

**Town of Warren
Development Review Board
Minutes of Meeting
June 23, 2004**

Members Present: Peter Monte, Chair, David Markolf, Vice Chair, Eric Brattstrom & Lenord Robinson.

Others Present: Joyce Westcot, Sheila Ware, Barry Simpson, John Barkhausen, Larry Falaice, Barry Simpson, Shannon Hill, DRB/PC Assistant.

Agenda:

- 1) 7PM Call to Order
- 2) Joyce Westcot – Informal Discussion
- 3) Markolf/Summit Ventures Subdivision
- 4) Rootsworks Conditional Use
- 5) Other Business

I. CALL TO ORDER

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

II. JOYCE WESTCOT - INFORMAL DISCUSSION REGARDING 2-LOT SUBDIVISION ON WEST HILL ROAD

Mr. Westcot and Ms. Ware came before the board to informally discuss a 2-lot subdivision on West Hill Road. Ms. Westcott explained that she currently owns the property and wished to subdivide. She noted that a portion of the property is within the Meadowland Overlay District. She presented two alternatives for the access to the second lot for the board to consider. Both options showed the house site within the Meadowland Overlay District. However one option shared a driveway and was less intrusive on the meadowland. Ms. Westcott explained that she had spoken with a real estate agent who thought the property would be more valuable if the two lots had their own access.

The board briefly reviewed the two options and felt that the shared driveway best met the intention of the Land Use and Development Regulations. They recommended Ms. Westcott make a formal proposal to the Warren Selectboard for the curb-cut.

III. MARKOLF AND SUMMIT VENTURES 2-LOT SUBDIVISION OF 175.5 +/- ACRES

Application #2004-03-SD submitted by David Markolf on behalf of Summit Ventures Inc. seeking approval for a 2-lot subdivision of 175.5+/- acres on the Golf Course Road in the Rural Residential District. The applicant would like to subdivide the property into Lot 1 (170.1 +/- acres) and Lot 2 5.4 +/- acres). This project requires review under Article 6, Subdivision Review and Article 8, Subdivision Standards. Mr. Markolf recused himself from all participation in this matter.

STAFF REPORT

Mr. Hill noted that the Legal Warning ran in the Valley Reporter on June 3, 2004. Mr. Monte noted that the board conducted a site visit at 6PM prior to the hearing. Present at the site visit were board members Peter Monte, Eric Brattstrom and Lenord Robinson as well as Jason Lisai, Sugarbush Resort Planner and Shannon Hill, DRB/PC Assistant. . During the site visit the board reviewed the building envelope and the location of wetlands.

PUBLIC INPUT

There was no public input.

GENERAL DISCUSSION

Mr. Markolf came before the board to present the proposed subdivision. He explained that Summit Ventures Inc. is willing to sell him the 5.4 +/- acre parcel. He noted that he has developed two of the three adjoining lots and plans to have a shared waste water and water supply with those lots. He believes that the 5.4 +/- acre lot he proposes to subdivide does not have any waste water capacity and therefore is of no value to anyone other than an adjoining property owner who can supply these facilities.

He noted that the building envelope is at least 50' from all wetlands, as mapped by Gunner McCain. The wetlands are not on the state of Vermont Significant Wetlands Inventory and are therefore Class 3 wetlands. The right of way to the property will be 50' wide.

Mr. Markolf noted that in a letter from the Warren Fire Department in 1999, during the prior Long Associates subdivision that created the adjoining 3-Lot subdivision, that the fire department had the following request:

Require each lot owner to contribute \$500 toward a hydrant system if/when one is built down the Golf Course Road

Mr. Markolf explained that he would comply with this request for the fourth lot and saw no need to bring the subdivision before the fire department. He noted that screening from the Golf Course would be determined in the deed from Summit Ventures to Mr. Markolf.

