

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY DECEMBER 5, 2007

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Members Present: Lenord Robinson, Peter Monte, David Markolf, Virginia Roth and Jeff Schoellkopf (arr. 7:30, lv. 8:02).

Others Present: Don Swain, Kirsten Reilly, Terry Reilly, Robin Bennett, Damon Reed, Kara Herlihy, Margo Wade, Tara Hamilton, John Pollack, Miron Malboeuf and Ruth Robbins.

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

- 1) Application, **2007-14-CU**, Conditional Use, Removal and Relocation of Single Family Dwelling at 1121 Senor Road. Kirstin & Terry **Reilly** seek Conditional Use Approval for the relocation of building envelope and associated Single Family Dwelling in the Meadow Land Overlay District. This application requires review under Article 2, Zoning Districts & District Standards, Table 2.2, Rural Residential District and Table 2.13 Meadowland Overlay District, and Article 5, Development Review of the Warren Land Use and Development Regulations.
- 2) Applications, **2007-19-SD, 2007-19-PRD**, (Continued from November 7th, 2007) Revisions to an Approved Plat, Mad Gap (Seven Unit PRD) to Adjust Building Envelopes & Adjust boundary line between lots 1 & 2 of the Mad Gap Subdivision. The applicant, **RW #1, LLC**, seeks approval to revise an existing plat, previously approved under applications 2007-11-SD/PRD, 2006-14-SD, & 2005-03-PRD for a Seven Units Clustered Housing on 15.75± acres, located off Lincoln Gap Road on parcel id. # 003008-801. In addition, the applicant proposes a boundary line adjustment to transfer 1 acre from lot 1 of parcel id # 003008-801 to Lot #2. Thus lot 2 the approved PRD would become 16.8 Acres and Lot 1 of the Mad Gap Subdivision would become 2 Acres This application requires review under Article 6, §6.4, Final Plan Approval & §6.7, Revisions to an Approved Plat, Article 7, Subdivision Standards & Article 8 Planned Unit & Planned Residential Development of the Warren Land Use and Development Regulations .
- 3) Other Business:
 - a) Discussion with Warren Conservation Commission.
 - b) Review and approve Minutes November 7th, 2007
 - c) Decisions –
 - (i)Application 2007-12-CU, Conditional Use, Change of Use to Outdoor Recreation Facility, (structures shall be limited to primitive shelters and huts associated with recreational trails and outdoor recreational activities) and Approval of an Accessory Structure
 - (ii)Application, 2007-14-CU, Conditional Use, Approval of a building envelope and existing Accessory Structure.

Mr. Monte called the meeting to order at 7:06 pm.

The first item of business was a conversation between the members of the DRB and members of the Conservation Commission regarding how they can best coordinate their respective tasks and objectives. Ms. Wade, chairman of the Conservation Commission, said the Commission sought to be a resource that could lend assistance and advice on Primary and Secondary Conservation Areas. It was discussed that a higher level of communication would be helpful so that the Conservation Commission would be aware of which applications contained conservation areas that would be of interest. Ms. Wade volunteered to be the "point" person that the Town staff could communicate with on applications as they come in. Mr. Monte stated that he thought that

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often the applicants don't recognize when these issues exist, even with the assistance of expert consultants, things can be missed. He continued to say that though the ordinance calls for the conservation areas to be mapped out first and then the subdivision to be placed around those areas, that in reality that rarely happens. Mr. Swain noted that in his experience the documentation on conservation areas, such as wetlands, is often hard to come by, and that Sketch Plan Review has always been the meeting at which problem areas and concerns had been brought forth. Mr. Monte added that the Sketch Plan Review phase has been used to see if the basic concept even has merit before a developer goes forward and spends a lot of money. Several members pressed as to why conservation area information couldn't be incorporated by the applicants prior to Sketch Plan Review. Mr. Monte countered that a lot of the information available to the Town was "too coarse" to be useful. He continued by saying that he thought what the ordinance called for was impractical as the information required was not available at a reasonable cost. It was suggested that one thing the Conservation Commission could do was to spearhead the creation of more current and accurate data, such as the wildlife inventory that was presently underway. Mr. Monte noted that with tools of that sort available it would be easier to expect applicants to utilize the information in the initial stages of the process.

Mr. Markolf asked how the Conservation Commission saw the process working – would the Conservation Commission come to the DRB hearing or would they review the application independently or have the applicant go to them?? Ms. Wade thought that if they were in on the application early enough in the process that the applicant would not need to come to the Commission, that the Commission would give their input at the DRB hearings. Mr. Schoellkopf asked the Commission if they felt the definitions of the conservation areas were sufficient and the only basis upon which they would comment or did they think changes were appropriate to include other issues they felt were important. Ms. Hamilton mentioned that one conservation value that came to mind was that of recreation in addition to the physical ecological attributes of a parcel. The Board responded that in order for them to have any "teeth" in requiring recreational access that a specific plan, i.e. trail plan, needed to be in place. Ms. Hamilton said they were aware of that and were working to help further that cause. Mr. Schoellkopf also added that the Conservation Commission might want to consider championing renewal energy resource usage by applicants that in turn might protect some of the natural resources they are interested in.

A brief discussion then took place regarding the role of the Conservation Commission as outlined under State Statute and whether or not they had the ability to appeal a DRB decision. Mr. Monte stated that he had no problem if anyone wanted to appeal a decision, as it was not a matter of right or wrong but an honest difference of opinion as to the reasonableness of imposing certain restrictions. He pointed out that the DRB has a broader view where the Conservation Commission or even the Fire Department both have specific issues they are concerned about.

