

000664

**TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY MARCH 21, 2007**

Members Present: Peter Monte, Lenord Robinson, Virginia Roth and Jeff Schoellkopf.

Others Present: Craig Chase, Ryan Caisns, Erin Post, Andres Torizzo, Preston Jump, Linda Lloyd, Bill Maclay, Kathy Beyer, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order 7:00 pm

1. **Applications: 2007-02-SD & 2007-02-CU**, Revisions to an approved Subdivision and Conditional Use Review for Development on Steep Slopes The applicants, James & Elizabeth **Graves**, seek permission to modify the existing approved plat, (2002-07-SD), for lot 1 & 2. 29.75 acres of the Long Associate Subdivision, to allow for the construction of an as-built development road for the approved house site overstep slopes, Secondary Conservation Area. This application, parcel id #005, requires review under Article 2, (Table 2.2) Rural Residential District, Article 3 §3.4, Erosion Control & Development on Steep Slopes and requires. Conditional Use Approval under Article 5, Development Review

2. **Applications, 2007-06-SD, 2007-04-CU, 2007-03-PRD, Housing Vermont** seeks Sketch Plan, Preliminary Plan Review and Final Plan Approval for a planned unit development Wheeler Brook/Blue Tooth HLP, of 18 units with 29 bedrooms of affordable housing Originally, the applicant requested 20 Units with 38 bedrooms of affordable housing The Housing Vermont, Sugarbush Development, LLC & Summit Ventures LLC, have reapplied for 18 Units of Affordable Housing on 8.95 ± acres located at 1423 Sugarbush Access Road in the Rural Residential District and the Vacation Residential Districts.. The applicant requests waivers to combine all Subdivision Review Hearings, reduce parking space size and reduce the side yard setback by 1/3. The development combines two parcels. One 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 1.25 acres owned by Sugarbush Development, LLC and the adjacent parcel, owned by Summit Ventures NE, LLC, is approximately 7.7 acres. This reapplication will be reviewed as a Minor Subdivision, Conditional Use and Planned Residential Development, PRD. under Article 8, *Planned Unit & Planned residential Development*, coordinated with, Article 6, §6.1, §6.3 §6.4, Sketch Plan, *Preliminary Plan Review, Final Plan Approval*. Article 7. *Subdivision Standards* and Article 5. *Development Review* of the Warren Land Use and Development Regulations

3. Other Business:
 - a) Review and approve Minutes from February 21, 2007 & March 7, 2007.
 - b) Review & sign decisions

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

- 1) **Applications: 2007-02-SD & 2007-02-CU**, Revisions to an approved Subdivision and Conditional Use Review for Development on Steep Slopes submitted by James and Elizabeth Graves and represented by the engineering firm of Chase & Chase.

Mr. Monte asked Mr. Chase to explain the problem and how they were proposing to solve it. Mr. Chase then reviewed with the Board the original approved road plan and explained that when the road was put in they encountered ledge that resulted in the creation of an additional switchback. He also pointed out that there was one section that had a 17 to 19% slope that they were proposing to grade to a maximum of 15% slope. In addition they were adding some more erosion control measures on top of what had already been done.

Mr. Torizzo, a watershed consultant, said he was on the site last fall and suggested some erosion control measures as well as suggesting that the owner get covered under the new State Construction General Permit (CGP). He has since gotten that authorization back from the State. Mr. Torizzo added that this was classified as a low risk project thus no formal technical review was conducted. Mr. Malboeuf asked if any of the culverts had been relocated. Mr. Torizzo answered that he was proposing that some of the culverts be cut back and stone aprons be added.

Mr. Monte asked that though he realized that they were coming into this project after the fact, did they have any idea as to why the road was constructed in variance to the permit they were issued. Mr. Chase said he did not know but assumed that it was due to encountering ledge and not bothering to check before proceeding. Mr. Monte asked who did the roadwork and was told it was Mac Reynolds.

The question was raised as to whether or not there was a clearly defined building envelope. Mr. Schoellkopf noted that it appeared as if the house site that had been indicated on the original map had been relocated as a result of the change in the road and was now further up the hillside. Mr. Monte stated that the approval given in 2002 called for the submission of a 200 by 200 foot building envelope to be approved at a later date. Mr. Monte wanted it clarified that the plans that show a "possible future building site" is not a DRB authorized building envelope. It was also noted that should the Board approve anything tonight it would be the road only as an approval for a building envelop would require a site visit by the members. In addition the Fire Dept. should be consulted as well.

MOTION by Mr. Monte that the hearing be continued until April 18th at 7pm and that before that time the applicant confer with the Fire Dept. and revise the site plan to include a proposed building envelope for the Board to consider. **SECOND** by Mr. Robinson. **DISCUSSION:** It was also suggested that a site visit be scheduled for the Saturday prior that would be April 14th. **VOTE:** all in favor the motion passed.

2) **Applications, 2007-06-SD, 2007-04-CU, 2007-03-PRD, Housing Vermont** seeks Sketch Plan, Preliminary Plan Review and Final Plan Approval for a planned unit development Wheeler Brook/Blue Tooth HLP, of 18 units with 29 bedrooms of affordable housing.

Mr. Maclay, representing Housing Vermont brought the Board up to speed as to the changes made since they were last before the DRB. The major change was that they had eliminated the two duplexes that were located at the back of the property that they intended to be ownership properties versus rental. As such they increased slightly, the rental units from a total of 16 to 18. Mr. Maclay told the Board that they had run this revised plan by the Fire Dept. and a hydrant was being located to serve the development. A previous concern about the location of the dumpster had been looked at and it was determined that the original location was the best possible.

