

TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OD MEETING  
WEDNESDAY AUGUST 23, 2006

000411

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

Others Present: Shelia Getzinger, Jennifer Grace, Robert Riversong, Mike Krongel, Don Marsh, Zeke Church, Nancy Segal, Don Swain, Mark Bannon, June Sardi, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order 7:00 pm

- 1) Review Notes of Site Visit: 1939 Sugarbush Access Road,
- 2) Application, 2006 09-SD, 2006 09-CU Sardi, (4 Lot) Partially located in the Forest Reserve District The applicant, June Sardi, seeks Preliminary Plan Review, Article 6, §6.3 for a Minor Subdivision, 4 lots at 2255 West Hill Road. The proposed subdivision of 140.1± Acres is Lot 1 30 ± Acres, Lot 2 27± Acres, Lot 3 71± Acres and lot 4 12± Acres This property located in the Rural Residential and Forest Reserve Districts and 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
- 3) 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
- 4) Application 2006-15-SD, LBO LLC, Nine Lot Subdivision, off Sugarbush Access Road The applicant, LBO LLC, seeks Sketch Plan Review, Article 6, §6.2 for a Major Subdivision, 9 lots off the Sugarbush Access Road. This application, located in the Vacation Residential Districts, requires review under Article 2, Zoning Districts & District Standards, Table 2.5, Rural Residential District, Article 6, Subdivision Review §6.2 Sketch Plan Review of the Warren Land Use and Development Regulations
- 5) Application 2006-99-CU, Sugarbush Access Road Change of Use from Non-conforming Retail to Conditional Use General Administration. The applicant, Nelda Hengsteler seeks permission for a Conditional Use, General Administration i.e. Property Management for an existing Non-conforming Use/Structure on .3 ± Acres, located at 1939 Sugarbush Access Road. This application requires review under Article 2, Table 2.5, C-8 Vacation Residential, Article 5, Development Review and sections §5.2, §5.3, B-4 of the Warren Land Use and Development Regulations.
- 6) Application, 2006-14-SD, Amendment - #2005-13-SD, (#2005-03-PRD). Mad Gap Corporation is seeking to amend the language of an approved 3-lot sub-division, 2005-13-SD. This application requires review under Article 6, §6.7(A) Revisions to an Approved Plat, of the Warren Land Use and Development Regulations
- 7) Other Business:
  - a. Review and approve Minutes from August 9th, 2006
  - b. Approve Findings from -August 9, 2006 Meeting.
  - c. Review Schedule for November & December

TOWN OF WARREN, VT

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at 10:30 o'clock A M and Received in

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TOWN CLERK

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

1- Review Notes of Site Visit: 1939 Sugarbush Access Road

A site visit was conducted at the old Downhill Edge property on the Access Road attended by Mr. Monte, Mr. Markolf, Mrs. Roth and Mr. Malboeuf earlier in the day. Mr. Robinson viewed the site the previous week. The members wanted to know if the building was going to be used for office space only or for storage as well. They also commented about the width of the road cut, site lines and what appeared to be very limited space for parking in the front of the building.

2- Application, #2006 09-SD, #2006 09-CU Sardi 4-lot subdivision - Preliminary Plan Review

Mr. Swain representing the applicant for a 4-lot subdivision request, submitted the following documents for the Board's review: revised site plan for Preliminary Plan Review showing the conservation areas, erosion & sediment control plan, letter from the Warren Fore Department with their recommendations drawing showing the Fire Pond Access Detail and an outline showing items to be addressed in the proposed Covenants. He also informed the Board that soil boring tests had been done but that he did not have the results yet however he did not expect there to be any problems.

