

80-442

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
WEDNESDAY FEBRUARY 22, 2006

Members Present: Peter Monte, David Markolf, Chris Behn (arrived 7:12pm, not included in 1<sup>st</sup> vote taken), Eric Brattstrom and Virginia Roth.

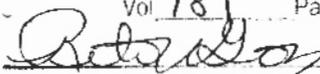
Others Present: Mark Bannon, Norris Weston, Paul Dioszeghy, Mark Schwabe, Steven Clark, Robin Bennett, Cristy Ballou, Steve Butcher, Don Swain, Alex Maclay, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order 7:00 pm

- 1) **Applications #2005-13-SD, #2005-03-PRD**, Three lot (Major) Subdivision and Seven Unit Planned Residential/Planned Unit Development (continued from January 25th, 2006, Board Deliberations) Land Plan Inc, on behalf of **Mad Gap Corporation** seeks Final Plan Approval to subdivide 15.75 +/- acres from an existing 134.8 ± acre parcel, Id # 003000-800, located in the Rural Residential District on the Lincoln Gap Road and VT. RT.100. This project requires review under Article 6, (§6.3) Preliminary Plan Review), Article 7, Subdivision Standards & Article 8 Planned Unit & Planned Residential Development of the Warren Land Use and Development Regulations
- 2) **Application #2006-03-SD**, Two-lot (Minor) Subdivision and Boundary Line Adjustment. Steve and Laurie **Clark** seek approval to acquire 0.17 acres and swap .02 acres from Summit Ventures NE, LLC and merge the acquired and swapped parcels to an existing 1.98-acre parcel. (Property id 053002-101, two previously merged parcels) to create a total acreage of 2.07. Concurrently the applicant request permission to create two 2 lots, Lot 1, 1.05 acres and lot 2, 1.1 acres. This project requires review under Article 6, (§6.1, C & §6.2, §6.3) Preliminary Plan Review), Article 7, Subdivision Standards of the Warren Land Use and Development Regulations.
- 3) **Application #2006-01-SD**, two lot (Minor) Subdivision. (continued from January 8th, 2006) Carol **Thompson** seeks approval to subdivide and existing 2.4 ± acres, parcel id # 005001-800 into two lots, 1.1 ± acres and 1.3 ± acre parcel, located on Sugarbush Woods Road South off the Sugarbush Access Road in the Rural Residential District. Application requires review under Article 6, (§6.3) Preliminary Plan Review, Article 7, Subdivision Standards. (Continued to March 8, 2006)

4) **Other Business:**

- a. Review and approve Minutes from February 8th, 2006,
- b. Slater Two Lot Sub-division Mylar

TOWN OF WARREN, VT  
 Received for Record Mar 24 2006  
 at 3 o'clock P M and Received in  
 Vol. 181 Page 442-447  
  
 TOWN CLERK

Mr. Monte called the meeting to order at 7:03 pm.

1- **Application #2006-01-SD**, two lot (Minor) Subdivision. (continued from January 8th, 2006) submitted by Carol **Thompson**.

**MOTION** by Mr. Monte to continue the hearing on application #2006-01-SD submitted by Carol Thompson until March 8<sup>th</sup>. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

2- **Applications #2005-13-SD, #2005-03-PRD**, Three lot (Major) Subdivision and Seven Unit Planned Residential/Planned Unit Development (continued from January 25th, 2006, Board Deliberations) Land Plan Inc, on behalf of **Mad Gap Corporation**.

Mr. Swain reported to the Board that he had made the modifications to the covenants as they had requested. He also provided a copy of the erosion control plan that was being submitted for the State permit.

**MOTION** by Mr. Monte that the Board accept the applicant's erosion control plan subject to its approval by the State and the submittal of a copy of said State permit for review by the Board within 30 days of its issuance. **SECOND** by Mr. Markolf. **AMENDMENT to the MOTION** by Mr. Monte to include the Board's acceptance of the changes to the covenants dated 2/15/06. Mr. Markolf maintained his **SECOND**. **VOTE:** all in favor, the motion passed.

Mr. Swain said that the State had reviewed the test pits and had found them adequate for a community waste water system for eight homes of three bedrooms each. Mr. Monte asked about the tree coverage, screening as a result of the location of the septic system. Mr. Swain pointed out that there was the 100-foot buffer and that with the system now being consolidated into one community system, the shared system originally located near an abutter was no longer going to decrease the screening in that area.

