

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
JULY 21, 2004**

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

OTHERS PRESENT: Steve Haskell, Mark Young, Van Nilsson, Joe Lucchese, Adam Cook, Jim Edgecomb, John Vihinen, Karen Van Gilder, DRB/PC Assistant.

AGENDA:

- 1) Call meeting to Order 7:00 PM
- 2) **2002-09-SD-AM2** – Hafiz/Trusova on Fuller Hill Road
- 3) **2004-05-CU Hickey** – Accessory Dwelling on Elliott Farm Road
- 4) **2004-01-PRD Warren Land Company** – 5 lot subdivision on Tishman Road
- 5) Other Business
 - a) Review Decision 2004-04-CU Rootsworks
 - b) Review Decision 2004-03-SD Summit Ventures/Markolf
 - c) Review July 7, 2004 Minutes

I. CALL TO ORDER

Chair Peter Monte called the meeting to order at 7:10 PM.

II. 2002-09-SD-AM2 – HAFIZ/TRUSOVA PRD ON FULLER HILL ROAD

Application #2002-09-SD-AM2 submitted by William Maclay on behalf of Nadir Hafiz & Olga Trusova requesting an amendment to a prior PRD & Conditional Use Review decision. The project is located on 10.5+/- acres on the North side of Fuller Hill Road in the Rural Residential District with a portion of the property in the Meadowland Overlay District. The amendment requires review under Article 5, *Development Review* and Article 8, *PRD/PUD's*, of the *Warren Land Use & Development Regulations*.

STAFF REPORT

Ms. Van Gilder reported that this was a request to amend the barn location in an existing PRD and that the public warning had run in the Valley Reporter on July 8, 2004.

PUBLIC INPUT

There was no public input.

GENERAL DISCUSSION

Mr. Young of William Maclay Architects presented the project for the applicants. He stated that the applicants would like to change the location of the barn in the approved PRD to better meet the needs of the animals and to make use of a better building site that would require less blasting 32-33 feet from the approved location.

Mr. Monte asked why they were reviewing the application because the plans look strictly agricultural. Mr. Brattstrom stated that it needed to be reviewed because it includes a garage which may cause the structure to be other than agricultural. Ms. Van Gilder stated that

additionally, the application was an amendment to a PRD. After consultation of the Land Use and Development Regulations, Mr. Monte stated that he felt the project did not represent a material change to the approved PRD.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Markolf , that the proposed change is not a material alteration of the intent of the original PRD and to approve the change pending signing off on a new plan showing relocated building envelopes. VOTE: unanimous; motion carried.

III. 2004-05-CU HICKEY – ACCESSORY DWELLING ON ELLIOTT FARM ROAD

#2004-05-CU submitted by Jim Hickey seeking conditional use approval to develop an accessory dwelling. This public hearing was continued from July 7, 2004. The property is located on Elliott Farm Road 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. Van Gilder stated that the project had been continued from July 7, 2004 and that an ad that stated that he project was in the Meadowland District had run in the Valley Reporter on July 15, 2004 as a courtesy. Ms. Van Gilder also stated that there had been a site visit at 6:30 that evening attended by board members Mr. Monte, Mr. Robinson, Mr. Behn, Mr. Brattstrom and Mr. Edgecomb and Ms. Van Gilder. She stated that at that site visit board members discussed the wetness of the site and location of the meadowland boundaries.

PUBLIC INPUT

There was no public input.

GENERAL DISCUSSION

Mr. Egdecomb came before the board to present the project on behalf of the applicants. Mr. Monte stated that there was a roughly triangular area of land on the parcel that is not in the Meadowland Overlay District that includes the site of the main house. He stated that the proposed location of the carriage house, a conditional use, is within the Meadowland Overlay District. Mr. Monte stated that the site visit had shown that most of the rest of the non-meadowland area is wet and not a desirable place to build. He stated that building on any buildable land within the non-meadowland area would require that driveways and utilities to go through the wet area, which is also undesirable.

Mr. Brattstrom asked Mr. Edgecomb if he had test pit information. Mr. Edgecomb presented test results. Mr. Edgecomb stated that a stream runs through the area and that most summers the

seepages never dry. He stated that the water table is very low this year, and the area is still moist.

Mr. Robinson stated that he is not comfortable with the boundaries for the Meadowland Overlay District in this case.

DELIBERATION/DECISION

MOTION by Mr. Markolf, seconded by Mr. Monte, that the application should be identified under §2.13 (E)(1)(a) as a lot that contains developable land which is not designated meadowland in addition to land that is designated meadowland. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, that under §2.13 (E)(1)(a) the proposed development satisfies (i) to minimize the disruption of scenic quality and (iii) to utilize the least productive land, protect primary agricultural soils, and not conflict with agricultural uses in the area, and that (ii) regarding retaining the maximum possible meadowland for agricultural purposes is not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Brattstrom, that the proposed development satisfies the requirements found in §5.3 (A)(1-5). VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Robinson, to impose the condition that the applicant use appropriate erosion control during construction under §5.3 (B)(8). VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, that the proposed development satisfies the requirements found in §5.3 (C)(3) and that the buildings must be sited as shown on plans dated June 25, 2004. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to approve the proposed development subject to conditions imposed. VOTE: unanimous; motion carried.

