7PM. Jason Heroux, Lenord Robinson and Shannon Hill attended the site visit. During the site visit the board members reviewed the location of the proposed development.

Mr. Monte read the legal warning which ran in the Valley Reporter on April 22, 2004.

PUBLIC INPUT

Property adjoiners Jim Halavonich and Michael Ketchel attended the hearing. Mr. Ketchel was concerned about the curb-cut off the Fuller Hill Road because the headlights from a car would shine right in his bedroom window. He was also concerned about the setback from the stream and erosion control measures during the installation of the wastewater disposal field as well as protecting the spring that runs on his property that he uses for agricultural purposes.

Mr. Halavonich asked questions relating to the design of the house and whether it would be rented.

GENERAL DISCUSSION

Mr. Booher came before the board to present the proposed project. He explained that he does not have a final design for the house so the house site might shift. In response to Mr. Ketchels concern about the curb-cut, he offered to move the curb-cut up the hill to the east. He noted that he and his wife plan to live in the house and that the character of the house will fit in with the village.

The board explained to the applicant that the curb-cut approval is up to the selectboard. They also mentioned that the applicant would have to obtain a wastewater disposal permit from the town of Warren.

The board requested the applicant submit an erosion control plan, note the setback from the stream as well as locate the spring on the Ketchel property on the plans.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Heroux, to classify the proposed project a minor subdivision and deem the application complete. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Heroux, to continue the Booher 2-Lot Subdivision hearing to June 9, 2004 at 7PM. VOTE: unanimous; motion carried.

IV. CBC 18-UNIT PRD RE-APPROVAL

Application #2003-03-PRD submitted by CBC Construction on behalf of F & J Inc. seeking approval to build an 18 unit condominium complex on 6+/- acres. The property is located in the Vacation Residential District at the southern corner of the intersection of the Access Road and Golf Course Road. The applicant has requested waiver of the preliminary plat review hearing and requests that the board proceed directly to the final plat approval. This project requires Review under Article 6, *Subdivision Review* and Article 7, *Subdivision Standards* and Article 8, *PRD* of the WARREN LAND USE AND DEVELOPMENT REGULATIONS.

GENERAL DISCUSSION

Mr. Monte read the legal warning which ran in the Valley Reporter on April 22, 2004. He explained that the applicant had not recorded a Mylar Plat within the 90-day timeframe of the prior approval and therefore had returned to the board for re-approval.

DELIBERATION/DECISION

MOTION by Mr. Monte seconded by Mr. Robinson, that since there are no material changes to the project or its effect on relevant standards, the DRB will re-adopt all of the prior findings of fact and conditions that were placed on the project during the original review in August through November of 2003. VOTE: unanimous; motion carried.

V. OTHER BUSINESS

MOTION by Mr. Monte, seconded by Mr. Heroux, to approve the invoice from the zoning attorney, Steve Stitzel in the amount of \$88. VOTE: unanimous; motion carried.

VI. ADJOURNMENT

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

The meeting adjourned at 9:30 PM.

Respectfully submitted,
Shannon M. Hill
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte (date)

Lenord Robinson (date)

Jason Heroux (date)