

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
JUNE 9, 2004
AMENDED**

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

OTHERS PRESENT: John Donaldson, Don Swain, John Vihinen, Van Nillson, Charles Booher, Shannon Hill, DRB/PC Assistant.

AGENDA:

- 1) 7:00 PM Call to Order
- 2) 7:00 Ward Property Informal Discussion – Major Subdivision off Inferno Road in the Rural Residential District.
- 3) 7:30 Warren Land Company – 6 Lot PRD off Tishman Road in the Rural Residential District.
- 4) 8:30 Booher – 2-Lot Subdivision on Fuller Hill Road in the Warren Village Historic Residential District.
- 5) Other Business
 - a. Review Sugartree Inn Driveway Plan
 - b. Sign minutes from May 26, 2004
 - c. Sign Roth Notice of Decision
 - d. Sign Beauchemin Notice of Decision

I. CALL TO ORDER

Mr. Monte called the meeting to order at 7:00 PM.

II. WARD PROPERTY ON INFERNO ROAD – INFORMAL DISCUSSION

Mr. Donaldson and Mr. Swain came before the board to discuss a proposed project they have been hired to plan for on Inferno Road. The property is approximately 170 acres, with approximately 40 acres in the Forest Reserve. They presented a preliminary plan that showed 16 lots.

Topography: Mr. Swain and Mr. Donaldson explained that although areas of the property are steep, there are flat sections where they have proposed building sites. They noted that they would like to have on-site septic disposal systems for each lot. However, based on the engineers reports they may have to have some common systems, pre-treated or mounds.

Mr. Swain explained that they have two potential pond sites. They will meet with the fire department to discuss fire safety.

Mr. Swain noted that the proposed access off Inferno Drive was selected to minimize the impact on the residential neighborhood on West Hill Road. This access needs to be looked at further and would be a lot of work.

They plan to have a ski trail off the Sugarbush Resort Snowball trail. They have talked about having a common snowmobile shared between all of the units to get to and from the Snowball Trail.

The proposed lots are between 3 acres and 16 acres. The portion of the property in the Forest Reserve District will be common area and permanently conserved. Mr. Donaldson

explained that some of the larger lots have potential for further subdivision and they show two house sites on the plan. He noted that one potential buyer of a larger lot would like to retain the option of subdividing the lot in the future.

Mr. Markolf explained that if they plan to subdivide the property in the future, they should just ask for the lot to be subdivided now. That way the interested buyer could purchase two lots and develop one now and decide later if they would like to develop the other lot.

Mr. Monte asked if any of the adjoining properties would benefit from access through the project. Mr. Donaldson and Mr. Swain explained that the adjoining lots to the south have access through the West Hill extension. There is a very steep crossing over a river that would prevent the Ward property access road from serving adjoining properties. Sugarbush Resort is the property owner to the west and South Village Condominium Association to the north has sufficient access off Inferno Road.

Mr. Marolf noted that the Warren fire department would likely require the applicant to connect the access road with the West Hill extension for emergency access.

Mr. Swain noted that the covenants and deed restrictions would prohibit greater than 20 lots on the property.

Mr. Donaldson explained that they would like to avoid the PRD review for the project since the project does not conform to either the cross road hamlet or the rural hamlet standard.

Mr. Monte asked the applicants to consider the view of the property from other vantage points in the valley when they submit their application. They may need to include screening and landscaping.

III. WARREN LAND COMPANY – 6-LOT PRD ON MORNING STAR DRIVE

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

This is the third hearing before the DRD and has been continued from May 12, 2004. Mr. Markolf, Mr. Brattstrom and Mr. Behn were all absent from the last hearing. They have reviewed the minutes from the May 12, 2004 hearing and all new submittal material in preparation for this hearing.

GENERAL DISCUSSION

Mr. Vihinan came before the board to present the proposed project. He noted that he had still not received the letter of support from the Warren Fire Department. He submitted draft covenants and deed restrictions. He asked if he could wait for final approval before investing more money to have the site plans revised.

The board discussed the cross road hamlet or the rural hamlet standard and noted that they had not yet considered this standard in relation to this project.

Since three of the board members were not at the previous hearing, Mr. Monte reviewed the discussion from the prior hearing relating to the right of way width of Tishman and Morning Star Drive.

Mr. Behn explained that he is uncomfortable with Lot #3 because of its proximity to the Nillson's house, the steep slopes, the unsafe access to the property and the increased traffic on the access roads. He was further disturbed that the applicant was requesting five houses when the prior owner, the Reynell's, stated during a former subdivision review that their would be no more than four houses on this property.

