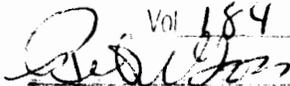


Received for Record 9/7 2006at 1 o'clock P M and Received inVol 184 Page 227-229

TOWN CLERK

Members Present: Peter Monte, David Markolf, Virginia Roth, and Lenord Robinson**Others Present:** Sally Bryson, Jeremiah Shanahan, Nicole Fitch, Peter DeGraff, Andy Broderick, Pat Collins, Erin Post, Linda Lloyd, Bob Ackland, Margo Wade, Bill Maclay, Miron Malboeuf and Ruth Robbins.**Agenda:** Call meeting to order 7:00 pm

- 1) Review Notes of Site Visit: Patterson Application, Chisel Tooth Lot #5???
- 2) Application #2006-06-SD, #2006-06-CU, #2006-06-PRD, Preliminary Plan Approval/ Subdivision Approval, Blue Tooth HLP, for Summit Ventures (Blue Tooth Property), (Continued from July 19, 2006) Preliminary Plan Review for a planned unit development of 20 Units of affordable housing. The Blue Tooth HLP, Housing Vermont, the Central Vermont Community Land Trust and Sugarbush Development, LLC & Summit Ventures LLC, have applied for 20 Units of Affordable Housing on 9.9 Acres. This development combines two parcels located in the Rural Residential District, Article 2, Table 2.2, C (18) and Vacation Residential District Article 2. Table 2.5, C (13). The first parcel, located at 1423 Sugarbush Access Road, is approximately 1.2 acres owned by Sugarbush Development, LLC and the adjacent parcel, owned by Summit Ventures NE, LLC, is approximately 7.7 acres. This application will be reviewed as a Major Subdivision, Conditional Use and Planned Residential Development, PRD. The applicants have requested approval under Article 8., Planned Unit & Planned residential Development, coordinated with, Article 6, 6.3§, Preliminary Plan Review and under Article 5., Development Review of the Warren Land Use and Development Regulations.
- 3) Application #2006-12-CU, Conditional Use, Structure in Forest Reserve District The applicant, Richard Patterson, seeks permission to construct a single-family residence and garage on an approved lot, #5, 9.6± acres, located in Chisel Tooth Group Subdivision off Cider Mountain Road. This project requires review under Article 2, Zoning Districts & District Standards, Table 2.1(Forest Reserve District), C-2 (Accessory Use or Structure) & C-7 (Single Family Dwelling) and Article 5, Development Review of the Warren Land Use and Development Regulations.
- 4) Application #2006-12-SD, Boundary Line Adjustment. The applicants Jennifer and Martin Patterson seek permission for a minor subdivision, Boundary Line Adjustment, for their property located on 2275 West Hill Road. The applicant seeks to reconfigure two lots: lot 1, presently 7.4± acres and lot 2, presently 1± acre. The reconfigured boundary lines will create lot 1 with 6.26± acres and lot 2 with 1.19± acres. This application requires review under Article 6, §6.2(D) Sketch Plan Review, (E) Boundary Line Adjustment, of the Warren Land Use and Development Regulations
- 5) Other Business:
 - a. Review and approve Minutes from July 19th, 2006

Mr. Monte called the meeting to order at 7:07 pm.

- 1- Application #2006-05-SD, #2006-06-CU, #2006-03-PRD, Preliminary Plan Approval/ Subdivision Approval, Blue Tooth HLP, for Summit Ventures (Blue Tooth Property), (Continued from July 19, 2006) Preliminary Plan Review for a planned unit development of 20 Units of affordable housing.