Mr. Monte asked about the shared pond with Mrs. Sardi's neighbor the Crandalls. Mr. Swain pointed out where the pond was on the site plan, the various springs that fed it, and noted that other than where the proposed road curved around that all other development was placed well away from the springs feeding the pond. He further clarified that the road was at the closest 150 feet from the road. Mr. Swain also brought up the Mr. McHugh, another abutter, has a spring he was concerned about. Mr. Swain pointed out that the wastewater system was 600 feet away from the McHugh spring and that the erosion control plan addressed protecting the spring. Unlike the Crandall springs, Mr. McHugh's spring is still part of his domestic water source though he also has a well. Mr. Markolf asked how the applicant would feel about a buffer condition around the spring closest to the proposed road. Mr. Swain indicated that it should not be a problem. It was discussed that 100 feet would probably be the buffer that would work.

The Board then took a look at the draft of the covenants for the project. Mr. Monte asked about the "view corridors" mentioned in the covenants and what they were. Mr. Swain replied that he thought it was an error and Mr. Monte then requested that they be stricken from the final draft of the covenants. Mr. Markolf asked about the width of the drive and the reply was that it was 16 feet at a minimum and as wide as 18 to 20 feet in other places.

**MOTION** by Mr. Monte that the Board considers the application complete and classified as a Minor Subdivision. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

Mr. Markolf asked if the subdivision had a name yet. Mr. Swain deferred to Mrs. Sardi who on the spot came up with "Twin Pines". The applicant was also advised that they would have to come up with a road name that would need approval by the 911 Coordinator. The Board discussed and clarified that even though part of Lot 1 and Lot 2 encompassed the Forest Reserve District (FR), that since the designated building envelopes were outside of the FR District that no additional review would be necessary when those two lots were developed. It was also noted that those sections of the parcels that were in the FR District were "no cut" areas with the only exception being dead or diseased trees. Mr. Monte asked if there was a reason why the 15% areas couldn't be excluded from the building envelopes. Mr. Swain said that though it might indicate 15% areas that they were not over a large area, just small upgrades that when viewed on the ground seemed inconsequential. Mr. Malboeuf confirmed that the site visit did reveal that the

slopes were not as steep as indicated on paper. Mr. Monte did however suggest that Mr. Swain attempt to reconfigure the building envelopes to exclude as much of the 15% areas as possible. In response, Mr. Swain said he'd have no problem in reworking Lot #2 but that Lot #1 would be a problem. Mr. Monte asked that it be noted that the DRB may want to have the permit conditioned that the Zoning Administrator have jurisdiction over the placement of the building site at the time of the issuance of the building permit.

**MOTION** by Mr. Markolf that the Board grants Preliminary Plan approval and continue the hearing for Final Plan Review on Wednesday October 18<sup>th</sup> at 7:00pm. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

3- Application, #2006-14-SD, Amendment - #2005-13-SD, (#2005-03-PRD). Mad Gap

The forester who supervised the logging at the MadGap property, John McLean, came before the Board to answer some questions about the logging activity. He stated that about a year ago upon reviewing the current use plan some revisions had been made for some thinning of overstocked areas. Unfortunately last winter the ground never fully froze and due to bad conditions one section never got done. Spring arrived, the trees were marked, and as we all remember we had a very rainy spring and early summer. Mr. Malboeuf spoke up and said he had inspected the site and as a logging site it was just fine. He continued however, to make the point that this also is the site of future development that is currently bound by the provisions of a subdivision and PRD permit that calls for specific erosion control measures. Mr. Monte said that though he agreed that there is an overlay of conditions with the subdivision in place that would necessitate a logging concern to use erosion control practices they normally don't have to adhere to, that it was an issue for the Zoning Administrator as to whether or not a violation of the permit had occurred.

The Board then turned their attention to the proposed changes in the language of MadGap's permit. Mr. Swain stated that there did not seem to be a clear distinction between the 7-lot PRD and the single-lot that was created in the permit. In discussion amongst the Board members they agreed that the original plan was for a 2-lot subdivision and that the third lot came into play further on into the process.

