

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY JANUARY 31, 2007

Members Present: Peter Monte, Bob Kaufmann, Lenord Robinson and Chris Behn (arr. 8pm).

Others Present: Mike Krongel, Don Marsh, Jim Caffry, Will Senning, Erin Post, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order 7:00pm.

- 1) Application #2006-15-SD, LBO, LLC, 9-lot Subdivision off the Sugarbush Access Road (Continued from December 20, 2006). The applicant seeks preliminary Plan review under Article 6, for a 9-lot subdivision in the Vacation Residential District.
- 2) Other Business

Mr. Monte called the meeting to order at 7:05 pm.

1- Application #2006-15-SD, LBO, LLC, 9-lot Subdivision off the Sugarbush Access Road

Mr. Monte began the hearing of this application by relating the discussion he had with the chairman of the Select Board, Mr. Rood. In that conversation it was determined that the Town was not going to pursue a public easement through the LBO property as on advice from Town Counsel Steve Stitzel it would be considered a "taking". However, this does not preclude, continued Mr. Monte, the DRB from requiring, should the application be approved, a road layout consistent with some future plan of an expanded road network in the area, and when the time comes that the Town has enough information and feels a road is necessary, they will not be painted into a corner and will have the option available to them through eminent domain. Mr. Monte also shared that the Select Board is in the process of hiring an engineer to begin whatever studies are necessary to determine what the long range needs are for the Town's road infrastructure.

Mr. Krongel asked Mr. Monte what if any changes would be required based on their plan as submitted. Mr. Monte said there were several options but that the most viable option for consideration would be to accept the main development road as shown with the road right-of-way being a minimum of 50 feet in width, and that right-of-way to be shown as continuing to the westerly border with Sugarbush, though that last segment beyond what is proposed does not need to be constructed. In addition, Mr. Malboeuf reminded the applicant that the Board traditionally likes to see a drawing showing the road profiles with the gradients. Mr. Robinson spoke up and stated for the record that considering a road through the LBO property just did not make sense to him as the best possible way to go. Mr. Monte said that he did not think it was the Town's purpose to determine whether it goes here or someplace else today, but to keep as many options as possible open for future consideration.

Mr. Krongel wanted to make the distinction between being asked to create a layout that meets thoroughfare standards, which in essence he felt would be a "practical taking" and just providing the necessary right-of-way width, the latter of which he was comfortable with. He added that the former lent itself to more of a "probability" versus a "possibility". Mr. Kaufmann stated that he agreed with Mr. Robinson's assessment that this was not the best of options and that calling for the right-of-way to extend to the boundary and thus allow the "possibility" was his preference.

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In discussing the ramifications of extending the right-of-way, Mr. Marsh indicated they may need some setback relief for Lot #4 as they may not be able to maintain the forty foot minimum front setback requirement.

The Board put together a short list of items they wanted to see in order to proceed with Final Plan approval:

- Revised site plan showing a continuous right-of-way for the road that extends to the boundary line.
- Notice to the homeowners regarding the necessity for State permits (to be included in Declarations)
- Sign permit application [not necessary for Final Approval but will be required before installation]

MOTION by Mr. Monte that the Board finds the application complete and classify the project as a major subdivision. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

Mr. Marsh asked for clarification regarding the frontage on two lots that were located at the end of the right-of-way and if the 50 foot frontage on those lots was acceptable. Mr. Malboeuf replied that yes, it was acceptable. Mr. Marsh noted that all the other lots had at least the required 150-foot frontage if not much more.

The applicant was asked if they were close to bringing in their sign permit application, especially since they had mentioned the possibility of wanting a second temporary sign. Mr. Krongel replied that he wasn't sure yet about the second sign request but also asked if a permit was necessary for individual lot signs, i.e. #1, #2 etc. Mr. Malboeuf replied that lot number designations did not need a permit.

Mr. Marsh brought up the Board's request for a pedestrian right-of-way. He continued by saying that though they had agreed to providing such, they were hoping to not have to show it on the final mylar. Mr. Monte replied that with other applicants the Board has required for it to be shown and would like it to be shown here as well. Mr. Marsh said he was concerned that it wasn't feasible on part of the property. He continued to say that he thought they had agreed to provide an easement should the Town want to put in sidewalks at some future time but that they did not have to show the exact location of said walkway. Mr. Monte reiterated that with previous applications the Board has required the walkway to be shown on the site plan.

Mr. Monte said that he also thought that there had been previous discussion about an internal walkway that would go through the parcel and eventually lead up to Sugarbush Village. Mr. Krongel said that came up while discussing the road and that Mr. Behn had suggested a pedestrian walkway. After giving it more thought, Mr. Krongel felt that as a private residential development that the future homeowners would not appreciate a public walking path through the development. He also added that he thought there were several other options for people and that he was very much against this proposal. As Mr. Kaufmann pointed out, it could very well be a walkway to nowhere and that some of the terrain really did not lend itself to a "walkway".

MOTION by Mr. Monte to adjourn this hearing until March 7, 2007 at 7pm for Final Plan Review. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

The Board reviewed and signed some minutes and adjourned at 8:15 pm. The next scheduled meeting is scheduled for Wednesday February 21, 2007 at 7:00 pm.

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Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

Development Review Board

Peter Monte 3-7-07
Peter Monte date

Bob Kaufmann 03-07-07
Bob Kaufmann date

Lenord Robinson date

Chris Behn 03-07-07
Chris Behn date

TOWN OF WARREN, VT

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R. [Signature]
TOWN CLERK