000227

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY AUGUST 9, 2006

Mr. Monte read the warning after which Mr. Maclay gave a presentation showing the changes and modifications made to the project since the Sketch Plan Review hearing on May 18th. The first item he addressed was presenting a drawing that identified both the primary and secondary conservation areas. Another visual showed what the project would look like from the vantage point of being on the Access Road. Specifics within the site plan had been changed to show parking located inside of the loop and the boundaries of the project have been confirmed as meeting the State setback requirements from a stream (in this case Wheeler Brook). A landscape plan was also presented showing the existing vegetation that would be preserved and new plantings of a mix of soft and hard wood trees. Mr. Maclay also presented a site plan that showed how the property could be developed if it were subdivided in accordance with the standards for the district(s) in which the land is situated.

Mr. Maclay then turned the presentation over to Peter DeGraff of Otter Creek Engineering. Mr. DeGraff described the proposed wastewater system, discussed the water supply, the culverts necessary for crossing Wheeler Brook and that they would be required to meet the stringent State standards for storm water control. In addition, they would be required to obtain an erosion control permit from the State as well. Mr. DeGraff noted that the applicants are in negotiations with an adjoining land owner (Roth) for a small bit of land needed for the wastewater system, however also noted that should that purchase not take place that there was a "Plan B". Also addressed by Mr. DeGraff was the State of Vermont deeryard map, which they felt was very inaccurate as it showed a deer yard area encompassing the current Blue Tooth building. He pointed out that the drives were all 20 feet wide, exceeding the 18-foot requirement and that none of the turn radiuses were tighter than 30 feet.

Mr. Maclay brought up that they had met with the Fire Department and that they had recommended that there be two spaces per unit instead of the standard one and a half spaces per unit. Mr. Maclay said that it was feasible for more spaces to be added but that the applicant felt that one and a half per unit was adequate. He went on to add that there would be a management company that would be overseeing the operating of the development to address any vehicle parking issues. The Fire Department also requested a fire lane that would come off of the parking area by the easternmost apartment building as well as the installation of a fire hydrant. Mr. Malboeuf asked if a semi gravel lane could be maintained for the fire lane. Mr. DeGraff replied that ANR has gotten increasingly stringent about stream setbacks being maintained in their natural condition.

Mr. Monte asked what the ownership structure was and how affordability was going to be maintained. Mr. Broderick explained that the ownership would be a partnership between Housing VT and Central VT Community Land Trust as well as some banks that will be limited partners. The duplexes, which will be sold, will have their affordability protected by a set of covenants that will outline the max amount of appreciation and profit that will be allowed upon future sale. The apartments will be kept affordable by keeping the debt load low with numerous tax credits that will be employed since it is deemed affordable housing.

MOTION by Mr. Markolf that the Board considers the application complete and designated as a major subdivision and PRD. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

NOTE: Mrs. Roth's husband, John Roth, is the owner of the adjacent parcel that is being considered for acquisition for the wastewater system by the developers of this project. Mr. Monte, chair of the DRB asked the applicants if they had any problem or were uncomfortable with Mrs. Roth reviewing and voting on this application. The applicants did not express any concern that there was any conflict with Mrs. Roth serving on their application.

Mr. Markolf asked to revisit the sketch that Mr. Maclay had done to illustrate that the density requested meets with the standards in the ordinance. After some discussion the Board asked the applicant to revise the site density plan and also show if they were requesting a density bonus

and its justification for one. Mr. Markolf continued with his "list" mentioning that the applicant should be aware that they would need to have the State Labor & Industry division involved. He also asked what if any information they had as to future development uphill of their site, and as to what their feeling was about allowing access from their road cut. The applicant replied that they would have no problem in granting an easement if the adjoiner wanted to use the road. (The right of way uphill of the applicant is owned by M. Smith and the parcel is thought to be dedicated to conservation, thus development should not be an issue.)

With no other questions from the Board members at this time, Mr. Monte invited public comment. Mr. Collins, a resident on the Access Road located across from the Blue Tooth property, stated that he was very much in favor of affordable housing but felt that this proposed location couldn't be a worse place to locate it. He expressed concern about young families living there and the dangerousness of the Access Road. He was concerned about where young children would play and mothers would walk their strollers. He also mentioned that the view from the Access Road of a parking lot and the backside of low-income apartments was not desirable in his opinion.

