

**TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
WEDNESDAY JUNE 21, 2006**

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Members Present: David Markolf, Lenord Robinson, Virginia Roth and Chris Behn.

Others Present: Gunner McCain, Shelia Ware, Jeffrey Resnick, Mary Williams, Mary Alice Bisbee, Clayton Paul Cormier, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order 7:00 pm.

- 1) Review Notes of Site Visit: Sardi 4 lot Subdivision
- 2) Application **2006-07-SD**, Two Lot Subdivision Applicants Thomas & Mary Williams seek permission to subdivide a 2.79± Acre parcel, located at 761 Cider Hill Road (parcel Id No is 012003-200), into two lots, Lot A will be 1.13± Acres and Lot B will be 1.65± Acres. No development is proposed for these lots that are located in the Meadow Land Overlay District. *Article 2, Table 2.2 Rural Residential District & 2.13 Meadowland Overlay District.* This application will be heard in conjunction with an application for a four-lot subdivision, 2006-08-SD, located at 211 Cider Hill Road (Parcel Id 01200-300). This was warned for *Article 6, §6.4 Final Plan Approval*
- 3) Application **2006-08-SD**, Four Lot Subdivision Applicant Jeffery Resnick seeks permission to subdivide a 51.47± Acre parcel, located at 211 Cider Hill Road (Parcel Id No.012000-300), into four lots: Lot 1 will be 33.4± Acres, containing the existing 7 bedroom house and two bedroom groundskeepers cottage and associated on-site individual water and sewer systems; Lot 2 will be 8.9± Acres; lot 3 will be 7.98± Acres; and lot 4 will be 1.19± Acres. Development envelopes are proposed for lots 2 and 3 portions of which are located in the Meadow Land Overlay District. Lot 4 will be conveyed to Tom & Mary Williams along with a counter convince of Lot A (1.13± Acres) as proposed to be created under application 2006-07-SD. As six lots are involved in the combined applications this property, it is warned for *Final Plan Approval Review, 2006-08-SD, §6.4 Final Plan Approval and Development Review, Article 5. 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 Final Plan Approval Article 6, §6.4 for a Minor Subdivision of 140± acres, 4 lots at 2255 West Hill Road. Lot 1: 30± acres, Lot 2: 27± acres, Lot 3: 71± acres with existing house and barn and lot 4: 12± acres. 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, Article 7, Subdivision Standards, and Article 5, Development Review, of the Warren Land Use and Development Regulations. *(Requested to be continued to 08/09/06)*
- 5) Application **2006-07-CU**, *[Cont'd from June 7<sup>th</sup>]* 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 *(Requested to be continued to 08/09/06)*
- 6) Application **2006-08-CU**, Applicant, Stephen Dollmeyer, seeks a Conditional Use Permit to relocate an Accessory Structure within the one hundred foot setback from Freeman Brook. The property is located in the Warren Village Commercial District. The property, parcel Id 001000-600, is located at 76 Brook Road on .2 acres. This project requires review under Article 2, Zoning Districts & District Standards, Table 2.10(Warren Village Commercial), (B-2) Aarticle3, General Regulations, §3.13, Surface Water Protection and Article 5, Development Review of the Warren Land Use and Development Regulations. *(To be Continued to July 19, 2006)*
- 7) Other Business:
  - a. Review and approve Minutes from June 7, 2006
  - b. Review and Sign Hunter & Lincoln Ridge

TOWN OF WARREN, VT

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 at 11 o'clock A M and Received in  
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*Ruth Robbins*  
 TOWN CLERK

- 1- Application 2006-07-SD, Two Lot Subdivision Applicants Thomas & Mary Williams seek permission to subdivide a 2.79± Acre parcel, located at 761 Cider Hill Road (parcel Id No is 012003-200), into two lots and Application 2006-08-SD, Four Lot Subdivision Applicant Jeffery Resnick seeks permission to subdivide a 51.47± Acre parcel, located at 211 Cider Hill Road (Parcel Id No.012000-300), into four lots.