Mr. Markolf explained that he had been confronted by a Selectmen who was concerned about the access off the Sugarbush Access Road and could not understand how the DRB could approve an unsafe project. Mr. Markolf explained to said Selectmen that the DRB had not yet approved of the plan and was also concerned about the access to the property.

The property adjoiner, Mr. Nillson, expressed concern about blasting when the road gets developed. He does not know what affect this will have on his property. Mr. Vihinan offered to conduct a pre-blasting survey that will determine any effect on the Nillson's property.

Mr. Brattstrom argued that by blasting through ledge for the road on a slope greater than 25% that the applicant will cut into the bank and create a vertical slope, therefore exacerbating the steep slope erosion potential. He felt strongly that this was not the intention of the minimal allowed development on steep slopes.

Mr. Monte explained that at the prior hearing the board of himself, Mr. Heroux and Mr. Robinson had voted that the limited right of way and development on steep sloped would not prohibit the project from being approved, subject to appropriate road maintenance and erosion control measures.

MOTION by Mr. Monte pursuant to §7.7 to find that the project satisfies the applicable criteria for roads and pedestrian acces. The motion failed due to a lack of a second.

Mr. Behn would like the applicant to remove Lot #3 from the project. Then he may be more amenable to approving the project. He explained that just because someone has invested money in a project does not mean they have to approve it if it does not conform to the standards. He noted that he felt badly about missing the last meeting.

Mr. Monte feels that one more house makes no difference. He believes that the situation is less than ideal and if it is a death trap then they should not approve anything. He does not believe it is all that dangerous.

Mr. Markolf asked the applicant to speak to the Selectbaord about the curb cut off the Sugarbush Access Road. Since the town owns the road any relocating of the curb cut would

require approval from the Selectboard. Mr. Behn questioned whether anything could be done to make the road safer.

Mr. Vihinan noted that there is only one full time resident on the road out of all of the houses.

Mr. Markolf asked the board to go into deliberative session. He felt he had enough information to make a decision. Mr. Monte noted that he would prefer to deliberate in open session and have the debate in front of the public.

Mr. Monte asked the applicant if another access would be possible.

Mr. Markolf felt uncomfortable voting on the application until the DRB had received the letter of support from the fire department.

Mr. Vihinan asked for specific guidance as to what he should ask of the Selectboard that would please the DRB. Mr. Markolf noted that he is not trained as an engineer and he does not know what could be done.

Mr. Monte recommended the applicant consult an engineer and have the engineer recommend an alternative access that meets the state of Vermont AOT standards for line of site.

Mr. Monte explained that he would look into the fire departments letter and ask the Zoning Administrator if all prior fire department recommendations for the Reynell's subdivision in 2000 were met.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Markolf, to continue the hearing to either June 21st or June 30th depending on when the applicant could speak with the Selectboard. VOTE: unanimous; motion carried.

IV. BOOHER 2-LOT SUBDIVISION

#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 this is the second hearing before the DRD and has been continued from May 12, 2004. Mr. Markolf, Mr. Brattstrom and Mr. Behn were all absent from the last hearing. They have reviewed the minutes from the May 12, 2004 hearing and all new submittal material in preparation for this hearing.

GENERAL DISCUSSION

Mr. Booher came before the board. He explained that his engineer has not completed the erosion control plan yet and therefore he did not have the updated plans the DRB had requested at the prior hearing. He further noted that, after concerns from his property

adjoiner Mr. Ketchel were raised, at the last hearing he agreed to relocate the curb cut. He has since changed his mind and would like to keep the curb cut where it is.

The board requested Ms. Hill send Mr. Ketchel the minutes from the meeting so he is aware of this change in the plan.

MOTION by Mr. Monte, seconded by Mr. Markolf, to continue the hearing to August 4, 2004.

V. OTHER BUSINESS

a) Review Sugartree Inn parking plan

The board reviewed the parking plan submitted by the new owners of the Sugartree in, Mr. and Mrs. Graham. The board approved of the plan and believed it would make the access to the Inn safer. They noted that the approval is still contingent on approval to relocate the curb cut by the Selecbboard and an agreement between the Graham's and the Fowlers to relocate the right of way.

VI. ADJOURNMENT

MOTION by Mr. Markolf, 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

Peter Monte (date)

David Markolf (date)

Chris Behn (date)

Eric Brattstrom (date)