IV. 2004-01-PRD WARREN LAND COMPANY – 5 LOT SUBDIVISION ON TISHMAN ROAD
#2004-01-PRD submitted by Warren Land Company seeking approval for a 6-lot Planned Residential Development of 23.3 +/- 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 +/-), Lot 2 (2.27 +/-), Lot 3 (1.04 +/-), and Lot 5 (2.00 +/-) and one common lot made up of Lot 6 (14.3 +/-). 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

Ms. Van Gilder stated that the project had been continued from June 30, 2004. The DRB has discussed this project previously in an informal discussion on February 18, 2004 and in hearings held on April 14, 2004, May 12, 2004. The hearing scheduled for June 30, 2004 was continued the hearing without deliberation at the applicant's request.

PUBLIC INPUT

Mr. Nilsson and Mr. Luchese participated in the discussion as noted below.

GENERAL DISCUSSION

Mr. Monte stated that on June 9, 2004, the board had not made any decisions. He stated that the board had asked Mr. Vihinen to discuss the project with the Selectboard and the Fire Department and to then update the board on the project.

Mr. Vihinen stated that he and the Fire Department Review Committee met at the site on July 20, 2004. He stated that he is in agreement with the Fire Department letter and addendum dated June 29, 2004 with the exception of item 5 in the addendum which states that the Fire Department has found the intersection at Sugarbush Access Road and Tishman Road unacceptable.

Mr. Cooke, a representative of the Fire Department, stated that the issue at that intersection is the turning radius for uphill traffic. He stated that the larger fire trucks must swing into oncoming traffic to make the turn. He suggested that if Mr. Vihinen were to push the upper slope back a minimum of 5 feet the trucks would be able to get by.

Mr. Monte asked if this slope is in the town's right-of-way. Mr. Vihinen responded that it is and that the Selectboard has gave him permission at its July 6, 2004 meeting to work in the right-of-way to the Fire Department's specifications. Mr. Vihinen presented the approved plat from the Leinbach subdivision showing that some of the area is within the town's right-of-way and part is on the Vihinen property.

Mr. Monte asked Mr. Vihinen if he would be willing to have a fire department representative at the site during construction. Mr. Vihinen agreed.

Mr. Monte then summarized the remaining issues as 1) site distance at Sugarbush Access Road and Tishman Road intersection, 2) the width of Tishman and Morningstar Roads at certain points, 3) the steepness of the intersection of Morningstar Road and Tishman Road, and 4) the absence of turnouts on Tishman Road that were required as part of a previous subdivision plat. Mr. Markolf noted that the letter from Sheila Getzinger, Attorney at Law, regarding the project stated that the turnouts should not be Mr. Vihinen's problem because they are from a previous project.

Mr. Vihinen stated that Fire Chief, Butch Hartshorn, said that if we could solve the Sugarbush Access Road intersection, the fire department could live with the other matters raised in their letter. He stated that Mr. Hartshorn drove the truck up the road and reported no other problems.

Mr. Monte stated that the Zoning Administrator should enforce the turnout requirements if they are in violation. Mr. Vihinen stated that in 1995 the fire department required Leinbach, the applicant, to provide 20' x 50' turnouts every 40 feet. He stated that the turnouts all go back to the first 4-lot subdivision.

Mr. Monte asked Mr. Vihinen to talk about the width of Tishman and Morningstar Roads. Mr. Vihinen stated that the Tishman Road is 18 feet wide to a point just before the first driveway, where it narrows to 15 feet as it passes a culvert. He stated that the narrowest part was between the Catania house and the pond and that with the shoulder the road was 16 feet. He stated that from that point on the roads are all 18 feet wide and that because Mr. Nilsson and his family are the only full-time residents, the shoulders have grown in.

Mr. Markolf asked who plows and maintains the roads. Mr. Nilsson replied that he does. Mr. Markolf asked if there was a formal agreement regarding road maintenance. Mr. Vihinen and Mr. Nilsson both replied that there was no formal agreement. Mr. Vihinen added that at the time of the Leinbach subdivision there was an agreement and that he had written into the Homeowners Agreement that the old plan should be activated and arrangements for maintenance should be made.

