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TOWN OF WARREN  
 DEVELOPMENT REVIEW BOARD at 8:30 o'clock A M and Received in  
 MINUTES OF MEETING Vol. 197 Page 522 524  
 WEDNESDAY OCTOBER 1, 2008

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*[Signature]*  
 TOWN CLERK

Members Present: Peter Monte, David Markolf, Lenord Robinson and bob Kaufmann (arr. 7:55 pm).

Others Present: Candy Barr, Michael Wertlieb, Shelia Getzinger, Alan Solomon, Susan Simpson, Donn Simpson, William Idol, Dick King, Sue Carter, Miron Malboeuf and Ruth Robbins.

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

1. CONTINUED FROM THE HEARING OF SEPTEMBER 17TH AT THE REQUEST OF THE APPLICANT Application **2008-08-CU**, Construction of a Principal Dwelling & Conversion of existing Principal Dwelling to Accessory Dwelling (258 Senor Road) ` The applicants, Bruce **Fowler** & David **Joaquin** request a conditional use permit to construct a new single family residence to be the principal dwelling, the change of use of the existing principal dwelling to an accessory dwelling with storage and new in ground disposal system in the meadowland. This land development is proposed for a 4.96 ± acre parcel, Id # 023009-000, located in the Rural Residential District and partially located in the Meadowland Overlay District. The applicants are also requesting setback relief from an existing intermittent stream and the elimination of an existing man-made pond. This application requires review under Articles 2, § 2.4, (Tables 2.2 & 2.13), 3, §3.13, 4, §4.1 and Article 5, Development Review, § 5.3, of the Warren Land Use and Development Regulations.
2. Appeal of the Administrative Officer's Determination Letter: Don & Susan **Simpson** have appealed the Administrative Officer's letter of August 15th, 2008 which required the land owners to file for an Accessory Dwelling permit (Article 4. § 4.1) for a camper trailer on their property located 493 Prickly Mountain Road (parcel id. #210013-000). in the Rural Residential District. The camper trailer is connected to the existing septic system. This appeal requires review under Article 9, §9.5, Appeals, of the Warren Land Use and Development Regulations.
3. Other Business
  - a) Review and sign minutes from 9/17/08, Fowler/Joaquin Decision if final affirmative vote takes place
  - b) Go over Nov schedule

Mr. Monte called the meeting to order at 7:03 pm.

- 1- Appeal of the Administrative Officer's Determination Letter: Don & Susan **Simpson** have appealed the Administrative Officer's letter of August 15th, 2008 which required the land owners to file for an Accessory Dwelling permit (Article 4. § 4.1) for a camper trailer on their property located 493 Prickly Mountain Road (parcel id. #210013-000). in the Rural Residential District.

Attorney Solomon, representing the Simpsons, gave a presentation to the DRB as to why the use of the camper should not be required to have a Conditional Use Permit as an Accessory Dwelling. He stated that it was a non-conforming use that pre-dated zoning (1965). He also presented a rough site plan that showed where structures/homes were in relationship to one

another. Mr. Solomon said that the Simpsons and the neighboring homeowner, Ms. Barr, both share a view out over an open field. On one side of the field is the location of the Simpson's camper/motor home and on the opposite side on Ms. Barr's property is an old barn/shed. Mr. Solomon continued to say that the property was acquired in 1978 [by the Idols] and in 1989 a pad was constructed for the placement of a camper/motor home during the summer months with use on and off. In 1991 they added water, electric and phone access to the pad site. In 1999 the property transferred to the current owners, the Simpsons.

In 2000 Mr. Viens installed a new septic system designed by McCain Consulting. Mr. McCain submitted a letter dated July 18, 2008, stating that the system was designed to handle 600 gallons per day of effluent and that it is currently serving the Simpson's four bedroom house. Mr. McCain also stated that it was his opinion that the system was capable of handling the effluent from the seasonal use of the camper/motor home.

Mr. Solomon said he drove around the neighborhood and recounted for the Board the different examples of trailers/campers/motor homes that were located at various residences. Mr. Monte interrupted Mr. Solomon and asked what the time period was that the current camper/motor home has continuously been on the site. The answer given was that the current camper/trailer had been on the site since May of this year. However, it was pointed out that the same camper/trailer had been located on the pad on and off since 2002.

Mr. Solomon went even further to point out that some sort of camper had been used at that site since as long ago as 1989. Mr. Idol added that the camper would be there during the summer months as he and his wife would take it south during the winter months. Mr. Monte asked when the pattern of having the camper there for four or five months per year changed. When the Simpson's bought the house, a camper had been utilized for a few weeks at a time during the time period of 2003 until this past May when was used for a longer stretch of time.

Mr. Solomon argued that there should be a "grandfathering" of the use as several of the neighbor's have trailers on their property in the neighborhood, with similar use, and that singling out the Simpson's was "selective persecution". Mr. Monte stated that any pre-existing non-conforming use will expire unless that use is continued. Mr. Solomon contended that the fact that the pad was there since 1989, and that utilities were added in 1991, established elements of continuous use whether or not a trailer was actually parked there. Mr. Monte said that the non-conforming use under consideration was the trailer, not the pad it sits on. [Sec. 3.8] Mr. Monte also pointed out that as a temporary structure [the trailer] that under Sec. 4.3 there were certain requirements: could not be located within the setbacks [it appears to be so]; could not be occupied for dwelling purposes for more than 30 days within any one year period; and it could not be hooked up to a water system, septic system or other utilities.

Ms. Simpson noted that the health permit stated the fact that a pvc pipe was installed for connecting the trailer to the septic system. Mr. Malboeuf countered that the Health Officer's approval does not bind the Zoning Administrator who has to follow the Zoning regulations. Mr. Monte said that with an Accessory use permit, they could have the approval needed to connect the camper/trailer to their septic system. He continued and asked if that wasn't what the issue was all about – whether or not a permit was required for the use of the camper. If the Board upheld the Administrator's ruling that would not prevent them from having the camper/trailer, it would just mean they would have to go through the process of obtaining the appropriate permit.

Mr. Idol stated that the real issue was that the neighbor, Ms. Barr found the camper to be an eyesore and wanted it gone – thus they were going through this process. He continued to say that he felt this was the wrong way to go about this as it was not how things had been handled on Prickley Mountain in the past. Mr. Monte said that unfortunately the Board's job



