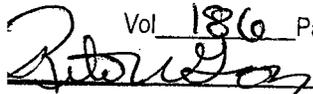


Received for Record 12/22 2006at 10 o'clock A M and Received inVol. 186 Page 347-351

TOWN CLERK

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY NOVEMBER 15, 2006

000347

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

Others Present: Sue Carter, Cindi Jones, Jim Jones, Terry Reilly, Tom McHugh, Cindy Carr, Don Swain, Margo Wade, Bob Ackland, Michael Mayo, June Sardi, Miron Malboeuf and Ruth Robbins

Agenda: Call meeting to order 7:00 pm

1. Recap of Site visits earlier in day:
 - i. Site Visit – Mountain Waste Water's – Variance request.
2. **Application 2006-11-SD** Two Lot Minor Subdivision Located at 183 Main Street. James R Jones & John F. Jones request permission to subdivide 2.0 ± acres with and existing dwelling into 2 lots: Lot 1, 1±acer and lot 2, 1± acre with dwelling. This application, located in the Warren Village Historic District, requires review under Article 2, Zoning Districts & District Standards, Table 2.3, Warren Village Historic Residential District, Article 6, Subdivision Review § 6.1, 6.4 Preliminary Plan Review/Final Plan Approval. Of the Warren Land Use and Development Regulations.
3. **Application 2006-17-SD**, Boundary Line Adjustment. The applicant June Sardi seeks permission for a minor subdivision, Boundary Line Adjustment, for her property located on 2255 West Hill Road. The applicant seeks permission to subdivide 1.5± acres of lot 4, 12± acres, of an approved four lot subdivision, totaling 141.5± acres. This to be joined with a 5.5± acre parcel, at 46 Sugarloaf Hill Road, owned by Thomas E & Charlotte L. Mc Hugh. The remaining parcel, lot 4, will become a 10.5± acres parcel part of the four lot subdivision totaling 140 ± acres. This application requires review under Article 6, §6.2(D) Sketch Plan Review and (E) Boundary Line Adjustment, of the Warren Land Use and Development Regulations
4. **Application 2006-01-VR Mt. Water Company & Summit Ventures** have applied for a Variance to construct a shed (8' X 10' X 15') to house water system infrastructure on a utility easement located on Sugarbush Village Lot 41 in the Sugarbush Village Residential District. This application requires review under Article 2, Table 2.4, Article 9, § 9.6, Variances, Sections (1, 2, 3 & 4) of the Warren Land Use and Development Regulations
5. **Application 2006-02-PRD/SD Summit Ventures** seeks permission to Modify existing permits granted as modifications to the Lincoln Peak Base Area Redevelopment Updated Signage Plan is submitted as supplemental information to permit #2005-01-PUD & #2005-01-CU issued by the Town of Warren Development Review Board on May 13, 2005. The applicant seeks permission to change a pre-approved signage that designated The Lodge at Lincoln Peak to a broader designation: The Village at Lincoln Peak. In addition, the applicant seeks permission to relocate an existing temporary structure to the Northerly Edge of the Sugarbush Village lot.

Pursuant to Article 6, Section 6.1(E), the applicant respectfully requests waiver to resubmit the following material because the supplemental material is to augment the existing permit and does not significantly change information contained in documentation submitted under Permit #2005-01-PUD/2005-01-CU, therefore reliance on the previously submitted info is warranted, Subdivision Application Requirements (Table 6.2)

(A) Application Information

Names, addresses of all ad joiners' property owners

Evidence of written notification to ad joiners

(B) Plan/Plat Mapping Requirements

TOWN OF WARREN
 DEVELOPMENT REVIEW BOARD
 MINUTES OF MEETING – 11/15/06

(C) Supporting Information & Documentation

This application requires review under Articles 6, Subdivision Review, §6.1(E) Waiver Authority and §6.7, Revisions to an Approved Plat and Article 8, Planned Unit Development of the Warren Land Use and Development Regulations.

