

60-448

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
WEDNESDAY MARCH 8, 2006

Members Present: Jeff Schoellkopf, Chris Behn, Eric Brattstrom, Virginia Roth and Lenord Robinson.

Others Present: John Connell, Jared Moninger, Linda Lloyd, Carol Thompson, Dorothy Todd, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order 7:00 pm.

- 1) Election of Officers
- 2) Applications #2006-03-CU, Single Family Residence/Side Yard Setback and Steep Slopes Development. Linda **Lloyd** seeks permission to develop single-family residence on steep slopes, parcel Id 003000-400, located at 72 Covered Bridge Road. Located in the Warren Village Historic Residential District. This project requires review under Article 3, (§3.4, Erosion Control & Development on Steep Slopes and C & §3.6, C, 1, Height & Setback Requirements) of the Warren Land Use and Development Regulations.
- 3) Applications #2006-1-SD, Two lot (Minor) Subdivision. (continued from January 22nd, 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.

4) Other Business:

- a. Review and approve Minutes from February 22nd, 2006,

TOWN OF WARREN, VT  
 Received for Record Mar 24 2006  
 at 3 o'clock P and Received in  
 Vol. 181 Page 448-453  
*Ruth Robbins*  
 TOWN CLERK

Mr. Schoellkopf called the meeting to order at 7:06 pm.

- 1- The following votes were taken to elect a Chairman, Vice Chairman and Secretary:
  - MOTION** by Mr. Behn to nominate Peter Monte as Chairman of the DRB. **SECOND** by Mr. Robinson. **VOTE:** all in favor, Mr. Monte is the Chairman of the DRB.
  - MOTION** by Mr. Brattstrom to nominate David Markolf as Vice-Chairman of the DRB. **SECOND** by Mr. Behn. **VOTE:** all in favor, Mr. Markolf is the Vice-Chairman of the DRB.
  - MOTION** by Mr. Behn to nominate Ruth Robbins as Secretary of the DRB. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, Ms. Robbins is the Secretary of the DRB.

- 2- **Application #2006-03-CU**, Single Family Residence/Side Yard Setback and Steep Slopes Development submitted by Linda **Lloyd**, 72 Covered Bridge Road.

Mr. Schoellkopf opened the hearing by recapping the site visit that had taken place earlier in the day. In addition to himself, others present at the site visit were: Mr. Brattstrom and Mrs. Roth representing the DRB; Ms. Lloyd the property owner, Mr. Connell and Mr. Moninger of 2morrow architectural firm and Mr. Malboeuf the Warren Zoning Administrator. DRB member Mr. Behn stated that he had conducted a site visit independently.

Mr. Schoellkopf continued by saying that they reviewed the site and the staked out location of the proposed dwelling and garage. They discussed how the drainage off of the slope was to be

handled and where blasting of ledge would take place. Mr. Malboeuf added that appropriate notification would be required prior to the blasting taking place. He continued to say that the applicant was entertaining the possibility of moving the town wastewater tank but that that was not an issue for the DRB but rather with the Town Administrator and Select Board. Mr. Malboeuf also mentioned some correspondence from Mr. Simpson regarding the Town's plans to possibly rebuild and raise the west abutment of the covered bridge. He also mentioned that the applicant had asked about removing one of the streetlights that the Select Board had replied was necessary to retain for safety reasons. The proximity to the Mad River is not considered an issue as the front setback is measured from the Town road that lies between the house site and the river.

Mr. Connell was asked to give an overview of the plans and to specifically address how any water runoff and erosion would be handled. He began by going over the basic design of the dwelling and described how the front edge of the footprint would be close to the existing line of the previous home. Any ledge that is removed as a result of the blasting was going to be used on the first level façade and the roof line on the second level would be similar in design and appearance to the roof on the nearby covered bridge. Mr. Connell went on to say that after consulting with the site engineer that the biggest source of water on the property was the spring – most all of the water runoff from Route 100 above was handled by existing culverts. In addition though, they will be adding some swales to make sure the site is “dewatered” and it was discussed that the current culverts may need to be cleaned out.

Mr. Schoellkopf asked about erosion control during the construction phase as the plan presented appeared to be a final plan. Mr. Malboeuf stated that an erosion control plan for during the construction of the home could be included as a condition of the permit to be submitted prior to construction commencing.

Discussion then turned to the garage and the applicant's request for setback relief of 30% as allowed under the ordinance. Mr. Connell said that though their original plans were for a two-car garage, that in order not to have to relocate the wastewater tank and pump system they were modifying their plans to a one-car garage with storage space. Mr. Brattstrom asked about the existing garage on the property that is accessed off of Route 100. Mr. Connell replied that as long as Ms. Lloyd could build the one car garage with storage the other structure would not be necessary and would most likely be taken down.