Mr. Swain also reported that the State wetlands representative had given her blessing for a potential fire pond on the project side of the spring. He added that he did not add the pond to the sketch plan as he did not know what the Fire Dept. preference was. Mr. Butcher, who had brought the Fire Dept. letter of recommendations that evening, stated that though water storage tanks were their first choice, the Dept. would consider a spring fed pond with 30,000-gallon usable capacity connected to a gravity fed hydrant. Mr. Swain said that given the choice, his client would opt for the pond. Discussion then took place regarding whether or not the slope was steep enough for the appropriate amount of pressure required. It was determined based on the information at hand that there should be no problem with obtaining the twenty pounds minimum of pressure needed. Mr. Malboeuf did point out though, if there was any further development uphill of the pond, as previously discussed, that there would not be adequate pressure from the proposed pond for those sites.

Mr. Monte then brought up the other recommendations listed in the Fire Dept. letter of February 22, 2006. He verified with Mr. Swain that the required turnouts were noted on the plan. There were no other comments regarding the Fire Dept. letter.

**MOTION** by Mr. Monte that the Board approve the requirements listed in the letter from the Warren Fire Dept as conditions of the permit with the addition of a ninth item which requires the applicant to submit to the DRB plans for either a water storage tank(s) or fire pond for their review and approval prior to the beginning of construction of the first dwelling. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

Mr. Monte asked about the buffer area on the north side of the project abutting the Robinson property. Mr. Swain stated that the building envelope for the seventh unit was just less than 300 feet from the Robinson's home, and just a little over 200 feet from the actual property line. The trees that are located in that area are of various types. Mr. Monte asked if the ongoing logging program would be taking place within the 100 foot buffer area or any of the area along Route 100 or Lincoln Gap Road. Mr. Swain replied no. He also added in response to a member's question that there were some specimen hardwoods that could be retained in the area between the buffer zone and the dwellings. Mr. Monte also stated that the point of screening was not to make the place invisible but to help break up the mass and straight lines. He went on to say that one or two maple or ash trees due east of each of the

dwelling might be appropriate. Mr. Swain said that something of that nature shouldn't be a problem. Mr. Monte added that four or five evergreens along the westerly edge of the septic area might also be called for. Mr. Markolf asked if it might not make more sense to increase the buffer zone by another 25 feet instead of requiring new plantings. Mr. Swain said that would basically leave you with some spindly red pine that would only come down in a good storm.

To have something more specific to deal with, Mr. Monte made a very detailed **MOTION** involving requirements for a no cut zone, retention of trees in certain areas and or new plantings. Mr. Behn **SECONDED** the motion. During discussion Mr. Markolf suggested that instead of the DRB designing a "forest", that they let the applicant provide a comprehensive landscaping plan that takes into account the concerns of the Board and let him present it to the Board for approval. With that suggestion Mr. Monte **WITHDREW his MOTION**.

**MOTION** by Mr. Markolf that prior to any improvements to the property that the applicant must provide a landscaping plan for the area easterly of the proposed buildings including the septic area for review and approval by the DRB. **SECOND** by Mr. Monte. **VOTE**: all in favor, the motion passed.

Mr. Monte next brought up the concerns that had been expressed in a letter from one of the abutters, Mrs. Robinson. Mr. Swain addressed those concerns one by one and most of them had already been brought up by Board members in previous discussion. Concerns of historic character and project mass had been addressed by buffers and screening to minimize impact and visibility; wildlife habitat had been determined by a wildlife expert as not critical; and the long term development plans indicate the possibility of six additional single family home sites along the old work road as the rest of the property is largely inaccessible. In addition Mr. Monte pointed out that the 7-unit PRD could have been spread out on larger lots, but that as a PRD a larger portion of land is kept as open space.

Conversation then centered around the septic capacity and the potential for one dwelling to only be a two bedroom and another a four bedroom instead all being limited to a maximum of three bedrooms. Mr. Swain made it clear that the building envelopes as shown really do not allow for much more than a 1200 square foot ground floor thus eliminating the possibility of a large four bedroom home. He went on to say that even if you had one two bedroom home, one four bedroom home and the rest three bedroom homes, that that would not alter the overall scale of the project in any significant fashion. Mr. Behn put forth a **MOTION** to limit each home to three bedrooms which was **SECONDED** by Mr. Markolf. During **DISCUSSION** both Mrs. Roth and Mr. Monte expressed opposition to the motion and it was **WITHDRAWN**. With further discussion Mr. Behn **MOVED** that the total number of bedrooms in the PRD shall be limited to twenty-one (21) and that no one unit of the PRD shall have more than four (4) bedrooms. **SECONDED** by Mr. Brattstrom. **VOTE**: all in favor except for Mrs. Roth who voted Nay. The motion passed four to one.

