

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
WEDNESDAY JUNE 7, 2006

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000793

Members Present: Peter Monte, David Markolf, Bob Kaufmann, Virginia Roth and Lenord Robinson.

Others Present: Jennifer Grace, Jay Fetherolf, Amy Hunter, Don Swain, June Sardi, Jeff Swann, Bob & Louise Messner, Dick & Isabelle Frost, Cindy Carr, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order 7:00 pm.

1) Review Notes of Site Visits:

- a. Grace, Development on Steep Slopes, Off Brook Road
- b. Hunter, Relocation of a Building Envelope within the Meadow Land Overlay District, Woods Road Nr.

2) Application **#2006-07-CU**, Development Review – Steep Slopes Applicant, **Jennifer Grace**, seeks permission to complete a development road to Single Family Dwelling on 43. ± Acres, located on the Brook Road (Parcel Id No.001002-800). This application requires review under Article 2, Zoning Districts & District Standards, Table 2.2 Rural Residential District, Article 3, §3.4, Erosion Control & Development on Steep Slopes, and Article 5, Development Review, of the Warren Land Use and Development Regulations

3) Application **#2006-10-CU**, Development Review – Meadow lands Applicant, **Amy Hunter** seeks permission to locate a Single Family Dwelling on 6.2. ± Acres, located on Woods Road North (Parcel Id No.009006-900). This application requires review under Article 2, Zoning Districts & District Standards, Table 2.2 Rural Residential District & Table 2.13, Meadow Land Overlay District and Article 5, Development Review, of the Warren Land Use and Development Regulations.

4) Application, **#2006 09-SD, #2006 09-CU, Sardi**, (4 Lot) Partially located in the Forest Reserve District The applicant, June Sardi, seeks Sketch Plan Review, Article 6, §6.2 for a Minor Subdivision of 4 lots. (Application was originally warned for 3 lots) This application, located in the Rural Residential and Forest Reserve Districts, requires review under Article 2, Zoning Districts & District Standards, Table 2.2, Rural Residential District & Table 2.1, Forest Reserve District, Article 6, Subdivision Review and Article 5, Development Review, of the Warren Land Use and Development Regulations.

5) **#2006-10-SD-AM**, Lincoln Ridge, Revisions to Approved Plat Article 6, §6.7, 20 lot Approved Subdivision

6) Application **#2006-08-CU** The applicant, Stephen Dollmeyer, seeks a Conditional Use Permit to relocate an Accessory Structure within the one hundred foot setback from Freeman Brook. The property, parcel Id 001000-600, is located at 76 Brook Road on .2 acres in the Warren Village Commercial District. This project requires review under Article 2, Zoning Districts & District Standards, Table 2.10(Warren Village Commercial), (B-2) Article3, General Regulations, §3.13, Surface Water Protection and Article 5, Development Review of the Warren Land Use and Development Regulations (To be Continued to June 21, 2006)

7) Other Business:

- a. Review and approve Minutes from May 17, 2006

Mr. Monte called the meeting to order at 7:02 pm.

- 1- Application #2006-07-CU, Development Review – Steep Slopes Applicant, **Jennifer Grace**, seeks permission to complete a development road to Single Family Dwelling on 43. ± Acres, located on the Brook Road (Parcel Id No.001002-800).

After reading the warning Mr. Monte summarized what they had observed at the site visit earlier in the day. (In attendance at the site visit were: Peter Monte, Virginia Roth, Miron Malboeuf and Mark Bannon. David Markolf did a site visit independently later in the day) Mr. Monte described the road leading into the property as approx. 3,000 feet long with areas where the slope percentage was anywhere from the high teens to as much as 22%. They viewed a temporary culvert where there are future plans to build a bridge and several instances of erosion and siltation due to there being no erosion control measures in place.

Ms. Grace stated that her intention was to build a small dwelling at the end of the road. The Board reviewed a site plan prepared by Bannon Engineering that showed the stream crossings that have been approved by the State. However, prior to Bannon Engineering's involvement, another engineer had provided his suggestions, a contractor had been hired to put in the road, and as Mr. Malboeuf said, excavators rarely have any idea of what is required by the ordinance in handling steep slope environments. He went on to say that though Ms. Grace has employed some remedial erosion control measures, a more comprehensive erosion control plan needs to be put in place. Mr. Robinson commented that the erosion control measures (seed planting) that had been done was an improvement over how it looked prior.

