

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY MARCH 5, 2008

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

Others Present: Andy McMann, Miron Malboeuf and Ruth Robbins

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

- 1) Application, **2008-01-CU**, Conditional Use Hearing for their property at 149 Upper Village Rd, Parcel ID 210013-000, .7 ± Acres. The applicants, Andrew & Angela **McMann** are seeking a conditional use permit from the Warren Development Review Board to construct a Garage to be partially located on steep slopes and within the district front/roadway setback. This project requires review under Article 2, (Zoning Districts & District Standards), Table 2.4(Sugarbush Village Residential District) and Article 5 (Development Review) of the Warren Land Use and Development Regulations.
- 2) Application, **2008-03-SD**: Revision to an Approved Plat, 701 Boulder Pass of the Lincoln Ridge Subdivision, Construction of a Pond in A Thinning Zone: The applicants, Peter **Asch**, Michelle **Rose** and Eugene A & Ann G **Murphy**, seek permission to construct a pond to be partially located in a designated thinning zone of the approved lot. This application requires review under Article 2, Zoning Districts & District Standards, Table 2.2, Rural Residential District, Article 6, § 6.2(E), Boundary Adjustment § 6.7, Revisions to an Approved Plat & 6.1(C), Minor Subdivision, and § 6.4, Final Plan Approval, and Article 7, Subdivision Standards, of the Warren Land Use and Development Regulations. *(applicant request a continuance until April 2, 2005)*
- 3) Application **2007-16-SD**: (Continued from January 9th, 2008) Danforth and Alex **Newcomb**, Three Lot Subdivision, off the South End of Main Street(# 839), Warren Village The applicant, Danforth and Alex Newcomb, seek Final Plan Approval for a Minor Subdivision., 3 lots, 36 ± Acres, off Main Street and VT. *(The applicants have requested a continuance on this application to July 9th, 2008).*
- 4) Applications, **2007-19-SD, 2007-19-PRD**, (Continued from January 23rd, 2007) Revisions to an Approved Plat, Mad Gap (Seven Units PRD) to Adjust Building Envelopes & Adjust boundary line between lots 1 & 2 of the **Mad Gap Subdivision**. Board to review supplemental information *(applicant requests a continuance April 23rd, 2008)*
- 5) Other Business
 - a. Review & Sign Minutes from February 20th, 2008

Mr. Monte called the meeting to order at 7:08 pm.

MOTION by Mr. Monte to continue application 2008-03-SD submitted by Asch, Rose & Murphy until April 2, 2008 at 7 pm; continue application 2007-16-SD submitted by Newcomb until July 9, 2008 at 7 pm; and continue applications 2007-19-SD & 2007-19-PRD submitted by RW #1 LLC until April 23, 2008 at 7 pm. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

1. Application, **2008-01-CU**, Conditional Use Hearing for their property at 149 Upper Village Rd, Parcel ID 210013-000, .7 ± Acres. The applicants, Andrew & Angela **McMann** are seeking a conditional use permit to construct a Garage to be partially located on steep slopes and within the district front/roadway setback.

Mr. Malboeuf briefly summarized the McMann's request for setback relief and review of the steep slopes as they have applied for an addition to their home on Upper Village Road (formerly the Michael Krapowski home). It was also brought to the member's attention, a letter from Sugarbush Resort that discussed the easements and right-of-ways that they have in relationship to this property. As Mr. Monte pointed out, it is not the responsibility of the DRB to be the guardian of property boundaries and interests, that it is between the two parties. Mr. McMann said that he and Ms. Wade at Sugarbush had gone over the issues detailed in the letter and that everything seemed to be in order.

Mr. McMann went over what they planned to do. He described how currently there is a steep set of stairs that lead down from the drive to the main entrance of the home. They are now full time residents and are also seeking more space. To accomplish both the elimination of the stairs and the increase in space, they are proposing an addition and garage not only for the cars but for storage underneath as well. This will allow for an entrance at the same level as the drive. He added that proper drainage would be incorporated into the plans once the process was further along.

Mr. Behn asked about the entryway, and if the support posts were included in the measurement of the setback, as it did not appear as if they had been. The Board made it clear to the applicant that setback relief, if granted, had to include any part of the structure, not just the main foundation that eaves, decks and the like had to meet the requirement. Upon further scrutiny of the plans, it was suggested that the plans may have to be altered to satisfy the standard. Discussion ensued regarding the fact that the issue was "inches" that could potentially encroach on the setback limit and whether or not stipulating for a survey of the as-built structure prior to the certificate of compliance would be an onerous condition.

Mr. Monte stated that it was a difficult site but well within the character of the neighborhood as most of the surrounding properties were in tight quarters and had some steep slopes. That being said, he didn't think that granting setback relief as allowed under the ordinance would be a problem. However, with everything being so "tight", that accuracy would be very important since any remedy should it be wrong would be a disaster for the homeowner. Mr. Behn said that he thought it was important to see a set of pre-construction plans since the plans before them all had some variance in them. This would also include elevations and an erosion control plan. Mr. Kaufmann noted that as far as the steep slope issue was concerned that he felt it was a non-issue as a poured foundation would only help to further stabilize the slope.

The Board can grant setback relief under § 3.6 (C) (1) providing the reduction meets all conditional use standards set forth in Article 5.

MOTION by Mr. Behn that the application satisfies § 5.3 (A) (1). **SECOND** by Mr. Kaufmann. **VOTE:** all in favor, the motion passed.

MOTION by Mrs. Roth that the application satisfies the criteria under §5.3 (A) (2) through (5). **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that before commencement of construction, the DRB must see and approve 1) the roadside elevations of the proposed addition (easterly side), 2) and a survey of the property line that runs along the road, a line that represents the setback boundary and the setback relief boundary, and 3) any part of the new structure [eaves, overhang, deck] that is within ten (10) feet of the original setback boundary. **SECOND** by Mr. Behn. **VOTE:** all in favor, the motion passed.

MOTION by Mr. Monte that under § 5.3 (B) (7) that before commencement of construction that an erosion control plan be submitted and approved by the DRB. This erosion control plan applies

only to those areas that will be disturbed by the planned construction. **SECOND** by Mr. Behn.
VOTE: all in favor, the motion passed.

MOTION by Mr. Monte that subject to the conditions already approved, the Board approves setback relief of 30% as allowed under § 3.6 (C) (1) . **SECOND** by Mr. Behn. **DISCUSSION:** Mr. Behn asked for clarification of how this was to move forward – with the actions the Board has now taken, the applicant now knows he can go forward, should he choose, but must come back in for the Board's "ok" before he can obtain a building permit for construction. **VOTE:** all in favor, the motion passed.

The Board signed the minutes of the previous meeting. The meeting adjourned at 8:07 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte 4/23/08
Peter Monte date

Bob Kaufmann date

Lenord Robinson 4/23/08
Lenord Robinson date

Virginia Roth
Virginia Roth date

4/23/08

Chris Behn date

TOWN OF WARREN, VT

Received for Record 4/24 2008
at 11 o'clock A M and Received in

Vol. 195 Page 3-5
Ruth Robbins
TOWN CLERK