TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
WEDNESDAY NOVEMBER 19, 2008

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

Others Present: Reta Goss, John Goss, Dave Olenick, John Vitko, Wayne Kathan, Greg Platt, Sheryl Kurland-Platt, Felix Von Moschzisker, Shelia Getzinger, Craig Klofach, Maryanne Hamilton, Roger Steinhauer, Dan Eckstein, Shannon Gilligan, Deb O'Hara, Ellen Strauss, Anna Whiteside, Miron Malboeuf and Ruth Robbins.

Agenda: Call meeting to order at 7:00 pm

Hearings

1- **Application 2008-11-CU**: Conditional Use, Removal, and Relocation of Single Family Dwelling & Accessory Structures at 914 Senor Road. The applicants, Gregory **Platt** & Sheryl **Kurland-Platt** and Wayne **Kathan**, Francis **Kathan**, Wendell **Kathan** and Reta **Goss** seek Conditional Use Approval for the relocation of existing building envelope, associated Single Family Dwelling and Accessory Structures in the Meadow Land Overlay District. The parcel (Id # 0230074) 20-± acres is also located in the Rural Residential 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, 2008-12-SD**: Subdivision, Boundary Line Adjustments: 2008-12-CU Request for Front Yard Setback Relief, Relief from Wetlands Setback and Development on Steep Slopes –1080 Prickly Mountain Road in the Rural Residential District . The applicants, **Eckstein** Daniel & Tara **Hamilton** and Mary Ann **Hamilton** seek approval for a lot line adjustment, between a 5. ± Acres parcel (id # 038003-900) at 1080 Prickly Mtn Rd) and 4.2. ± acres parcel at (id # 038003-700) at 128 Alberts Lane); the requested adjustment will add 2.5 ± acres to the parcel at Alberts Lane and the remaining will parcel at 1080 Prickly Mtn Rd will be 2.5 ± acres. The applicants are also seeking approval under conditional use for set back relief form an existing wetland and from Prickly Mountain Road This application requires review under Article 2 (Table 2.2) Rural Residential District; Article 3, §3.4(Erosion Control and Development on Steep Slopes), §3.6(Lot and Setback Requirements) and §3.13,(Surface Water Protection);.Article 5, (Development Review) and also under Article 6, Subdivision Review, §6.2 (E), Sketch Plan Review , Boundary Adjustments, & §6.4, Final Plan Approval, and Article 7, Subdivision Standards of the Warren Land Use and Development Regulations. .

Other Business

- Review and sign minutes from 11/05/08,
- Request for reconsideration hearing in re: Simpson Appeal of Zoning Administrator's determination letter
- Decision Town of Warren Conditional Use
- Go over December 2008 & January 2009 Schedules

Mr. Monte called the meeting to order at 7:23 pm.

1) **Application 2008-11-CU**: Conditional Use, Removal, and Relocation of Single Family Dwelling & Accessory Structures at 914 Senor Road. The applicants, Gregory **Platt** & Sheryl **Kurland-Platt** and Wayne **Kathan**, Francis **Kathan**, Wendell **Kathan** and Reta **Goss** seek

Conditional Use Approval for the relocation of existing building envelope, associated Single Family Dwelling and Accessory Structures in the Meadow Land Overlay District. The parcel (Id # 0230074) 20-± acres is also located in the Rural Residential District.

Ellen Strauss presented to the Board an overview of the proposed plan to relocate the primary dwelling, install a new wastewater system (mound system) and add a pond. Though the application originally called for the demolition of the old farmhouse, the potential buyers, Gregory Platt and Sheryl Kurland-Platt, would like to retain the building and find some other use for it. Ms. Strauss explained that by moving the house location they would be able to better maximize a southerly exposure for solar gain and that they were trading an equal amount of space back to the meadowland for the opportunity to relocate the primary dwelling. [When the Meadowland Overlay District was created, it allowed "exclusions" for those buildings already there. This proposal changes the shape of that "exclusion" but doesn't increase the size of the exclusion.]

The addition of a new septic system and the creation of a pond are not part of the "exclusion" but rather are being requested as conditional uses in the Meadowland Overlay District. Ms. Strauss used some drawings to show what the Platt's building(s) [house and garage] might look like with the current buildings being retained. Mr. Monte noted that the Board members had conducted a site visit the previous Saturday and with no questions from the members, asked for questions from the public that was in attendance.

Mr. Von Moschzisker asked what the plans were for the old big barn that was on the property. The Platt's replied that it was their intention to keep it as a working barn. Mr. Von Moschzisker also added that there might be some grant money available for renovations that they might want to look into. Ms. Gilligan, an abutter, stated that she and her husband were in favor of the proposed changes as they felt it was a good adjustment with little to no impact on the surrounding area. The question was asked as to how the old house would be viewed once the new one was built. It would become an accessory structure but could be used as an accessory dwelling in the future with Administrative Review for compliance should the owners decide to go that direction. The Platt's did indicate that they may live in the old house while the new one was being built.