Mr. Monte stated that two things were needed for the Board to consider in giving any approval; a comprehensive erosion control plan and justification for allowing development on a section of slope that is greater than 25% that is not allowed under the ordinance. He continued by stating that requiring an erosion control plan would be an expense that could be spent in vain if they (the Board) were unable to approve the development of the greater than 25% area. Mr. Monte suggested that the applicant attempt to address the >25% slope issue first to help minimize out of pocket costs if she so desired. Mr. Markolf also suggested that the applicant also look at all the potential "high ticket" items that may be major stumbling blocks in moving forward. It was also noted that a written statement from the Fire Department as to their recommendations would be required.

**MOTION** by Mr. Monte that the Board continue the hearing on application #2006-07-CU until June 21, 2006. **SECOND** by Mrs. Roth. **VOTE:** All in favor, the motion passed.

- 2- Application #2006-10-CU, Development Review – Meadow lands Applicant, **Amy Hunter** seeks permission to locate a Single Family Dwelling on 6.2. ± Acres, located on Woods Road North (Parcel Id No.009006-900).

Mr. Monte read the warning and summarized the application that was requesting the relocation of a previously approved building envelope to a location that would be further into the meadowland. The first question that was asked was why? Ms. Hunter and her builder, Mr. Fetherolf replied that the current site was very wet and thus not suitable. Mr. Robinson concurred, stating that many years ago he had helped to clear that lot and was familiar with it. Mr. Monte commented that it was his observation that the changing of this house site would not alter the visual effect within the neighborhood.

Mr. Markolf asked when the house site approval had taken place. Mr. Malboeuf replied that it was referred to as the VIP subdivision and that he thought it took place approximately four or five years ago. Upon review of the file, it was confirmed that the decision for a Conditional Use was

rendered in January 1997. It was also pointed out that the applicant had purchased two lots (lot #18 & lot #19) and the question arose as to the possibility of a future owner requesting to build on the other lot. Ms. Hunter replied that according to the engineer there was only enough wastewater capacity for one building lot and that she had no intention to sell the other lot. [At this point the Board's attention was directed to a letter from the owner & abutter of Lots 17 & 16 (Benjamin Norstrand) which stated that he had a 1/3 interest {by deed} in the leach field that will be situated on lot 18 or 19.]

Mr. Markolf asked that if the current building lot on Lot 19 is too wet, had they looked at the approved building lot on Lot 18 as an alternative. [In reviewing the Decision for Conditional Use for the original subdivision dated 1/6/97, Lot 18 was approved for the construction of a single family residence with the condition that no structure be built within the meadowland but that construction of septic and water systems would be allowed in the meadowland.]

**MOTION** by Mr. Markolf that 1) lots 18 and 19 be merged into one lot by means of a deed and 2) the building envelop on the newly formed one lot will be modified from the previous decision of January 1997 to be as follows: within 64 feet from the center line of the road along the easterly property line of lot 19 and within 215 feet from the center line of the road along the westerly boundary line of lot 18 with the stipulation that all setback requirements will also be met.

**SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board finds that due to the excessive wetness of the prior designated building area that the standards of *Article 2, Table 2.13 (E) (1) (a)* and the applicable *Conditional Use Standards of Article 5, § 5.3* are met. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

- 3- Application, #2006 09-SD, #2006 09-CU, Sardi, (4 Lot) Partially located in the Forest Reserve District The applicant, June Sardi, seeks Sketch Plan Review, Article 6, §6.2 for a Minor Subdivision of 4 lots.

Mr. Swain, representing the applicant, June Sardi, gave a brief overview of the proposed subdivision. The parcel of 140 +/- acres is mostly in the Rural Residential District with a section at and above the 1750-foot elevation mark designating the Forest Reserve District. The applicant is proposing two sizable lots, Lot 1 of approx. 30+/- acres and Lot 2 of approx. 27 +/- acres for resale. Newly created Lot 4 of 12+/- acres will be retained by the applicant for the possibility of downsizing from the current home. Both Lot 1 and Lot 2 include a portion of the Forest Reserve District. The others do not.

The parcel is enrolled in the current use program and it is the applicant's intention to continue that and have it be part of the covenants upon sale of the lots. Access is and will be off of the current driveway thus there will be no new curb cut. There is an existing fire hydrant not far from the driveway entrance and Mr. Swain has requested a Fire Dept. review meeting but no date has been set. Though test holes have not been done yet, Mr. Swain did not anticipate any problems in finding adequate wastewater capacity. He noted that back in the early 1980s a major project had been proposed (60+ units) and at that time plenty of septic capacity had been found.