6. **Other Business:**

- a. Review and approve Minutes from October 4th, 2006
- b. Review & sign decisions, Sardi 4 lots, Church CU, Roland/ Cozzi CU

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

A brief summary was given regarding the site visit that was conducted earlier in the day. Members Mr. Monte and Mr. Robinson visited the site of a well off the Upper Village Road that is owned by Mountain Water system. The well is located on property that the Mountain Water Company has an easement for. The State is now requiring that the well be protected by a structure. Due to the constraints of the easement, in order to comply with the State's requirement, the Mountain Water Company is requesting a variance from the setback regulation. This variance request will be discussed later in the meeting.

- 1- **Application 2006-11-SD** Two Lot Minor Subdivision Located at 183 Main Street. James R Jones & John F. Jones request permission to subdivide 2.0 ± acres with an existing dwelling into 2 lots.

Mrs. Jones went over the "laundry list" items the DRB had requested at the last hearing on September 20, 2006. A road cut permit has been obtained from the Warren Select Board, a revised site plan shows the primary and secondary conservation areas as well as a modification of the road to the newly proposed Lot 2 being moved slightly to the West. The new site plan also showed the location of the well on Mrs. Sherman's property and Mrs. Jones informed the Board that the old cars had been removed. Mrs. Jones also noted for the record that upon sale of the property it was their intention to have the deed contain protection rights for Ms. Carter's water line that currently has an easement to run over the Jones parcel. It has also been determined, said Mrs. Jones, that the ability for Lot 2 to hook up to the Town wastewater system will not have to be deferred until 2008 as originally thought. Due to the fact that evidence has been uncovered that an outhouse once existed on that part of the property it is not considered a "new" flow.

In reviewing the revised site plan, Mr. Monte asked for clarification of how it was marked indicating the conservation areas. As shown, the building envelope for the proposed lot 2 appears to be entirely comprised of secondary conservation land. Mr. Monte noted that it is preferable to avoid such areas if at all possible when designating building envelopes. One answer that was given was the placement of the building envelope was to maximize the distance from the abutter(s). It was also pointed out that at the site visit it was suggested by a couple of the Board members that this location was the most likely place considering the options available. Several comments from those familiar with the site commented that the map makes the slope seem more significant than it is in real life. Mr. Monte also asked why the road was modified from the original location and it was determined that moving it would create less of an impact with car lights at night on the neighbors.

MOTION by Mr. Monte that since the Board has considered the building envelopes and other conditions of this subdivision request with the assumption that both lots will be served by the Town Wastewater System, that before deeds are recorded that would affect the subdivision of this lot, that a permit from the Town that allows a structure on Lot 2 to be hooked up to the Town Wastewater System be filed with the Zoning Administrator, and that before construction on the

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING – 11/15/06

access drive to Lot 2 or any other development on Lot 2 takes place, an erosion control plan must be submitted to and approved by the Development Review Board. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that before of the construction of the access road or any other improvements (i.e. structure) take place on Lot 2, a landscaping and screening plan must be submitted to and approved by the Development Review Board. **SECOND** by Mr. Robinson. **DISCUSSION:** The intention is not to define the nature of the landscaping (if any) or limit the screening responsibilities (if any) solely to just one property owner. This plan could also be combined with the erosion control plan previously voted on. **VOTE:** all in favor, the motion passed.

Mr. Reilly asked if there were any traffic concerns with having two driveways so close. Mr. Monte responded that the Select Board had issued a road cut permit, and that the DRB had looked at it during the site visit. Unfortunately the lay of the land was such that a single drive to access both lots was not possible.

MOTION by Mr. Monte that the Board finds the application conforms to the standards of § 7.2 *General Standards of Article 7 Subdivision Standards*. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that within 15 days the applicant furnishes the Board with confirmation from the engineer (McCain Consulting) in writing that the information on the site plan showing the conservation areas is correct. **SECOND** by Mrs. Roth. **VOTE:** all in favor.