Since there were members of the public in attendance for another application, Mr. Monte **MOVED** that the Board table the consideration of the MadGap application until later in the meeting. **SECOND** was made by Mr. Behn. **VOTE** all in favor, the motion passed.

- 3- **Application #2006-03-SD**, Two-lot (Minor) Subdivision and Boundary Line Adjustment. Steve and Laurie **Clark** seek approval to acquire 0.17 acres and swap .02 acres from Summit Ventures NE, LLC and merge the acquired and swapped parcels to an existing 1.98-acre parcel

*[Note: Mrs. Roth did not participate as a Board member on this application]*

Mr. Monte summarized the application by stating it was the acquisition of a small piece of land after which the newly formed parcel was to be subdivided into two conforming lots. Mr. Bannon of Bannon Engineering was there representing the applicants. Mr. Markolf requesting some housekeeping prior to getting into the application. He asked about the due notice to all abutters and if everyone was notified as he had heard from a couple of people that they had not gotten notice. Since the project involves Summit Ventures and the golf course property there are technically numerous abutters. Mr. Monte expressed concern that if the notice was truly "defective" then they needed to correct it before going forward. Mr. Malboeuf pointed out that notice is also given via newspaper and physical posting on the site. Mr. Bannon stated that the golf course is more than one parcel and therefore someone may abut the golf course, but not the parcel involved in this transaction. Upon further discussion it was determined that the notice given was sufficient and complete and the hearing continued.

Mr. Bannon explained that at one time this parcel was two lots totaling what was thought to be two acres. However a survey found that it was actually only 1.89 acres. The applicant would like to re-create two lots but in order to conform with the Land Use Regulations they need to be a minimum of one acre each. This is where Sugarbush comes in. As it turns out, the golf course currently has a small encroachment on Mr. Clark's property. In a swap, Sugarbush will give Mr. Clark 0.17 acres. The resulting two-lot subdivision will be Lot #1 of 1.05 acres and Lot #2 of 1.1 acres.

Mr. Monte asked for comments/questions from the public. Mr. Schwabe spoke up stating that he had a couple of concerns about the road, especially about maintaining a good operating road during the construction of either of the two homes. He went on to say that the road is narrow and could easily be blocked by large construction vehicles. He also asked about the possibility of the road being dug up to lay utility lines, thus also creating a situation where the road would be blocked. Mr. Monte asked if there was a road maintenance agreement between the homeowners. Mr. Schwabe replied that there were deed covenants but that they were pretty general in wording. There is no road association. Mr. Clark stated that his deed did not contain any covenants. Mr. Monte went on to say that the DRB did not have any authority to change any covenants nor was it practical in this proceeding to impose covenants because only one property of many served by the road is before the DRB. Mr. Bannon stated that it was not the applicant's intent to upset the balance of things in the neighborhood, and that the two new lot owners would certainly contribute their fair share to any road maintenance.

The discussion turned to the issue of where/how the utilities would be brought in, as Mr. Schwabe expressed concern about the road being dug up to do so. Mr. Bannon replied that it seemed at this point that they would be bringing both the phone and power in from Golf Course Road underground which could be a benefit to the neighbors as well. He continued that any underground laying of lines would not be in the middle of the road but would involve some brief interruption of road passage. Mr. Schwabe asked if the seven homeowners could have some sort of advance notice of any road blockage. Mr. Bannon said yes, that would be an acceptable condition. Ms. Ballou asked if such notice could be done by mail in enough time for second homeowners such as herself that might be coming up and not be aware of any physical signage notification until they got here. Mr. Bannon said yes, but added that the road would most likely not need to be full closed and would be scheduled at a time of the least amount of traffic.

**MOTION** by Mr. Monte that at least (7) days before breaking ground for utility installations the applicant be required to both physically post notice on the road as well as mail notice to all homeowners on Norwegian Lane who would be affected by the installation of utilities lines along Norwegian Lane. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

Mr. Behn brought up that the documentation provided was not all consistent in the amount(s) of acreage noted. Mr. Monte stated that the final subdivision plat would be required to reflect correct and consistent information that results in two conforming lots of a minimum of one acre each. Mr. Bannon assured the Board that the final would be correct.