In response, Mr. Broderick of VT Housing commented that the search for locations for affordable housing locations in Warren has been in process over many years. He continued to say that it also takes numerous components to come together: zoning, water and wastewater capacity, and a willing seller. He went on to say that they felt whatever was built would also be something attractive that the town's people could be proud of. Mr. Shanahan, a resident of Sterling Ridge, also expressed concern about the access off of the Access Road and how unsafe it could be.

Ms. Bryson added her concerns about wildlife habitat and the potential of disturbing the deer that are in the area. Mr. Robinson replied that the summer viewing of deer did not indicate a "deer yard" as in the winter deer tend to move deeper into the wood where "critical habitat" is determined. Mr. Ackland, of Sugarbush Resort, shared not only his personal support of the project but also as a representative of Sugarbush. He felt it was a good design, a good fit and an improvement that will be more attractive than what currently exists. He continued to say that as an employer there was a need for young people to live and that the safety issue could be made for the entire Access Road, not just this project.

Board member Mrs. Roth asked if any provision was being made for recreation facilities as part of the project. Mr. Broderick responded that a play area would be part of the final plan. Ms. Lloyd, director of the Mad River Valley Planning District, emphasized that a recent housing study supported the significant need for workforce housing and that this project would help meet that need. Mr. Collins asked how they would stop a "skier" from renting a unit thus keeping it from a local worker. Mr. Broderick said they put in place leasing policies that would be tailored for the specific needs of the community, such as giving preference to local residents or those working in Warren. He also said that these units would be full time rentals, not short term, and that there will also be income requirements and the like consistent with State policy for affordable housing projects. Mr. Robinson went on the record saying he disagreed with Mr. Collins and felt that the location was just fine. He added that the two Habitat for Humanity houses further on down the Access Road had less desirable sight lines than this project would have.

Mr. Markolf asked about the placement of the dumpster and what kind of screening was going to be installed. He also asked if the applicant might consider locating the dumpster in a different location that wasn't in such a central location. The applicant said that they thought the screening would be adequate and that to locate it in a more remote area would make it difficult for the refuse trucks to back in. Mr. Maclay pointed the Board to the landscape plan they had provided that gave specifics as to types of trees and the number of trees being used. Mr. Monte asked about the grades shown. He asked if the Board couldn't see what the final grades would look like. Mr. Markolf also asked if there had been any further discussion about the culvert that is just below the project. Mr. Malboeuf said that the Town would be looking into a grant to get it replaced but that it wasn't on the list just yet. It was also confirmed that the Madbus will stop wherever they need to along that route. The question was also asked what would happen if the

additional land was not acquired for the wastewater system. Mr. DeGraff said that they would have to come up with a Plan B.

Mr. Monte brought back up the issues raised by the Fire Dept. The Board concluded that the applicant should find a way to add a hydrant; they could leave the parking as proposed, (this was full time residents, not seasonal use) and that they should pursue a way to incorporate the requested fire lane. Mr. Broderick mentioned that he could provide a parking management plan if that would be helpful. The question came up about the dimensions of the parking spaces. The Town standards call for spaces being 9'x22'. Mr. DeGraff replied that the ones shown on the plan were 9'x20' however, the road was 20' wide versus the required 18' wide thus the 2' difference. He continued to say that in other towns and in similar situations parking spaces will be anywhere from 9-10 feet wide and 18-20 feet long.

The Board then reviewed the "laundry" list from the last meeting and developed a new "laundry" list of outstanding items to be discussed/reviewed at the next meeting. Those items are:

1. Applicant to either relocate dumpster or provide additional landscaping/screening
2. Applicant to revise the density conformance drawing
3. Indicate on the site plan some provision for a children's play area
4. Plans for the wastewater system and storm water permit
5. Indicate on site plan provision for a fire hydrant and fire lane as per Fire Dept. request

MOTION by Mr. Monte that the Board grants Preliminary Plan approval. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte to continue the review of this application on September 20th at 7pm. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

- 2- **Application #2006-12-CU**, Conditional Use, Structure in Forest Reserve District The applicant, Richard Patterson, seeks permission to construct a single-family residence and garage on an approved lot, #5, 9.6± acres, located in Chisel Tooth Group Subdivision off Cider Mountain Road.