MOTION by Mr. Monte that the project conforms to the standards of § 7.3 Protection of Primary & Secondary Conservation Areas, although the driveway and building envelope for Lot 2 appear on the site plan to fall within secondary conservation areas, based on the site visit it seems to be the most appropriate locations on the property and with the pending erosion control plan will not present a hazard to the conservation areas that were designated to be protected. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that § 7.4 through § 7.10 are satisfied by the application subject to the conditions already voted on. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board approve the subdivision request subject to the conditions already voted on and all other standard conditions for subdivisions. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

- 2- **Application 2006-17-SD**, Boundary Line Adjustment. The applicant June Sardi seeks permission for a minor subdivision, Boundary Line Adjustment, for her property located on 2255 West Hill Road.

Mr. Monte read the warning that described the request as a boundary line adjustment consisting of 1.5 +/- acres between June Sardi and Thomas e. & Charlotte L. McHugh. The 1.5 +/- acres will come from Lot 4 of Mrs. Sardi's recent four-lot subdivision and added to the McHugh's 5.5-acre lot at 46 Sugarloaf Hill Road. Mr. Swain, representing the applicant, stated that the piece of property being conveyed had not been fully surveyed yet but that he thought it was closer to 1.75 acres in size. He also pointed out that the land was accompanied by covenants that did not allow it to be developed.

MOTION by Mr. Monte that the Board classify the application as a minor subdivision, the application is deemed complete and that they condense the entire hearing process into one hearing. **SECOND** by Mrs. Roth. **VOTE:** all in favor, the motion passed.

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING – 11/15/06

MOTION by Mr. Monte that should this application is approved, that a condition will be that the two lots be merged by a single deed and recorded within 90 days after an approval becomes final. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the requirements of Article 7 Subdivision Standards § 7.2 through § 7.10 are satisfied. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte to approve the application subject to the conditions already voted on as well as any other standard subdivision conditions. **SECOND** by Mr. Robinson. **DISCUSSION:** Mr. Swain asked whether a new survey of the McHugh property would be required. The answer was yes that a new mylar plat would be required. **VOTE:** all in favor, the motion passed.

- 3- **Application 2006-01-VR Mt. Water Company & Summit Ventures** have applied for a Variance to construct a shed (8' X 10' X 15') to house water system infrastructure on a utility easement located on Sugarbush Village Lot 41 in the Sugarbush Village Residential District.

A site visit was conducted earlier in the day attended by Mr. Monte, Mr. Robinson, Mr. Malboeuf and Mr. Lisai (Sugarbush). As Mr. Monte explained, the State is requiring housing for the well head that is located on Lot 41, a parcel Sugarbush does not own but has a fixed easement for. Due to the limitations of the easement, building the required housing would encroach on the right-of-way.

In reviewing Article 9 Administration & Enforcement, Section 9.6 Variances, Mr. Monte went through items (A) (1) through (5) and stated the following; there are unique physical circumstances due to the narrowness of the easement and the necessary proximity to the well head; because of these unique physical characteristics there are no possible alternatives; this hardship circumstance has not been created by the applicant; the variance, if authorized will not alter the character of the neighborhood; and the variance requested is the minimum that affords relief.

MOTION by Mr. Monte that the Board finds the requirements are satisfied per the reasons previously stated and approve the application in accordance with Section 9.6. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

- 4- **Application 2006-02-PRD/SD Summit Ventures** seeks permission to Modify existing permits granted as modifications to the Lincoln Peak Base Area Redevelopment Updated Signage Plan is submitted as supplemental information to permit #2005-01-PUD & #2005-01-CU issued by the Town of Warren Development Review Board on May 13, 2005. The applicant seeks permission to change a pre-approved signage that designated The Lodge at Lincoln Peak to a broader designation: The Village at Lincoln Peak. In addition, the applicant seeks permission to relocate an existing temporary structure to the Northerly Edge of the Sugarbush Village lot.