Mr. Monte asked if 16 feet is a sufficient width for winter maintenance. Mr. Behn replied that 18 feet of right-of-way are required to maintain a 16 foot winter width. Mr. Vihinen stated that there was plenty of room to throw the snow off the road. Mr. Monte stated that the narrow area of the road existed when 4-lots were projected for Mr. Vihinen's parcel and that while the situation is not optimal, the addition of one lot is not material and is not making the situation significantly worse than when it was originally planned in concept.

Mr. Behn stated that he is not worried about the narrow section of road, but that he is more concerned about resolving the Tishman Road – Sugarbush Access Road intersection. Mr. Monte asked what else needed to be resolved. Mr. Behn stated that he wanted to talk about the sightlines and asked Mr. Vihinen if the Fire Department commented on the sightlines at the site visit.

Mr. Vihinen stated that the Fire Department seemed content with the sightlines and that Bruno Associates had determined that the sightlines were sufficient in a letter dated June 15, 2004. He added that Bruno Associates recommends grading the downhill shoulder down, keeping the grass mowed, and removing the snow to keep the sightlines open. Mr. Behn asked who maintains the intersection. Mr. Nilsson replied that he does and also stated that he does not believe the snow removal will be effective particularly if the shoulder is graded. Mr. Vihinen stated that he believes he can provide a workable snow removal plan. Mr. Behn added that there should be a

vegetation plan. Mr. Monte stated that the vegetation may be the town's responsibility. Mr. Nilsson stated again that in a big storm of 24" the snow cannot be removed effectively to leave the sightline open. Mr. Behn expressed disbelief that adding five more cars would add to the issue. Mr. Nilsson stated that the snow would roll over the edge and cause a problem. Mr. Markolf stated that all this would assume Mr. Nilsson would continue to do snow maintenance and asked if there is an agreement. Mr. Nilsson stated that there has been an agreement.

Mr. Nilsson asked who would be doing the sitework and excavation. Mr. Monte stated that the board cannot designate contractors.

Mr. Markolf asked if a 16 foot right-of-way could be accomplished in the winter. Mr. Vihinen said yes.

DELIBERATION/DECISION

MOTION by Mr. Monte, seconded by Mr. Markolf, to require that the applicant enlarge the turning radius on the north and west sides of Tishman Road at the intersection with Sugarbush Access Road by no less than 5 feet as recommended by the July 21, 2004 letter from Adam Cook, President of the Fire Department. The applicant should obtain a letter from the fire department certifying that the work has been satisfactorily completed and should allow fire department representatives to supervise. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to impose a condition that the east side of Tishman Road at the Sugarbush Access Road shall be graded in accordance with the letter from Bruno Associates dated June 15, 2004 and that the vegetation within the right-of-way should be cut and maintained. All of the work described in the June 15, 2004 letter should be completed as described. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, that the applicant shall file the letter from the Fire Department certifying the intersection improvements are completed at Tishman Road and Sugarbush Access Road with the Zoning Administrator and shall send copies to the parties in the proceedings. VOTE: unanimous; motion carried.

Mr. Monte stated that the homeowners in the proposed development should participate with the Tishman Road HOA as per the June 9, 2004 draft of the Whisper Ridge Subdivision Covenants. Mr. Lucchese stated that he believes that the Tishman Road HOA would be activated after one more building permit was issued. Mr. Markolf asked if the board should require a bond for the work at the intersection. Mr. Vihinen stated that the Selectboard did not mention a bond and that most of the work would take place on his property. Mr. Monte stated that the Fire Department's requirement for a water supply had been met.

MOTION by Mr. Monte, seconded by Mr. Markolf, to impose a condition that the applicant shall record the Whisper Ridge Subdivision Covenants as they appear in the June 9, 2004 draft before the sale of the first lot. VOTE: unanimous; motion carried.

Mr. Vihinen stated that the grade at the intersection of Tishman and Morningstar Roads is less than 18% and that he would prefer not to change it. He added that the Fire Chief had not been concerned with it when he drove the pumper truck up for the site visit.

Mr. Lucchese stated that the corner is tight when cars are coming both ways and in the winter time particularly when coming down Morning Star Drive. Mr. Vihinen stated that there is a 25 foot right-of-way at that point, but that only 16 feet are being used. He added that in order to widen the turn, one would have to remove a mature pine and a sign post and that a survey would not be necessary. Mr. Robinson said that it would be better to use the whole 25 feet.

MOTION by Mr. Robinson, seconded by Mr. Markolf, to impose a condition that the applicant shall relocate the sign post, cut the pine if necessary, and make Morning Star Drive at least 2 feet wider from the intersection with Tishman Road to the first driveway to the north. VOTE: unanimous; motion carried.

Mr. Vihinen stated that the turnouts for the portion of the road that he will build are shown on the plans and that the fire department had asked him to make the driveways sit opposite one another to make a large turning point. He stated that he had changed the driveways to conform.