Members of both groups thanked each other for the time and open conversation.

- 1- Application, **2007-14-CU**, Conditional Use, Removal and Relocation of Single Family Dwelling at 1121 Senor Road. Kirstin & Terry **Reilly** seek Conditional Use Approval for the relocation of building envelope and associated Single Family Dwelling in the Meadow Land Overlay District.

Mr. Malboeuf gave some brief background on the application. He explained that it was a three and half acre lot that contained meadowland. When the meadowland overlay was applied, it was done so with an ortho map without any parcel lines on it. In addition, the envelope for the current farmhouse was also done off of the ortho without any consideration of the composition of the lot. Mr. Monte asked if the entire parcel was meadowland with the exception of the designated building envelope for the house and barn and was told that yes that was the case. The Reilly's explained that they wanted to tear down the existing house due to its condition and build a new one in a different location. They intend to establish meadowland in the vacated house site and are seeking an agreement with their neighbor's the Mallows, to create a new

access off of the Mallow's drive and eliminate the current drive off of Senor Road. The barn will remain where it is and is currently being renovated.

Mr. Reilly spoke about the condition of the existing house and how they had had several contractors and builders examine the house and all recommended form a cost benefit analysis that the house be torn down versus renovated. The house has been vacant for three to four years and suffers from a wet basement due to a nearby spring. Mr. Monte asked if the new, proposed building envelope could be designated to be equal to the square footage of the existing envelope. He seemed to think that if they were just trading equal space, and in essence creating a more open pasture-like setting by moving the house to the back part of the lot, then it might not be a problem. One of the keys would be whether or not they could relocate the driveway. Mr. Markolf asked about the status and location of a septic system – were they going to use the old? Or install a new system? They replied that they were going to install a new one and that they would also be drilling a well but retaining the spring rights. The reason for drilling the well was due to their plan to utilize a geo-thermal system in the house. Mr. Reilly continued to say it was their hope to create a home with a net-zero carbon system.

There were two letters from neighbors – one from the Mallows that discussed the ongoing conversation with the Reilly's regarding the driveway as well as his concern about some trees. The other letter was from Mr. Peterson who expressed a concern about "visual impact". Ms. Reilly said she walked up towards his house and couldn't find what his objection could be as the current house, which they propose to tear down, seems to have more of a visual impact than relocating it to the new site. Ms. Reilly said she had placed a call to him and would see if she could find out more of his concern. Mr. Markolf then asked what the plan was for the design of the new house. Mr. Reilly said it would be of a farmhouse design, very similar to the existing house.

The Board put together a small "laundry list": 1) confirmation with the Mallow's regarding the trees to be retained, 2) draft agreement with the Mallows regarding driveway access, and 3) recalculation showing an equal or lesser exchange of land mass between the two building envelopes that includes the driveway.

MOTION by Mr. Monte to continue this hearing until January 23, 2008 at 7:00pm, **SECOND** by Mr. Markolf. **DISCUSSION:** the Board decided they did not need a site visit. Mrs. Roth asked to be notified when the house site was staked. **VOTE:** all in favor, the motion passed.

- 2- Applications, **2007-19-SD, 2007-19-PRD**, (Continued from November 7th, 2007) Revisions to an Approved Plat, Mad Gap (Seven Unit PRD) to Adjust Building Envelopes & Adjust boundary line between lots 1 & 2 of the Mad Gap Subdivision. The applicant, **RW #1, LLC**, seeks approval to revise an existing plat, previously approved under applications 2007-11-SD/PRD, 2006-14-SD, & 2005-03-PRD for a Seven Units Clustered Housing on 15.75± acres, located off Lincoln Gap Road on parcel id. # 003008-801.

Mr. Malboeuf started the hearing by listing who was in attendance at the site visit held on Saturday December 1st: Mr. Monte, Mr. Kaufmann, Mr. Markolf and Mr. Behn from the DRB along with Mr. Malboeuf, and Mr. Pollack and Mr. Graves, the applicants. Mr. Pollack when over the site plan showing where they wanted to adjust a boundary line and reconfigure the building envelopes. It has been determined that the units were much too "crammed" together and needed some spreading out. Mr. Monte did emphasize though that in keeping with a farmstead cluster type of PRD, that the one unit proposed to be off on its own would have to have characteristics of a farm type structure so that it related to the other two clusters of units. In addition to the architectural design, it was also suggested that maybe some sort of fencing might help tie the units together as well. In reviewing the requirements of a farmstead cluster PRD, Mr. Monte reminded the applicant that the total size of the building envelopes could not exceed more than two acres. This allows for no more than nine units and no less than three units. There is also to

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be a defined edge between the cluster of units and the edge with the adjacent open space [conservation area]. Mr. Monte told the applicant that the Board would like to see how the project would be tied together, set apart from the conservation area, and the design and elevations of the buildings as they represent a farmstead cluster. Mr. Monte asked that the applicant verify that the total building envelopes fall within the two acre maximum. He also requested that the steep slopes be identified and an erosion control plan submitted as well.

MOTION by Mr. Monte to continue this hearing to January 23, 2008 at 7:00 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 from November 7th and reviewed and signed the Monteverde CU decision and the DiGuilio CU decision.

The meeting was adjourned at 9:17 pm.. The next meeting of the DRB is scheduled for Wednesday January 23, 2008.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte 1/23/08
Peter Monte date

David Markoff date

Lenord Robinson 1/23/08
Lenord Robinson date

Virginia Roth 1/23/08
Virginia Roth date

Jeff Schoellkopf date

TOWN OF WARREN, VT
Received for Record 2/25 2008
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