**MOTION** by Mr. Monte that the Board hereby amends decision #2005-03-PRD & #2005-13-SD signed on April 7, 2006 to have the first sentence of the second paragraph to read "The plan calls for subdividing the 135 acres into three lots: one of three acres, one of 16+/- acres and the third the remaining 116+/- acres." **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

Conversation amongst the Board members turned to the applicant's request for an additional amendment of the language under item 10 of the Findings of Fact. The Board determined that it was fine as is and that they should not get into the habit of amending every decision just because someone doesn't like the way it's worded. It was suggested that when the final plat is submitted that it could reflect the PRD as separate from the 3-acre parcel.

Also submitted for the record was a letter from the Warren Fire Department, dated August 22, 2006, with their recommended requirements.

4- Application #2006-07-CU, Development Review – Steep Slopes Applicant, Jennifer Grace

Mr. Bannon brought the Board up to date. He stated that a survey had been made of the as built road under current conditions and had added an erosion control plan. The existing road was only

nine feet wide and the plan shows it increased to 14 feet to meet requirements. Mr. Bannon also stated that all the vertical curves on the road had been designed at a 15% grade or less. Mr. Monte asked if this project will require a State General Construction Permit (GCP). Mr. Bannon said yes, if and when the GCP comes into existence. Mr. Monte also asked for Mr. Bannon to review the stream crossings. He did so by stating that the first crossing that currently has a small culvert will be improved to a 16-foot clear span bridge. The second crossing will be improved to an 84-inch culvert. Going on up the road cross culverts will be added along with stone lined ditching. In reviewing the erosion control measures the question was asked what ongoing steps were being performed to maintain the erosion control plan. Mr. Bannon replied that the first step would be to clear out any sediment that may have accumulated behind the stonework. At least twice a year make sure the water bars are maintained, clear the culverts and remove any trees that may have fallen across the road. Mr. Monte asked if these measures were all specified and Mr. Behn asked if a contractor had been picked. Mr. Bannon replied no to both questions.

Mr. Behn also asked about the bringing in of utilities and was told that there would be none. Mr. Bannon said that he thought if utilities were brought in at a later date that a separate erosion control plan would be done for that activity. Mr. Markolf asked Mr. Bannon if he noted what specific areas contained slopes in excess of a 25% grade. As Mr. Bannon explained, the current road followed an old logging/skid road that did not contain any 25% slopes. However, the cross slopes may contain some 25% slopes but he did not note those. He did however go over the site plan with the Board members and point out those areas where the cross slopes exceed 25% grade.

Mr. Monte commented that he felt that this situation was over his "technical head" in being able to evaluate whether or not the plans presented would truly work. He continued to say that he would feel more comfortable if this was subject to State review, i.e. the General Construction Permit process. Currently however, this site does not qualify for State Review. The other option was for the DRB to hire an independent engineering review. Mr. Monte said that after seeing the site he was amazed that a road could even be put in or should be put in. The question was asked if the site had had any work on it since the site visit that might compel the members to take another look at the improvements. Mr. Bannon replied that the site had been stabilized since the original site visit. The bridge and the culvert are the most sensitive areas and have been approved by the state.

Mr. Markolf suggested that the State be requested to review the project and see if they'll do it. Mr. Robinson thought that after the wet summer we've had that another site visit would be in order. The question was asked why the road had to be 14 feet wide since if it could be narrower, it would have less impact on the area. The answer was that emergency vehicles required roads of a certain width for ease of accessibility. A couple of the members agreed that they would not have a problem with the width being narrower and Mr. Markolf echoed Mr. Robinson's suggestion of having another site visit.

**MOTION** by Mr. Markolf that a site visit be scheduled for the morning of September 20<sup>th</sup> and the hearing of this application be continued until September 20<sup>th</sup> at the regular meeting. **SECOND** by Mr. Monte. **DISCUSSION:** Mr. Markolf asked Mr. Bannon to in the meantime approach the state and see if there's anyway they might review this project and talk with his client about employing him to certify the work as outlined on his plan. **VOTE:** YEA: Mr. Monte, Mr. Markolf, Mr. Robinson and Mrs. Roth. NAY: Mr. Behn. The motion passed four to one.

- 5- Application #2006-99-CU, Sugarbush Access Road Change of Use from Non-conforming Retail to Conditional Use General Administration.