Mr. Malboeuf asked if they expected the road to be blocked at any time during construction due to the tightness of the lot and its access. Mr. Connell replied yes it was possible but he wasn't entirely sure. If so, he anticipated that the blockage would be for a short period of time. Mr. Malboeuf added that if that were to occur that the applicant should make sure that traffic control was attended to as Covered Bridge Road does see a fair amount of cars coming and going. It was also suggested that the applicant notify the Select Board via their administrator Cindi Jones of any possible interruptions to the traffic flow.

Mr. Schoellkopf asked Ms. Todd if she had any comments or questions. She replied that this was a whole new concept as she was originally surrounded by three trailers and now two are gone. When asked if that wasn't a “good” thing, she said she wasn't sure, that she kind of liked her slum. Mr. Schoellkopf commented that the character of the neighborhood was changing.

**MOTION** by Mr. Behn that the Board finds the application complete. **SECOND** by Mr. Robinson.  
**VOTE:** all in favor, the motion passed.

Mr. Schoellkopf then stated that the applicant was requesting a waiver for the maximum 30% reduction in the side setback requirement (Article 3 Section 3.6 (C) (1)). Mr. Connell explained that access up the driveway to the proposed garage was limited, especially with having to avoid the placement of the pumping station for the Town wastewater system. The other option was to push the garage further into the hill and the applicant felt that seeking a reduction in the setback

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requirement was preferable. Mr. Malboeuf added that the removal of the upper garage was important in conforming to the ordinance. Mr. Schoellkopf said it should also be noted that the neighbor on that side is not a residence but rather a town owned park.

**MOTION** by Mr. Behn that the Board grants the setback reduction [§ 3.6 (C) (1)] up to the maximum of 6 feet subject to the old garage structure on the property being removed when the new garage structure is built. **SECOND** by Mr. Brattstrom. **DISCUSSION:** The applicant was asked if she had any "plans" for the spot where the old garage is once it's removed. Ms. Lloyd replied that due to the nearness to Rout 100, it was a noisy location and would probably put in some evergreen plantings as a noise buffer, nothing else. Mrs. Roth asked about the road access to the old garage from Route 100. It is not a legally approved access and Ms. Lloyd said she intended to put up a chain at the property line to discourage people from dropping off unwanted "stuff". For clarification, Mr. Schoellkopf noted that the location of the proposed garage is accurately portrayed on the map S1 by 2morrow studio but not on the drawing by McCain that needed updating. **VOTE:** all in favor, the motion passed.

Mr. Schoellkopf then opened discussion on the issue of development of steep slopes as allowed under *Article 3, § 3.4* of the ordinance. He noted the following: that the site presents a "hardship" in that it is such an odd shape; and that limited site improvements are occurring contiguous to a level area – 900 to 1200 square feet will be blasted to deepen the site vacated by the trailer. The only alternative in developing the site would be another trailer. Mr. Behn felt that proportionally the additional area gained by extending into the 25% slope was minimal and met the guidelines of the ordinance. Mr. Schoellkopf added that this was a preexisting lot and that if they were creating a subdivision today they would not allow the creation of a lot of this nature.

**MOTION** by Mr. Behn that the Board is in agreement that this is a limited site improvement needed to facilitate development and can therefore move forward to review under Article 5, subject to the final erosion and sediment control plan being supplemented by a "during construction" plan to be reviewed and approved by the Warren Zoning Administrator prior to the commencement of construction. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

Mr. Schoellkopf stated that he felt that it was a finding of the Board that the applicant's testimony and documentation illustrated that the property and proposed dwelling was not located in the Flood Hazard Overlay District.

**MOTION** by Mr. Behn that § 5.1 *Applicability* and § 5.2 *Conditional Use Review Process* is either found to be satisfied subject to the submission of a completed FEMA "Elevation Certificate" or not applicable by the Board. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that § 5.3 *Conditional Use Review Standards (A) General Standards (1) thru (5)* are all found by the Board to be satisfied or not applicable. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

Mr. Behn asked what color the applicant had in mind for the upper level of the house. Since the lower half is planned to be sided with the stone extracted from the property, they will do the upper part of the home in a color to coordinate with the stone color which has yet to be unearthed. The roof is going to be a standing seam metal roof of a neutral, natural color (not red). Mr. Connell also pointed out that there are two maples in front of the house that will help to break up the front of the building.

Mrs. Roth expressed concern over the steepness of the driveway and asked if the Board shouldn't require some sort of reinforcement so that the drive doesn't wash down into the road. Mr. Malboeuf added that paving the driveway might actually be a good idea as there could be the possibility of the road eroding over time. Mr. Connell replied that if they did their job right, as planned, that the incidence of rain rushing down the driveway would not happen.