The building lots have been situated on 10% or less grade and the new drive is a gentle slope. The covenants will state that there will be no further development, remain in current use program, single family dwellings, with architectural approval. Mr. Swain also mentioned that with the large lots that they would be requesting some significant clearing zones to allow for horses, but that with the trees that would be remaining that the sites would not be visible except in the direction of the golf course.

With this being Sketch Plan Review, the Board put together a “laundry list” of items to be considered at the Preliminary Review hearing that is scheduled for June 21<sup>st</sup>. They are as follows:

- Draft covenants including a provision for road/driveway maintenance
- Fire department review
- Building envelopes & driveway staked out for site visit on 6/21/06 at 8am
- Site Plan to more clearly define the primary & secondary conservation areas
- Wildlife habitat addressed

**MOTION** by Mr. Monte to continue to the Preliminary Plan Review hearing on Wednesday June 21<sup>st</sup> at 7:00 pm. **SECOND** by Mr. Markolf. **VOTE:** All in favor, the motion passed.

4- **#2006-10-SD-AM, Lincoln Ridge**, Revisions to Approved Plat Article 6, §6.7, 20 lot Approved Subdivision

Ms. Carr briefly reviewed the modifications that were made to the requested amendment to the Lincoln Ridge Subdivision permit. Reference was also made to the site visit that was attended by Mr. Robinson, Mr. Markolf, Mr. Brothers, Mr. Malboeuf and Ms. Carr on June 2<sup>nd</sup>.

**MOTION** by Mr. Markolf that Lot #20 be amended to allow for the clearing of all trees within 100 feet of the primary structure and for any clearing necessary for the primary septic, driveway and utilities. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that the Board approve the relocation of Lot # 10, modify the building envelope of lot # 11 and the revised septic system for Lots 10, 11 & 9 as shown on Otterman's map of 4/15/06. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that the Board give the Zoning Administrator the authority to approve building envelope adjustments when individual lot owners apply for building permits for lot #'s 2, 6, 7, 10, 19 & 20 in order to optimize house site placements. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte to approve the relocation of the wastewater system on Lot #20 subject to obtaining a health permit. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board approve the construction of a 24'x30' storage/equipment barn to be located as shown on the Otterman plan dated 5/11/06, and the equipment to be used for ski access may be winter mechanized vehicle(s) to be operated by employee(s) of the Homeowners Association over routes confined to approved access trails from the Sugarbush Ski area to the westerly area of the property and hence to the equipment/storage barn. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board approves the relocation of the driveway to Lot #6 as shown on the Otterman map dated 5/11/06. In addition the 200' well setback to be shown on the final mylar. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that the Board approves the proposed changes to the Covenants as requested by the applicant and outlined in the narrative dated 6/7/06 item # 7. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Monte that although Lots # 2, 6, 7, 10, 19 & 20 contain slopes of 15% or greater, they also provide more level areas and it is the Zoning Administrators charge to ensure that when

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built upon that the building site(s) minimize any encroachment on the secondary conservation areas; it is also a requirement that the lot owner(s) supply a copy of their erosion control plan to the Zoning Administrator prior to the building permit being issued. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that the permit is hereby amended to reflect that the project will include three (3) fire hydrants whose location will be noted on the final mylar plat. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

5- In other business the Board signed the minutes of May 17<sup>th</sup>. The next DRB meeting will be on Wednesday June 21<sup>st</sup> at 7:00pm. A site visit is scheduled for that morning at 8:00am at the Sardi property.

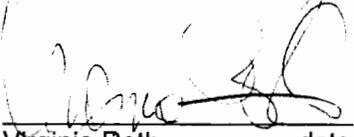
The meeting was adjourned at 9:56pm.

Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

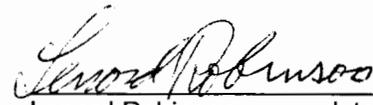
**Development Review Board**

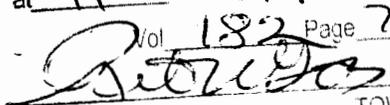
Peter Monte \_\_\_\_\_ date

  
Virginia Roth \_\_\_\_\_ date 6/21/06

Bob Kaufmann \_\_\_\_\_ date

  
David Markolf \_\_\_\_\_ date

  
Lenord Robinson \_\_\_\_\_ date 6/21/06

TOWN OF WARREN, VT  
Received for Record 6/22 2006  
at 11 o'clock 11 AM and Received in  
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TOWN CLERK