TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY JULY 23, 2008

Members Present: David Markolf, Lenord Robinson, Peter Monte and Virginia Roth.

Others Present: Ken Friedman, Joan Evans, Robert Evans, don marsh, Eugene Murphy, Ann Murphy, Andres Torizzo, Cindy Carr, sue Evans, Miron Malboeuf and Ruth Robbins.

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

1) 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: (Continued from April 23rd, 2008) The applicants, 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©, Minor Subdivision, and § 6.4, Final Plan Approval, and Article 7, Subdivision Standards, of the Warren Land Use and Development Regulations.

2) Application **2008-04-CU**, Applicant request permission to modify the site plan approved under 2006-03-CU, Single Family Residence/Side Yard Setback and Steep Slopes Development (Continued from June 18th, 2008). Linda **Lloyd** seeks permission to develop single-family residence on steep slopes, parcel Id 003000-400, located at 72 Covered Bridge Road, in the Warren Village Historic Residential District. This project requires review under Article 3, (§3.4, Erosion Control & Development on Steep Slopes and C & §3.6, C, 1, Height & Setback Requirements) and Article 5, Development Review of the Warren Land Use and Development Regulations.

3) Other Business
   a) Review & Sign Minutes from July 9th 2008;
   b) Decision – Foster 2-Lot Subdivision
   c) Scheduling

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

1- 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: (Continued from April 23rd, 2008) The applicants, Eugene A & Ann G **Murphy**, seek permission to construct a pond to be partially located in a designated thinning zone of the approved lot

The Murphy's were represented by Cindy Carr who went over the site plan with the DRB members. She stated that the pond size was approximate as it needed to be engineered but that the area represented the limits of a plateau area which would be the most ideal location for a pond. Ms. Carr continued to describe the area, the streams that were present and the fact that a 50 foot buffer from those streams had been established. The applicant has checked with the appropriate State agencies and the Army Corps of Engineers regarding what permits would be required. First and foremost would be an Erosion Control permit and the determination of whether the project would be considered low risk or moderate risk. She added that in the end it would require a minor administrative amendment to their Act 250 permit. Ms. Carr said that before the owner spent significant monies on engineering work that they wanted to get an idea from the DRB if they had any reason why they might not grant a plot plan modification to allow for the pond.

Mr. Markolf asked about the "thinning zone" and was told that it was the standard thinning zone requirements that were imposed when Lincoln Ridge was approved. When asked what clearing had already taken place, Ms. Carr replied that to date only the driveway had been established

therefore "redistributing" the number of trees to satisfy the requirement should be able to be worked out. Mr. Monte brought up the potential problem of the location of the pond in relationship to the required setback from the road. Ms Carr stated that according to the Lincoln Ridge covenants that any construction must be a minimum of 25 feet from a shared boundary and that as the road is owned by Lincoln Ridge it would fall under that stipulation. As drawn, the pond is at about the 20 foot mark and would therefore have to be modified. Mr. Monte asked if the clearing of the proposed pond area might have any negative effects as the thinning requirement was in place to hopefully keep there from being an undesirable impact on the neighboring area. He also asked about the source of filling the pond, and the outlet of the pond's discharge.

Mr. Monte asked for comment from the neighbors in attendance. Mr. Friedman stated that being on the other side of the property did not feel he would be adversely affected. He did ask for clarification of the proposed size of the pond and commented that it was an improvement from the first one proposed which was much bigger. Mr. Monte noted that any approval given would be subject to the review of the final design with all dimensions. Mr. Monte noted that there would also be an area of disturbance above and beyond just the surface area of the pond that needed to be taken into consideration. Unfortunately, until the survey is completed and the engineering is complete, the precise "area of disturbance" cannot be identified.

Mr. Evans, the relative of an adjoining property owner and original purchaser of the lot, expressed concern about the development of the pond since the development of the Lincoln Ridge road caused his pond to be affected by the run off of sediment. He specifically asked how deep the pond was going to be and how the waste from digging the pond was going to be disposed of. Mr. Marsh. An engineer working with the Evans, expressed concern that the DRB did not have enough information from the applicant to make a decision at this time. Mr. Monte stated that he thought the Board would want to have more information and that the applicant was basically just looking for a "weather report" at this time.