**MOTION** by Mr. Behn that § 5.3 Conditional Use Review Standards (B) Specific Standards (1) thru (5) are found to be satisfied with the condition that the driveway be constructed and maintained in such a way as to not interfere with drainage on Covered Bridge Road. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

Mr. Behn asked if there were any plans for additional landscaping. Mr. Connell stated that other than cleaning up what was there that he didn't see a huge need for any major landscaping efforts. Mr. Brattstrom asked about requiring additional screening up above along Route 100. Though the applicant had indicated she may put up some evergreens where the old garage currently sits for a sound buffer, there were no other plans. Mr. Brattstrom felt it was important where other members felt that with the focus of the development set so far away from Route 100 that it wasn't appropriate.

**MOTION** by Mr. Brattstrom that the applicant provides additional plantings consistent with the existing plantings along Route 100 specifically in the area of the abandoned driveway. [§ 5.3 (B) (6)] **SECOND** by Mrs. Roth **VOTE:** Yea: Mr. Brattstrom, Mrs. Roth and Mr. Robinson. Nay: Mr. Schoellkopf and Mr. Behn. The motion passed three to two.

**MOTION** by Mr. Schoellkopf that § 5.3 (B) (7) thru (9) is satisfied given the conditions previously discussed and voted on. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that § 5.3 (B) (10) and (11) are found to be either satisfied or not applicable to this application. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mrs. Roth that the application complies with the District Standards §5.3 (C) (2). **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that the Board grants the applicants request for a Conditional Use Permit for the project at 72 Covered Bridge Road as presented. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

3- Applications #2006-1-SD, Two-lot (Minor) Subdivision. (continued from January 22nd, 2006) submitted by Carol **Thompson**

*[Note: Mr. Schoellkopf stated that the applicant had recently become an employee of his wife and himself. The other Board members did not feel there was any conflict. However, Mr. Behn took over as Chair for the remainder of the meeting. Mrs. Roth asked if she was needed on this hearing as she was not part of the first one and she was excused.]*

This application had been continued to allow for discussions regarding the possibility of the Town acquiring a right-of-way to access contiguous property for future affordable housing development. Ms. Thompson said that based on advice from her attorney, that the issue with the Town was separate and should not prevent with her going forward with her subdivision request. She added that when the time came she was open and willing to discuss with the Town about a potential right-of-way.

A brief summary was given to refresh the Board on what had been requested. The two new lots would be conforming as they were both more than one acre. Mr. Schoellkopf confirmed with the Zoning Administrator, Mr. Malboeuf, that all the setback requirements had been met, which was determined they had. [Note: set back requirement involving a private road is set forth under the definition of "setback" in Article 10 of the Land Use Regulations].

**MOTION** by Mr. Behn that the application satisfies the requirements of Article 6 Subdivision Review and that the Board is granting the request to combine both Preliminary and Final Plan Review under one hearing. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

Mr. Malboeuf requested that in addition to the normal plat submission and recording requirements that the applicant see about providing an electronic CAD file as well.

**MOTION** by Mr. Schoellkopf that § 7.2 *General Standards (A) (B) and (C)* are all satisfied. **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that § 7.2 *General Standards (D) and (E)* are satisfied. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Schoellkopf that § 7.2 *General Standards (F) (G) and (H)* are satisfied. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Schoellkopf that § 7.3 *Protection of Primary & Secondary Conservation Areas (A) (B) and (C)* are all either satisfied or not applicable. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that § 7.4 *Open Space & Common Land*, is not applicable to this application, § 7.5 *Stormwater Management & Erosion Control* is satisfied and § 7.6 *Community Services & Facilities* is satisfied with the condition that when a driveway is contracted onto Lot 7A that it meet the requirements of § 7.6 (B) (2). **SECOND** by Mr. Brattstrom. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Schoellkopf that § 7.7 *Roads & Pedestrian Access* is not applicable to this application. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that § 7.8 *Water Supply & Wastewater Disposal* and § 7.9 *Utilities* are satisfied and § 7.10 *Signs* is not applicable. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that the Board approves the requested subdivision as presented with the aforementioned and voted on conditions. **SECOND** by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

The meeting was adjourned at 9:20 pm. The next DRB meeting is scheduled for Wednesday March 22, 2006. Mr. Behn gave notice that he would not be available for the meeting on the 22<sup>nd</sup>.

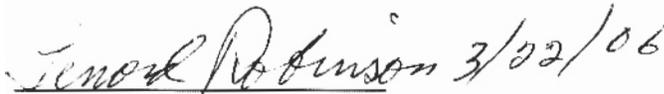
Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

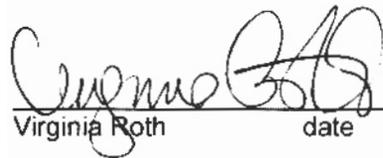
Development Review Board

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Jeff Schoellkopf                      date

 03-24-06  
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Chris Behn                              date

 3/22/06  
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Lenord Robinson                      date

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Eric Brattstrom                      date

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Virginia Roth                              date