Mr. Malboeuf told the Board that Sugarbush was using their sign permit from the previously approved Lodge permit and that there were some modifications that though they may seem minor to some he felt they should have Board review. He also said that one of the approved temporary buildings, the sales yurt, had been relocated and felt the Board should be apprised of that as well.

Mr. Ackland explained that the sales yurt had been moved but was continuing to be utilized as a sales office. Sometime in late December or January the sales function would be moved into the Claybrook building at which time they were still uncertain as to how they would utilize the yurt if at all. There had been some discussion of using it at Mt. Ellen. He requested that the Board allow it to be left where it was for the time being.

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING – 11/15/06

MOTION by Mr. Monte that the Board extends the period of time for the temporary building referred to as the sales yurt to remain in its present location at the southwest end of the Sugarbush Village parking lot until January 1, 2008. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

The Board then went on to review and discuss the sign plan that had been submitted by Sugarbush. Sugarbush provided the members with a copy of the plan that had originally been approved and then an updated plan so the members could see the changes.

MOTION by Mr. Monte to approve the amended signage plan. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

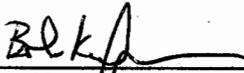
Mr. Malboeuf had a question unrelated to signs – what was the disposition of paving the Sugarbush Village parking lot? Mr. Ackland replied that they didn't know just yet what they were going to do as the lot itself needed some re-engineering prior to any paving taking place.

The next DRB meeting is scheduled for Wednesday December 6th at 7pm. The meeting was adjourned at 8:58 pm.

Respectfully submitted,

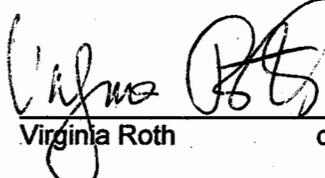
Ruth V. Robbins
DRB/PC Assistant

Development Review Board


Bob Kaufmann 12-20-06
date

Peter Monte date


Lenord Robinson 12/20/06
date


Virginia Roth 12/21/06
date

NOTICE: Mr. Moore has the honor to acknowledge the receipt of the check for the amount of \$100.00, which was received from the State of Mississippi on the 15th day of January, 1900. The check was cashed by the State of Mississippi on the 15th day of January, 1900. The amount of \$100.00 was credited to the account of Mr. Moore on the 15th day of January, 1900. The check was cashed by the State of Mississippi on the 15th day of January, 1900. The amount of \$100.00 was credited to the account of Mr. Moore on the 15th day of January, 1900.

The Board has reviewed the account and has found that the same is correct and that the amount of \$100.00 was properly credited to the account of Mr. Moore on the 15th day of January, 1900. The Board has also reviewed the check and has found that the same is correct and that the amount of \$100.00 was properly cashed by the State of Mississippi on the 15th day of January, 1900.

NOTICE: Mr. Moore has the honor to acknowledge the receipt of the check for the amount of \$100.00, which was received from the State of Mississippi on the 15th day of January, 1900. The check was cashed by the State of Mississippi on the 15th day of January, 1900. The amount of \$100.00 was credited to the account of Mr. Moore on the 15th day of January, 1900. The check was cashed by the State of Mississippi on the 15th day of January, 1900. The amount of \$100.00 was credited to the account of Mr. Moore on the 15th day of January, 1900.

The Board has reviewed the account and has found that the same is correct and that the amount of \$100.00 was properly credited to the account of Mr. Moore on the 15th day of January, 1900. The Board has also reviewed the check and has found that the same is correct and that the amount of \$100.00 was properly cashed by the State of Mississippi on the 15th day of January, 1900.

The Board has reviewed the account and has found that the same is correct and that the amount of \$100.00 was properly credited to the account of Mr. Moore on the 15th day of January, 1900. The Board has also reviewed the check and has found that the same is correct and that the amount of \$100.00 was properly cashed by the State of Mississippi on the 15th day of January, 1900.

Very respectfully,
Comptroller

John V. Moore
John V. Moore

John V. Moore
John V. Moore