Mr. Maclay then reviewed an engineers drawing showing the location of the wastewater system and the handling of the stormwater. An erosion control plan has yet to be completed for submittal.

Mr. Monte asked about the ownership of the project and was told that the ownership would be a limit partnership between Housing Vermont and Central Vermont Community Land Trust, the latter also being the actual manager of the project after it's built. Mr. Monte then asked what assurances they could give that the property would remain in the "affordable" housing stock and not be sold off as condos. Ms. Beyer of Housing Vermont stated that due to requirements that accompany the funds they use they are required to maintain perpetual affordability; for example, they have already received some funds from the Vermont Housing and Conservation Board that has such a requirement. They are also required to a minimum of six-month leases and most likely will only offer twelve-month leases. Mr. Monte asked if there was any escape clause from the perpetuity of affordability. Ms. Beyer said that only under the situation where bank financing was used for the construction and if there was a default during that phase and the bank needed to take back the property, then the affordability requirements would be released.

Ms. Beyer also noted for the Board that 16 of the 18 units would be "affordable" while two would be regular market rent rates. Right now they estimate that the one bedroom would be \$540, the two bedroom \$650 and the one three bedroom unit \$720. These rates include heat but not electric or phone.

Mr. Monte asked about a provision for an easement for the abutting property uphill should there be any future development. Mr. Maclay said that it would be maintained to allow access through their road cut to the abutting property. Mr. Monte asked how specifically that would be documented. He continued and asked if the proposed drive was wide enough to accommodate additional traffic should it ever happen. It was also noted that additional width might be necessary for utility lines as well.

MOTION by Mr. Monte that the final plan show a 40-foot right-of-way from the Access Road curb cut North of Building One to join with the existing Smith (parcel id # ??) 50 foot right-of-way west of Building Two and that a deed would convey the benefit of said right-of-way to the Smith parcel (parcel id #) and the Sugarbush /Summit Ventures parcel (parcel id #). **SECOND** by Mr. Schoellkopf. **DISCUSSION:** Mr. Robinson asked if there was room for a 40-foot right-of-way. Mr. Maclay said there was. Upon further review and discussion Mr. Monte **AMENDED** his **MOTION** to read 35 feet instead of 40 feet. Mr. Schoellkopf **ACCEPTED** the amendment and reiterated his **SECOND** of the **MOTION**. **VOTE:** all in favor, the motion passed.

Mr. Monte mentioned that the fire Dept. had originally requested two parking spaces per unit and asked how many there were with this new plan. Mr. Maclay replied that there were 28 spaces that equaled one and a half per unit plus one extra. The ordinance only requires only one and a half per unit. With no comments to the contrary from the Board members, they agreed that the parking as shown was acceptable.

Mr. Monte asked if there was a designated recreation area and was told that the green space located between the buildings that was away from the road would open for residents to "recreate". When asked if there would be any swings or such, the reply was that traditionally they did not include play equipment partially due to the liability and maintenance but also due to the different mix of residents and not always having a demand for such.

It was noted that the parking area by Building Two actually encroached on the right-of-way on Ms. Smith's parcel. Ms. Beyer said that they had been attempting to resolve the issue with Ms. Smith but had been unsuccessful in getting together with her.

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MOTION by Mr. Monte that prior to a signed decision by the DRB the Board receives a copy of an amendment to the existing Right-of-Way that allows for parking and pedestrian walkway.
SECOND by Mr. Schoellkopf. **VOTE:** all in favor, the motion passed.

The applicant was asked what their timeframe was. They replied that most all their permitting hinged on their public water supply permit that was a six-month process. They had all other permit applications in line to proceed and if they were lucky they might have everything in place by September/October.

Mr. Monte asked if the Board felt they could move forward and grant Preliminary Plan approval. They decided to review the standards as presented in the applicant's application individually (the Board took "quiet time" to read over the prepared material) instead of verbally discussing each one. Having reviewed the general standards of Article 7 the following motion was made:

MOTION by Mr. Monte that the Board grants Preliminary Plan Approval for the revised plan.
SECOND by Mr. Robinson. **VOTE:** all in favor, the motion passed.

The Board then put together a short "laundry list" that they still wanted to see from the applicant:

1. Letter from the Warren Fire Dept.
2. Amendment to Right-of-Way with Ms. Smith
3. Erosion Control Plan

MOTION by Mr. Monte to continue this hearing until Wednesday April 4th at 7 pm. **SECOND** by Mr. Robinson. **VOTE:** all in favor, the motion passed.

3) Other Business

In other business the Board reviewed and signed the minutes of February 21, 2007 and March 7, 2007. They also reviewed and signed the Decision for #2007-05-SD for Mary & Pierre Moffroid.

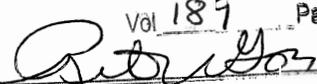
The meeting was adjourned at 9:02 pm.

The next meeting of the Development Review Board is scheduled for Wednesday April 4, 2007 at 7:00 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

Development Review Board

TOWN OF WARREN, VT
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 at 2:15 o'clock P M and Received in
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 TOWN CLERK

Peter Monte date

 4/4/07
Jeff Schoellkopf date

 4/4/07
Lenord Robinson date

 4/4/07
Virginia Roth date