Mr. Malboeuf began the discussion with a summary of a site visit he conducted and shared the photos he had taken as well. He stated that the clearing that had taken place was well within the allowed building envelope and more could be done if the applicant so desired. Mr. Malboeuf felt that the only possible visibility might be of the very top of the proposed dwelling from across the valley from the upper units at South Village. Mrs. Roth agreed that the visibility would be almost non-existent as what seemed evident when the Board did their site visits during the Chisel Tooth Subdivision application. The Board reviewed the plans for the house as well as the elevation drawings with specific attention to the south and westerly facing sides of the house.

MOTION by Mrs. Roth that the Board approves the Conditional Use request to build the proposed house in the Forest Reserve District as it complies with the standards under Article 5 Development Review § 5.3 Conditional Use Standards and Article 2 Table 2.1 Forest Reserve District. **SECOND** by Mr. Robinson.

MOTION to amend Mrs. Roth's motion by Mr. Monte to include a condition that either non-reflective glass or year-round screening be used on the second floor west facing windows with the exception of the window(s) that are recessed in the deck. **SECOND** by Mr. Robinson. **VOTE:** **YEA:** Mr. Monte, Mrs. Roth and Mr. Robinson. **OBSTAINED:** Mr. Markolf. The motion passed with a majority of the Board in the affirmative.

The **VOTE** on Mrs. Roth's **MOTION** as above and amended is: **YEA:** Mr. Monte, Mrs. Roth and Mr. Robinson. **NAY:** Mr. Markolf. The motion passed three to one.

- 3- **Application #2006-12-SD**, Boundary Line Adjustment. The applicants Jennifer and Martin Patterson seek permission for a minor subdivision, Boundary Line Adjustment, for their property located on 2275 West Hill Road.

Nicole Fitch of McCain Consulting described for the Board what the applicants were requesting. The applicants own three contiguous lots that they are asking to consolidate into two; one for their existing home of 6.26 acres and a second small lot of 1.19 acres. The existing home has a driveway off of West Hill Road and the newly formed lot 2 has a proposed driveway off of Retriever Lane that is a private road. Mr. Ackland, an adjoining property owner, asked if this parcel had any deed restrictions as to minimum lot size, as he had on his. Ms. Fitch said that the attorney did a thorough search and that this parcel was not part of the same subdivision that had a minimum lot size requirement in the deeds. It was also noted by the Board that Retriever Lane was actually a granted easement (right-of-way) that is on the applicant's land.

MOTION by Mr. Monte that the owner of Lot #2 be required to become a member of the Retriever Run Maintenance Association as a condition of this subdivision permit. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the request for a boundary line adjustment subject to the previous condition already voted on and in compliance with *Article 6, §6.2(D) Sketch Plan Review, (E) Boundary Line Adjustment*. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

4- Other Business

The Board briefly discussed what applications they would be reviewing at the next meeting. Minutes were signed as was the mylar for Lots 19 & 20 of the Lincoln Ridge Subdivision.

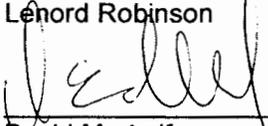
The meeting adjourned at 10:08 pm.

Respectfully submitted,

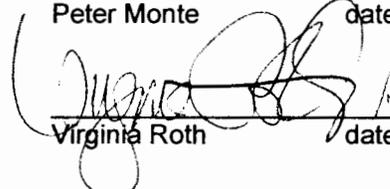
Ruth V. Robbins
DRB/PC Assistant

Development Review Board



Lenord Robinson date


David Markolf date

Peter Monte date


Virginia Roth date September 6, 2006