MOTION by Mr. Monte, seconded by Mr. Markolf, to find that the proposed development conforms to §7.7(I) pertaining to Traffic and Road Capacity and that the traffic generated and the road layout will not result in congestion or unsafe traffic. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Monte, that approval will be subject to the requirements laid out in the letter from the Fire Department dated June 24, 2004 and that Items 1-6 in the main body and Items 2-4 in the addendum should be made conditions. VOTE: unanimous; motion carried.

Mr. Markolf asked if the Fire Department had reviewed the pond location. Mr. Vihinen replied yes.

MOTION by Mr. Markolf, seconded by Mr. Behn, that the water supply described in Item 2 of the addendum to the Fire Department letter dated June 24, 2004 shall be complete at the time of the occupancy of the first building. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, to classify the application as a major subdivision under §6.1(C) and to find the application complete. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to find that pursuant to §6.3(C) that §7.2 (A-E) are satisfied. VOTE: Ayes - Monte, Markolf, Brattstrom, Robinson, Noes - Behn; motion carried.

Mr. Vihinen stated that the area from 40 feet from each house site to the property boundaries would remain uncut.

MOTION by Mr. Monte, seconded by Mr. Markolf, to impose the standard tree cutting conditions to all properties in the areas that are designated forested in the final plat and that the building envelopes on the plat would be no more than 40 feet from the housesites and that the forested designation would be shown in the legend. VOTE: unanimous; motion carried.

Mr. Vihinen stated that building materials were specified in the bylaws.

MOTION by Mr. Markolf, seconded by Mr. Monte, to find that §7.2(F) regarding Landscaping and Screening has been satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Markolf, seconded by Mr. Behn, to find that §7.2(G-H) regarding Energy Conservation and Subsequent Development Plan are not applicable. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to find that §7.3-4 regarding Conservation Areas and Open Space have been satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Brattstrom, to impose the requirement that the erosion plan submitted with application be adhered to. VOTE: unanimous; motion carried.

Mr. Behn asked if the pond will be used for recreation. Mr. Vihinen replied no and that it will look like a natural pond. Mr. Brattstrom asked if it will be fed by runoff. Mr. Vihinen responded yes.

MOTION by Mr. Monte, seconded by Mr. Robinson, to find that §7.6 regarding Community Services and Facilities has been satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to find that §7.8-9 regarding Water Supply and Wastewater Disposal and Utilities have been satisfied. VOTE: unanimous; motion carried.

Mr. Behn asked whether the utility lines will be underground. Mr. Vihinen stated that the power will come over the property from the access road to a transformer at the driveway and then underground to the properties. Mr. Nilsson asked if the overhead power line will cause a cut through the trees. Mr. Monte and Mr. Vihinen both stated that there would be a cut through the trees even if the lines were underground.

Mr. Markolf asked if Mr. Vihinen planned to install a street sign. Mr. Vihinen responded that he planned a street sign and possibly a monument sign at the base of the driveway. Mr. Behn asked if he planned to give the drive a name. Mr. Vihinen stated that he did not plan a name. Mr. Markolf stated that 911 would require that he have a name for the road. Mr. Vihinen said that it could be an extension of Morning Star Drive or that he would call it Whisper Ridge. Mr. Markolf asked if the Tishman Road covenants regarding signs would apply to the lot at the intersection with Sugarbush Access Road. Mr. Vihinen stated that he has no plans for a sign at the access road intersection.

MOTION by Mr. Markolf, seconded by Mr. Behn, that §7.10 regarding Signs is not applicable and that any future signage will be reviewed under separate application. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Robinson, that §8.3(C) regarding Planned Residential Developments has been satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Behn, that §8.3(D) regarding regarding Rural Hamlet Standards has been satisfied. VOTE: unanimous; motion carried.

MOTION by Mr. Monte, seconded by Mr. Markolf, to approve the application subject to the conditions described above. VOTE: unanimous; motion carried.

Mr. Monte reminded the applicant that he had 90 days to submit a corrected plat on mylar and asked that he include a list of what has been changed.

V. OTHER BUSINESS

a) Review Decision 2004-04-CU Rootsworks

MOTION by Mr. Monte, seconded by Mr. Behn, to approve the decision for 2004-04-CU. VOTE: unanimous; motion carried.

b) Review Decision 2004-03-SD Summit Ventures/Markolf

MOTION by Mr. Monte, seconded by Mr. Behn, to approve the decision for 2004-03-SD. VOTE: unanimous; motion carried.

c) Review July 7, 2004 Minutes
Minutes not approved.

VI. ADJOURNMENT

MOTION by Mr. Monte, seconded by Mr. Behn, to adjourn the meeting. VOTE:

unanimous; motion carried.

The meeting adjourned at 9:55 PM.

Respectfully submitted,
Karen Van Gilder
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte (date)

David Markolf (date)

Chris Behn (date)

Lenord Robinson (date)

Eric Brattstrom (date)