Attorney Getzinger outlined for the Board what the applicant was looking to do. The property is currently a non-complying structure and non-complying use, the former not being an issue as no changes were being made to the building. The application did ask for a change in use from the

non-complying retail use to a complying conditional use of general services. Mr. Church, who is considering purchasing the building, would move his property management business into this location. His business currently has four and a half employees in the office. Knowing the Board had some concerns about parking, Ms. Getzinger provided a sketch showing how they proposed to utilize the space to accommodate parking. To break up the large curb cut opening, the suggestion was for a separate in and out with an island in between as just a black curb would not be enough. The main issue was whether or not there was space for parking in front of the building. The applicant said that there was plenty of parking in the rear of the building but that for the occasional UPS delivery or a client stopping by they really wanted some access in the front. Board members felt that parking in front was dangerous and should be avoided. Discussion ensued as to the actual distances from the center of the road and just how much space could be utilized. Comment was made that with a designated ingress and egress that the dangerousness would be lessened considerably.

Mr. Monte stated that he thought the Board would want a curbing/planter plan for approval by the DRB prior to the occupancy of the new business. This led to a discussion of the dimensions: set back 20 feet from the property line with 20 feet for an exit and entrance that would leave approx 40 feet of linear "island" space. Signage should also be provided for the entrance and exit. The Board also requested a new site plan with measurements.

**MOTION** by Mr. Behn to continue this hearing until October 4<sup>th</sup> so that the applicant can supply the aforementioned requests of the Board. **SECOND** by Mrs. Roth. **DISCUSSION:** Mrs. Getzinger stated that the applicant was hoping to come away with an approval in the change in use with whatever conditions the Board felt necessary such as signage and modified site plan and curbing plan. Mr. Monte said he had no problem in doing this in two steps. That substituting office space for retail was a make sense deal. **VOTE:** all in favor of the continuation, the motion passed.

- 6- Application 2006-15-SD, LBO LLC, Nine Lot Subdivision, off Sugarbush Access Road  
The applicant, LBO LLC, seeks Sketch Plan Review, Article 6, § 6.2 for a Major Subdivision, 9 lots off the Sugarbush Access Road

Mr. Marsh of Marsh Engineering and Mr. Krongel a managing partner for LBO LLC gave a presentation of the 9-lot subdivision they were proposing. The parcel is 16 +/- acres of wooded land with some wetlands that was taken into account with the layout by providing buffers. The size of the parcel would allow density of up to 15 units but the applicant felt that land constraints only allowed for nine. Mr. Marsh pointed out that all the building envelopes were placed so as to avoid the steeper slopes. He also indicated that a pond for storm water would be constructed in the northeast corner of the lot. At this point the wastewater and water systems have yet to be designed.

Mr. Markolf suggested that in order to further protect the wetland area that they consider making some of the lots smaller and have the wetlands be part of a common area for the homeowners. In addition the Board suggested the applicant revisit how they have the road designed, and look to configure it so that it has less impact on the conservation areas. The applicant was reminded that they would need to meet with the fire department and also obtain a Road Access permit from the Select Board. Mr. Malboeuf, the Zoning Administrator, also requested a copy of their most recent survey. Also added to the "to do" list was a copy of proposed covenants including but not limited to provisions for the road maintenance. Conversation then turned to the possibility of a walking path to connect to surrounding areas.

**MOTION** by Mr. Monte to continue the hearing of this application until Wednesday October 4<sup>th</sup> at 7pm. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

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TOWN OF WARREN  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING – 8/23/06

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The meeting was adjourned at 10:36 pm.

Respectfully submitted,

Ruth V. Robbins  
DRB/PC Assistant

**Development Review Board**

*Peter Monte 9/10/06*  
Peter Monte date

*David Markolf 9/20/06*  
David Markolf date

*Lenord Robinson 9/30/06*  
Lenord Robinson date

Chris Behn date

*Virginia Roth 9/20/06*  
Virginia Roth date