**MOTION** by Mr. Monte that the applicant modify the site plan to conform with the ordinance which requires the building envelopes to be set back a minimum of 40 feet from the road. **SECOND** by Mr. Behn. **VOTE:** all in favor the motion passed.

Mr. Markolf stated that there is the potential to extend the fire hydrant system from The Maples all the way to Knickers, and it has been requested that any subdivision along that corridor be required to pay \$500 per lot towards that system should it ever come about. He further clarified that payment would only be required upon the actual installation of the extended system. Mr. Monte added that it would be a benefit to the entire neighborhood and could decrease homeowners insurance.

**MOTION** by Mr. Markolf to require the owners of the subsequent two lots to pay \$500 each towards the extension of the fire hydrant system from The Maples to Knickers, at which time it is installed. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board finds the application conforms to the requirements of *Article 6, Subdivision Review* and *Article 7 Subdivision Standards* subject to the conditions previously approved. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

Discussion noted that this approval was two-fold in that it was both a boundary line adjustment after which a two-lot subdivision was to take place, thus the approval was also subject to conveyance. Mr. Bannon also noted that Lot 2 was 1.01 acres, not 1.1 as indicated on the site plan.

**4- Applications #2005-13-SD, #2005-03-PRD, Three lot (Major) Subdivision and Seven Unit Planned Residential/Planned Unit Development [CONTINUED from earlier in the evening]**

Mr. Monte reopened the deliberations on the MadGap application. He stated that if there was no further discussion that they would proceed to review under Article 7 Subdivision Standards and Article 8 Planned Unit and Planned Residential Development.

**MOTION** by Mr. Behn that the application satisfies the requirements of § 7.2 *General Standards* subject to the previously discussed and voted on conditions. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the requirements of the following sections under *Article 7 Subdivision Standards* are satisfied:

- § 7.3 *Protection of Primary & Secondary Conservation Areas*
- § 7.4 *Open Space & Common Land*
- § 7.5 *Stormwater Management & Erosion Control*
- § 7.6 *Community Services & Facilities*
- § 7.7 *Roads & Pedestrian Access*
- § 7.8 *Water Supply & Wastewater Disposal*
- § 7.9 *Utilities*
- § 7.10 *Signs*

**SECOND** by Mr. Markolf. **DISCUSSION:** Mr. Malboeuf wanted the applicant to be aware that they were responsible for the purchase of 911 compliant road signs and approval by the 911 Coordinator for a road name. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that § 8.3 (C) *General Standards* is satisfied with no density bonus being requested by the applicant. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that § 8.3 (E) *Warren Village Standards* is not applicable to this application. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that § 8.4 *Planned Unit Developments* is not applicable to this application. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that § 8.5 *Open Space & Common Land Standards* for PRDs & PUDs is satisfied by the application subject to the conditions already approved. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that subject to the previous approvals given and the conditions voted on as well as the standard conditions for Subdivisions and PRDs the Board finds that the application is approved. **SECOND** by Mr. Markolf. **DISCUSSION:** Mr. Malboeuf recommended that the applicant produce the landscaping plan and the plans for either a fire pond or a water storage tank(s) sooner versus later so as not to create possible delays in the construction of the first dwelling. It was also discussed and agreed that the landscaping plan would not be part of the mylar but that either the water storage tank(s) or the fire pond and hydrant would be required to be located on the mylar. Mr. Malboeuf also requested that the applicant supply a CAD version of the final mylar in addition to the recorded copy and tow paper copies. **VOTE:** all in favor, the motion passed.

**5- OTHER BUSINESS**

In other business the Board reviewed and approved the minutes of 2/8/06, reviewed and signed the Sugarbush amendment decision, and reviewed and signed the mylar for the Slater two-lot subdivision.

The next meeting is scheduled for Wednesday March 8<sup>th</sup> at 7pm. The meeting was adjourned at 9:52 pm.

Respectfully submitted,

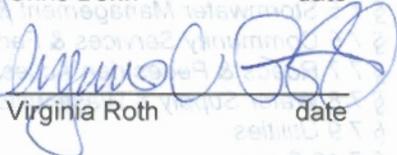
Ruth V. Robbins  
DRB/PC Assistant

**Development Review Board**

Peter Monte \_\_\_\_\_ date

 3/22/06  
David Markolf \_\_\_\_\_ date

Chris Behn \_\_\_\_\_ date

 03-22-06  
 3/22/06  
Virginia Roth \_\_\_\_\_ date

Eric Brattstrom \_\_\_\_\_ date