

000638

TOWN OF WARREN, VT

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD at
MINUTES OF MEETING
WEDNESDAY JUNE 6, 2007

Received for Record 6/21 2007
at 2 o'clock P M and Received in
Vol 190 Page 638-640
Robinson
TOWN CLERK

Members Present: David Markolf, Peter Monte, Bob Kaufmann and Lenord Robinson (arr. 7:24)

Others Present: Jason Lisai, Pete Reynells, Dave Olenick, Erin Post, Margo Wade, Deirdre Malone, Jack Malone, Hal Stevens, John Hammond, Miron Malboeuf and Ruth Robbins.

Agenda: Call the meeting to order 7:00 pm.

1. Application # **2007-10-CU Summit Ventures NE LLC** (dba Sugarbush Resort) seeks Conditional Use approval to add new mountain biking trails, a disc golf course and a zip line to the existing Mountain Recreation Center which offers hiking and lift access at the Lincoln Peak Base area located in the Sugarbush Village Commercial and Sugarbush village Residential Districts. This application requires review under Article 5 Development Review of the Warren Land Use and Development Regulations.
2. Application # **2007-10-SD Boundary Line Adjustment [correction] Susan & Charles Booher**, Sierra Properties LLC, seek approval to correct an existing plat which describes two parcels {parcel id # 023001-010 & 023001-000} located in the Rural Residential District. This application requires review under Article 2, Table 2.2 Rural Residential Zone, Article 6 § 6.2 (E) Boundary Adjustments, § 6.4 Final Plan Approval and/or § 6.7 Revisions to an Approved Plat, and Article 7 Subdivision Standards of the Warren Land Use and Development Regulations.
3. Application # **2007-12-SD Boundary Line Adjustment Long Associates** (Pete Reynells) seeks approval to convey 5.0+/- acres of a 74+/- acre parcel (parcel id # 005001-400) to an abutting property owner located on the Sugarbush Access Road in the Rural Residential District. This application requires review under Article 2, Table 2.2 Rural Residential Zone, Article 6 § 6.2 (E) Boundary Adjustments, § 6.4 Final Plan Approval and Article 7 Subdivision Standards of the Warren Land Use and Development Regulations.
4. Other Business

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

- 1) Application # **2007-10-CU Summit Ventures NE LLC** (dba Sugarbush Resort) seeks Conditional Use approval to add new mountain biking trails, a disc golf course and a zip line to the existing Mountain Recreation Center.

Mr. Lisai shared with the Board what they were doing to expand the summer activities on the mountain. With a site plan showing the locations, Mr. Lisai pointed out the existing mountain trails, the new ones proposed, where the zip line would be located and the addition of a disc golf course. Previous summer activities at the mountain had been permitted by the Forest Service [1998] and Act 250 [1996/1998], as Sugarbush did not own the property. Since then, they now own the 57-acre site and are seeking the appropriate permits. Mr. Lisai went on to say that as a four-season resort they were looking to improve/expand their summer activities that most recently has been limited to golf and tennis.

The operation will be run out of the retail space in the Gatehouse with hours of 9 to 4 on Saturdays and Sundays, holidays and one mid-week day that will probably be Wednesday from 12 noon to 6:30 pm explained Mr. Hammond who also went through the staffing they would be

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providing. Mr. Lisai also mentioned that they would be willing to open the mountain for a group that wanted to do a private event. Mr. Markolf asked what would be open/available for restrooms and food service. Mr. Lisai said that Timbers would be open on Saturdays and Sundays and that the restrooms in the Gatehouse would be used as public restrooms. Mr. Markolf also asked if camping was going to be offered and Mr. Lisai said no, they were not offering that and that the Forest Service would not authorize it. Mr. Markolf also asked if they had an estimate of how many people these new activities might bring into the Valley on a given weekend. Mr. Lisai said it was a hard to determine but that their previous ridership had been approx. 30 people, a number they hoped to improve on. He continued to comment that he did not anticipate any traffic concerns. The dates of operation will be June 30th to October 8th but the application asks for dates of June 15th through October 15th to give flexibility in coming years.