Mr. Monte noted that the draft property association documents do not include language relating to payment of legal fees.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Brattstrom, that the application is complete, is categorized as a minor subdivision and the initial hearing is waived. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that proposed project satisfies the criteria of §7.2 (A) for character of the land. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that the proposed project conforms to the criteria of § 7.2(B) for character of the land. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that the proposed project conforms to the criteria of §7.2 (C thru E) for compatibility with existing settlement patterns, density and lot layout and establishment of a building envelope. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that the proposed project conforms to the criteria §7.2 (F) for landscape and screening subject to the conditions contained herein. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, that the criteria of §7.2 (G) energy

conservation are not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that Summit Ventures has disclosed their long range plans for the resort during the Lodge at Lincoln Peak permit review and therefore disclosure of subsequent development plans as required by §7.2 (H) is satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, the requirements of §7.4 for open space and common land are not applicable to this project. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that to satisfy §7.5 the project's approval, if granted, should include a condition that requires the applicant to implement appropriate storm water and erosion control measures VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, to satisfy §7.6, in accordance to the letter of support written by the Warren Fire Department relating to the Reynell's 3- Lot subdivision in 1999, the project's approval, if granted, should include a condition that requires each of the land owners, including the newly created 5.4 +/- acre lot, to contribute \$500/lot if/when the hydrant system is extended past the access to the property off the Golf Course Road. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that the criteria of §7.7 for roads and pedestrian access are met. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that the applicant must amend the deeds recorded in the Town of Warren vault to include provisions for payment of attorney's fees. This document must be received prior to the signing of the Notice of Decision by the Development Review Board. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that the criteria of §7.8-§7.10 for wastewater and water supply, utilities and signs are met subject to the conditions contained herein. VOTE: unanimous; motion carried.

The board noted that the applicant must obtain a local health permit and any applicable State permits. The applicant presented a copy of this existing state permit for wastewater disposal.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, to approve the 2-Lot subdivision subject to the conditions contained herein. VOTE: unanimous; motion carried.

IV. ROOTSWORKS, CONDITIONAL USE

Application #2004-04-CU submitted by Rootsworks on behalf of the Town of Warren seeking conditional use approval for a change of use of a portion of the upstairs meeting space into a public radio station as well as install a 55' antenna on the exterior of the building. The property is located at the corner of East Warren Road and Roxbury Mountain Road in the Rural Residential District. This project requires Conditional Use approval under Article 5, Development Review, of the Warren Land Use and Development Regulations.

STAFF REPORT

Mr. Hill noted that the Legal Warning ran in the Valley Reporter on June 3, 2004. Mr. Monte

noted that the board conducted a site visit at 6:30 PM prior to the hearing. Present at the site visit were board members Peter Monte, Eric Brattstrom and Lenord Robinson as well as John Barkhausen. During the site visit the board reviewed the change of use of the upstairs meeting space as well as the location of the exterior antenna.

PUBLIC INPUT

There was no public input.

GENERAL DISCUSSION

Mr. Barkhausen, Mr. Simpson and Mr. Falaice came before the board to present the project. Mr. Barkhausen explained that Rootsworks would like to provide a community radio station for the surrounding area. The station would operate around the clock, with an automated broadcast from 1 AM. The station would be open to the public, as is the existing use, for a public meeting space on the second floor of the building. He noted that the parking needs might increase, but that they have ample parking. He explained that the radio station might broadcast live music from the space, but that that is permitted under their existing conditional use permit for the community space, and the time-of-day limits for public events under the existing permit would apply to the radio station's live music.

Mr. Monte noted that the antenna could strictly conform to the zoning regulations if the antenna were mounted on the corner of the building. However, he believed the proposed location near the chimney would screen the antenna better, make it less visible and align it with the peak of the roof.

Mr. Barkhausen noted that if the antenna were mounted on the corner of the building it would be less effective at transmitting a signal. He noted that the antenna would not be lit.

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, subject to §3.2 that the public radio station does not constitute a change of use from a community space/cultural facility. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, that the board shall allow the 55' antenna in the proposed location because requiring it to conform to §3.6 is less visually desirable. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, that the project conforms to the criteria of §3.6 (B) for height and setbacks. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, that the project does not affect the capacity of existing or planned community facilities and this satisfies §5.3 (A)(1) . VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, that the project will not adversely affect the character of the neighborhood or area affected or the traffic on roads and highways in the vicinity and thus satisfies §5.3 (A)(2-3) . VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, §5.3 (A)(4) criteria regarding bylaws now in effect are not applicable to the project. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that the ~~bylaws now in~~ base of the antenna must be painted white to blend with the building and the 2 sets of bays will be the only thing allowed on the "pole" section of the antenna above the roof line and the bays must be uncovered. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, to approve the project subject to the conditions contained herein. VOTE: unanimous; motion carried.

V. Adjournment

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

The meeting adjourned at 10PM.

Respectfully submitted,
Shannon M. Hill
DRB/PC Assistant

Development Review Board

Peter Monte (date)

David Markolf (date)

Lenord Robinson (date)

Eric Brattstrom (date)