Mr. Monte urged that the two parties, the Evans and the Murphy's, discuss the project as the information becomes available to hopefully resolve any issues before the application comes back before the DRB. Mr. Marsh emphasized that they had no problem with the construction of a pond just that they wanted assurances that the design and erosion control elements had been reviewed and control/enforcement measures were in place so that the Evans pond would not be compromised. Mr. Monte assured him that the Board shared those concerns and that the ordinance required them to be addressed.

Mr. Murphy, the applicant, stated that he had no plans to build on the property but that he had had a potential buyer who wanted to build a pond. He asked if other than the pond if there might be additional landscaping type issues that should be addressed or brought to a potential buyer's attention. Mr. Marsh spoke up and said that the issue of the pond was all about it being done properly. Mr. Monte said the Board would most likely rely on the State's expertise regarding Stormwater discharge. Mr. Monte returned to the issue of thinning and asked if anyone could see the area, which might have a view. Ms. Carr said that from Sardi's land you could see this area of Lincoln Ridge but that for the most part Lincoln Ridge was not visible from other areas of town.

Any construction of a pond requires a review by the fire department. Since this subdivision has a fire protection water system in place that could be waived but needs to be so by a letter from the fire department. Another item on the "laundry list" is an erosion control plan and the verification of secondary conservation areas on the site plan. The setback issue also needs to be addressed. Mr. Evans wanted the Board to understand that their pond, a pristine spring-fed pond, was very important to them and wanted to make sure that any future owners of the applicant's parcel understood the criteria involved for the creation of a pond.

Mr. Monte asked the Board how they wanted to proceed with the information they had at hand. Mr. Markolf said he felt that they couldn't go through the criteria without a specific pond design. Mr. Monte said there were some generalities they could use.

MOTION by Mr. Monte that the Board gives a favorable "weather report" with the understanding that without any detail or understanding of the engineering that would be involved that could affect the "weather report", that the general size and location of the proposed pond is "ok" subject to the review of further engineering information. **SECOND** by Mr. Markolf. **VOTE**: all in favor, the motion passed.

Mr. Robinson noted that if the proposed pond is done correctly, it will aid in capturing possible runoff that might have gone directly to the Evan's pond. He added that having built a lot of ponds that it was his opinion that this pond should make the overall situation better. Both Mr. Monte and Mr. Markolf reminded the applicant's engineer and the Evan's engineer to talk prior to the next hearing so that any concerns are addressed beforehand.

MOTION by Mr. Monte that this hearing is continued until Wednesday November 5, 2008 at the applicant's request. **SECOND** by Mr. Markolf. **VOTE**: all in favor, the motion passed.

2- Application **2008-04-CU**, Linda **Lloyd** requests permission to modify the site plan approved under 2006-03-CU, Single Family Residence/Side Yard Setback and Steep Slopes Development (Continued from June 18th, 2008).

The applicant has relocated to another state and currently has her property on the market. In her original approval permission had been granted for a single car garage with additional space for storage. Ms. Lloyd ended up constructing a structure that was smaller than what was approved, within the building envelope, but different than what was originally approved and intended by the application at that time. The purpose of this application is to gain approval for the revised structure on the site plan.

MOTION by Mr. Monte that the Board approves the submitted revision of the site plan with the construction of an accessory structure in lieu of the originally approved garage. Additionally, a) the original garage building envelope is deleted and b) the area [footprint] now occupied by the new accessory structure is considered as the new building envelope. **SECOND** by Mr. Robinson, **VOTE**: all in favor, the motion passed.

The minutes of the previous meeting and the Foster 2-lot subdivision decision were reviewed and signed. The next meeting of the DRB is scheduled for Wednesday August 6, 2008 at 7 pm. The meeting was adjourned at 8:24 pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte 8-6-08 — Peter Monte, date

David Markolf 8/6/08 — David Markolf, date

8/6/08 — Virginia Roth, date

Lenord Robinson 8/6/08 — Lenord Robinson, date

TOWN OF WARREN, VT
Received for Record 8/7 2008
at 8:30 o'clock A M and Received in
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TOWN CLERK