Ms. Wade told the Board that they were also requesting a waiver of full abutter notification as they felt it was an administrative nightmare with limited public benefit. She continued by stating that they did notify the immediate adjoining. Mr. Monte spoke up and asked where it was in the regulations that the Board had the discretion to waive any or part of the notification requirement. Ms. Wade referred to Article 5, § 5.2 (C) Waivers and Table 5.1 that lists the application requirements. Mr. Monte expressed that he didn't think that notification fell under the description of "items unnecessary for comprehensive review". Ms. Wade and Mr. Lisai both commented that they treated this process as they do an Act 250 application that does allow for a waiver of notification where it can be considered an undue burden. Mr. Monte, after a period of review, stated that he had a problem with the lack of full notification, as his interpretation was that it was not something that could be waived. Mr. Markolf suggested that the applicant could send out notice during the 30-day appeal period.

MOTION by Mr. Monte that the Board requires the applicant to send notice in writing to the adjoining by Tuesday June 12 informing them of the results of this hearing on the application and for them to notify the DRB in writing should they want an additional hearing by Friday June 29, 2007. The abutters required to receive this notice are all of those who directly abut the 57-acre parcel. **SECOND** by Mr. Markolf. **DISCUSSION:** Mr. Lisai made comment that a lot of the activity was existing except for the zip line and the disc golf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds the Conditional Use Review standards of Section 5.3 (A) to be satisfied by the applicant. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the application with the usual condition that the project is in compliance with the application as submitted and the previous condition regarding notice to abutters. **SECOND** by Mr. Markolf. **VOTE:** all in favor the motion passed.

Mr. Monte called for the continuance of this hearing until July 18th in the event an abutter requests an additional hearing.

- 2) Application #2007-10-SD Boundary Line Adjustment [correction] Susan & Charles Booher, Sierra Properties LLC, seek approval to correct an existing plat which describes two parcels {parcel id # 023001-010 & 023001-000} located in the Rural Residential District.

Attorney Stevens, representing the applicants, Susan & Charles Booher [Sierra Properties, LLC], explained to the Board that they were requesting a "correction" as the site plan utilized for the 2-lot subdivision in 2004 was recorded instead of a survey by a licensed surveyor as required by State statute. The Board reviewed the presented survey, checked it against the site plan they had approved, and found no significant differences that warranted concern.

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MOTION by Mr. Markolf that the Board grants the applicant's request to amend the existing subdivision by having the surveyed property recorded and supercede the site plan that was recorded in error. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

- 3) Application # **2007-12-SD Boundary Line Adjustment Long Associates** (Pete Reynells) seeks approval to convey 5.0+/- acres of a 74+/- acre parcel (parcel id # 005001-400) to an abutting property owner located on the Sugarbush Access Road in the Rural Residential District.

The applicant is requesting to subdivide and convey approx. 5.0 acres to his neighbor, Herb Kiendl and Patricia Lynch. The remaining acreage of 70+/- acres has no plans for development at this time. The Board reviewed the site plan showing the proposed subdivision. Comment was made that the 5.0 conveyed acres would have to be merged with the existing parcel so as not to create a non-conforming lot (it would be land locked with no permitted access).

Mr. Malone, who lives above the proposed subdivision, stated he wasn't opposed to the land transfer but wanted the Board to be aware of a water problem due to development that has taken place nearby. He continued to say that it might be fine for now, but if future owners wanted to develop the property then it could worsen the problem. Mr. Olenick made note that if any development were ever to take place it would have to come before the DRB for approval.

MOTION by Mr. Monte that if the Board approves this application that the following conditions will apply: 1) the existing parcel owned by Kiendl & Lynch be merged by deed within 30 days after the decision has become final and 2) that the deed include language that restricts the 5-acre parcel acquired from Long Associates from being developed unless DRB approval is acquired. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that the Board grants the request by the applicant to have the standard two hearings condensed into one hearing. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that the Board finds the application complete and classify it as a minor subdivision/boundary line adjustment. **SECOND** by Mr. Monte. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that the Board finds the standards of *Article 7 Subdivision Standards § 7.2 through § 7.9* to be satisfied by the application. **SECOND** by Mr. Markolf. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Markolf that the Board approves the request for a boundary line adjustment (minor subdivision) with the standard subdivision requirements and the conditions already voted on. **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

There was no other business brought before the Board and the meeting adjourned at 8:17 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

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Development Review Board

Peter Monte 6/20/07
Peter Monte date

David Markolf 6/20/07
David Markolf date

Lenord Robinson 6/20/07
Lenord Robinson date

Bob Kaufmann 6/20/07
Bob Kaufmann date

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[Signature]
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