Gunner McCain gave an overview and went over the checklist from the previous Sketch Plan Review hearing of May 3<sup>rd</sup>. First there is a proposed conveyance between the two parties (Resnick & Williams) that will allow the Williams to have all their land contiguous, and for Mr. Resnick to still have a piece of land that allows for access to the back portion of his property. There is no proposed development for the Williams parcel. Second, Mr. Resnick is seeking to subdivide his property into three lots with no immediate development planned for the two lots outside of the lot that contains the current residence. Mr. McCain showed that the right-of-way was indicated on the site plan and also mentioned that they had requested in writing that the Board consider this application under a combined Preliminary and Final Plan Review.

**MOTION** by Mr. Marko that the Board accepts the applicant's request to consider this application under a combined Preliminary and Final Plan Review. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

From the checklist Mr. McCain pointed out that the right of way is on the site plan, that the primary and secondary conservation areas were also identified on the site plan and draft copies of deeds and covenants have been submitted that address maintenance of the road and shared wastewater system. Mr. McCain said that they wanted to wait until this permit was issued before submitting a road cut application to the Select Board. Mr. McCain responded to the item regarding possible clearing restrictions with language as follows: "clearing to create limited views is allowed to a minimum of 16 trees of 4" diameter at breast height (dbh) or larger per acre will be left. Upon discussion amongst the members and Mr. McCain they came to the agreement that they would change 4" to 6". This requirement will be included in the covenants. Mr. McCain also added that the "vegetated buffer" was his preferred term for a "no-cut zone".

Clarification was requested regarding a possible condition for limited clearing along the proposed driveway. Mr. McCain said that he felt that it wasn't going to be visible by anybody. The Board had asked that the applicant arrange for a Fire Department review and Mr. McCain said that they had sent a letter but had yet to receive a response. He went on to say that he didn't think there should be any problems as they had the appropriate turnouts for access to two dwellings and the grade was less than or at most 10%. Secondary access to the current Resnick home is also being requested but will not be installed until the development road goes in of which there is no immediate plan for. Discussion ensued about the width of the road resulting in a 16 foot maintained road up to the point where it branches off to the different lots where it can then be a minimum of 14 feet maintained. Mr. McCain stated that the plan showed limited clearing areas and vegetated buffers outside of the proposed building lots. It was asked if clearing provisions had been made for the vernal pond that was indicated on the site plan. Mr. McCain said yes, that the plan called for a 50-foot radius around the pond that was designated as a no clear area. He added that the pond/pool was located out in the woods and was not hard to protect.

Mr. Markolf brought up the subject of the standard requirements that typically the Fire Department asks for. Since the applicant had not heard back from the Fire Department, the Board attempted to review the items that the applicant could expect. Mr. McCain said that as long as there were no unreasonable "surprises" in the Fire Department requirements, that they would be comfortable with having the receipt of the Fire Department letter as a condition of the permit. Mr. Malboeuf added that if for any reason there did appear to be a Fire Department requirement that they didn't like, they could come back to the DRB.

**NOTE:** The Board discussed that they would consider both applications, Williams and Resnick, jointly as they consider the standards, but that there would be two decisions. Since the standards being applied were the same for both this seemed to be most expeditious.

**MOTION** by Mr. Markolf that the applications satisfy the requirements of *Article 2, Table 2.13 Meadowland Overlay District Item (E) (1) (A)* as the drive that goes through the meadowland has minimal impact. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that the applications conform or the standard is not applicable for *Article 5, § 5.3 Conditional Use Standards item (A) (1 – 5)*. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that the applications satisfy the standards of *Article 5, § 5.3 Conditional Use Standards item (B) (1-11)*. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that the standards being considered and voted on apply to both applications, Williams #2006-07-SD and Resnick #2006-08-SD. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that the requirements *Article 6 Subdivision Review § 6.3 Preliminary Plan Review (A) through (E) and § 6.4 Final Plan Approval (A) through (D)* are either satisfied or do not apply for both applications. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

Discussion ensued regarding the timeframe of this permit. The subdivision permit does not expire, however, the Conditional Use permit for constructing a road through the Meadowland Overlay would need to be renewed after two years and then only for another two year period. If the road has not been constructed by the end of four years, the applicant would have to return to the DRB with a new application seeking permission for the road all over again. As the Board members pointed out though, the road does not have to be in it's final finished state, just a minimum of 16' wide and drivable.

**MOTION** by Mr. Markolf that the standards of *Article 7 Subdivision Standards, § 7.2 General Standards (A) through (E)* are either satisfied by the applicants or found not applicable. **SECOND** by Mr. Robinson. **DISCUSSION:** Mr. Behn wanted it noted that the building envelope for Lot #3 does encompass some secondary conservation area. The Board was comfortable with this as the alternative was to place the building envelope up on the ridge creating the likelihood of increased visibility. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that the requirements of *§ 7.2 General Standards (F)* have been satisfied by the applicants. It is also agreed that in the language contained in the document "Warren Development Review Board Specimen Text for Landscaping Plans in Zoning Permit Draft: December 15, 2003" #2 No-Cut Area, b., iii., (1) shall contain the number "10" (ten). **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

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

**MOTION** by Mr. Markolf that *§ 7.3 Protection of Primary & Secondary Conservation Areas* is satisfied by the applicants with the notation that the building envelope for Lot #3 does encompass some secondary conservation area however the alternative was to place it up on the ridge which would create increased visibility. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that *§ 7.4 Open Space and Common Land* is satisfied by the applicants with the condition that the area contained in the Meadowland Overlay District be maintained as meadowland in its current state as of this date [6/21/06]. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that *§ 7.5 Stormwater Management & Erosion Control* is satisfied by the applicants with the condition that an erosion control plan be submitted to the Development Review Board PRIOR to any construction. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Markolf that *§ 7.6 Community Services and Facilities* is satisfied by the applicants with the condition that an agreed to letter between the applicant and the Warren Fire Department be submitted to the DRB within 45 days of this decision. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that the requirements of *§ 7.7 Roads and Pedestrian Access* are either satisfied by the applications or not applicable with the condition of 1) an approved road cut permit from the Warren Select Board and that 2) the main feeder road up to the point where it veers off to the individual lots is to be 16' in width and maintained to a minimum of 14' in winter, ONCE THE HOME ON Lot 2 and/or Lot 3 ARE CONSTRUCTED. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

**MOTION** by Mr. Behn that the requirements under *§ 7.8 Water Supply and Wastewater Disposal, § 7.9 Utilities and § 7.10 Signs* are all satisfied or deemed not applicable to these applications. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

TOWN OF WARREN  
 DEVELOPMENT REVIEW BOARD  
 MINUTES OF MEETING – 6/21/06

**MOTION** by Mr. Behn that the Board grants approval for applications # 2006-07-SD [Williams] and #2006-08-SD [Resnick] with the forgoing conditions voted on. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

- 2- **MOTION** by Mr. Behn to continue Application, 2006- 09-SD, & 2006 09-CU Sardi 4-lot subdivision partially located in the Forest Reserve, until August 9, 2006. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

Mr. Markolf reported for the record that a site visit had taken place earlier that day at the Sardi parcel. Those attending were Mr. Swain, Mr. Robinson, Mrs. Roth, Mr. Malboeuf and Mr. Markolf. They walked and viewed the proposed building envelopes for Lot #4, up the proposed drive to Lot #1 and Lot #2. They noted various wet areas along the way and the possibility of conditioning for some clearing restrictions on Lot #1. They also commented on the fact that though there was another possible building site on Lot #2, the one shown on the initial site plan is the only one they will approve. The members also made comment about the fact that the forestry activity was done in a rather messy fashion.

- 3- **MOTION** by Mrs. Roth to continue Application 2006-07-CU, Jennifer Grace, Steep Slopes Review, until August 8, 2006. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.
- 4- **MOTION** by Mr. Behn to continue Application 2006-08-CU, Applicant, Stephen Dollmeyer, seeks a Conditional Use Permit to relocate an Accessory Structure within the one hundred foot setback from Freeman Brook until July 19, 2006. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.
- 5- In other business the Board approved and signed the minutes of June 7, 2006 and signed the decision for Hunter and the amendment decision for Clark.

The meeting was adjourned at 8:52pm. The next scheduled DRB meeting is Wednesday July 19, 2006.

Respectfully submitted,

Ruth V. Robbins  
 DRB/PC Assistant

**Development Review Board**

Lenord Robinson date

David Markolf date

Chris Behn date

Virginia Roth date