Mr. Monte reviewed the Meadowland Overlay standards with the determination of the Board that the application would be classified under Table 2.13 (E) supplemental Development Standards (1) (a) having met those criteria. Mr. Malboeuf added that he had received a call from an abutter, Mr. Mallow, who had also spoke with the Platt's, about his desire to see the old trees retained. Mr. Platt said it was their intention to do so. Ms. Strauss added that the siting of the design was done in such a way as to maintain the old trees as best as possible. Mr. Monte continued with his review by stating that it was his feeling that the pond was an agricultural use and thus easily permitted in the meadowland [many farms have a pond]. It was brought up as to whether or not there was concern about the movement of heavy excavating machinery through the meadowland in order to create the pond. Ms. Strauss noted that any equipment would most likely use the area along the fenced area next to the big barn as it was typically mowed and a dry area to travel. Mr. Olenick said that normal, typical erosion control measures would be employed. Ms. Strauss also told the Board that it would be an in-ground pond, not one that would require a dam. Mr. Monte noted that ponds are frequently authorized by the administrative officer and don't always need detailed review by the DRB. He felt they could agree on the location and leave the rest to the zoning administrator. He also noted that septic systems tend to be located where they are located by the engineer and that its location should not be an issue as it really doesn't interfere in the meadowland.

MOTION by Mr. monte that the proposed relocation of the meadowland boundary meets the standards of Table 2.13 (E) Supplemental Development Standards (1) (a) and does not disrupt the scenic quality of the site, retains the maximum possible meadowland for agricultural use and utilizes the least productive land thus protecting primary agricultural soils. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the location of the proposed pond of up to 1 acre and new wastewater system also meets the criteria of Table 2.13 (E) (1) (a). **SECOND** by Mr. Behn. **DISCUSSION**: Mr. Behn noted that any pond must also meet the requirements of Section 4.13. Mr. Monte requested that those requirements be added to the motion. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Behn that Section 5.3 Conditional Use Review Standards (A) General Standards (1) through (5) have been met by the applicant; the location of the proposed dwelling has solar potential for domestic hot water and the applicant is aware of the necessity of applying for a new curb cut from the Select Board. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the applicant is required to provide a plat meeting subdivision standards that shows the relocation of the meadowland boundaries with the final pond and wastewater locations. This plat will be in mylar, digital and paper forms. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the application as submitted with the previously voted on stipulations and subject to obtaining permits for the structures and the pond. **SECOND** by Mr. Behn. **VOTE**: all in favor, the motion passed.

2) **Applications, 2008-12-SD**: Subdivision, Boundary Line Adjustments: 2008-12-CU Request for Front Yard Setback Relief, Relief from Wetlands Setback and Development on Steep Slopes –1080 Prickly Mountain Road in the Rural Residential District. The applicants, **Eckstein** Daniel & Tara **Hamilton** and Mary Ann **Hamilton** seek approval for a lot line adjustment, between a 5. ± Acres parcel (id # 038003-900) at 1080 Prickly Mtn Rd) and 4.2. ± acres parcel at (id # 038003-700) at 128 Alberts Lane); the requested adjustment will add 2.5 ± acres to the parcel at Alberts Lane and the remaining will parcel at 1080 Prickly Mtn Rd will be 2.5 ± acres. The applicants are also seeking approval under conditional use for set back relief form an existing wetland and from Prickly Mountain Road

Mr. Klofach of the Design Group represented the applicants who are requesting front setback relief, wetlands buffer setback relief, steep slopes review and a boundary line adjustment. This application had been reviewed by the Warren Conservation Commission (WCC) which in turn submitted a letter outlining their concerns and how they would like them addressed. The main concern was regarding the possible encroachment into the wetland buffer by the construction of a deck. More specifically, the WCC expressed concern about the compaction of soils during construction and the possible introduction of non-native invasive species from construction equipment that carried such from previous work sites.

Mr. Klofach went on to explain to the DRB that the front setback relief request was to facilitate the positioning of the dwelling so that it could maximize solar energy resources. Moving the house any further south would necessitate cutting into the tree line which they were hesitant to do. The boundary line adjustment will necessitate an easement for the septic system. The reconfiguring of the lots will result in parcel id # 038003-700 being 6.7+/- acres and Mrs. Hamilton's, parcel id # 038003-900 2.4 +/- acres. The steep slopes issue is that most of the area to be developed is 20% grade. Mr. Monte noted that he had yet to figure out why we need to "protect" steep slopes as we seem to have an abundance of them, though he did note that appropriate erosion control measures must be utilized.

Mr. Behn asked what the future plans were for an existing "cabin' that is on the property. Mr. Eckstein stated that it will either be moved to his parcel or taken down. Moving the cabin is totally dependent on cost. Mr. Monte asked if a grading plan in addition to an erosion control plan was available and Mr. Klofach said not yet, but would be as the project moved forward.

MOTION by Mr. Monte that the Board finds that development away from the existing steep slopes would create greater intrusion into the wetlands as well as prevent the possibility of solar energy utilization. **SECOND** by Mr. Behn. **VOTE**: all in favor, the motion passed

MOTION by Mr. Monte that the Board finds that neither the wetlands intrusion, the steep slopes nor the required setback relief would offend the provisions stated under Section 5.3 Conditional Use Standards (A) General Standards (1) through (5). **SECOND** by Mr. Behn. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Behn to approve the requested intrusion into the wetlands buffer zone based on the recommendations of the WCC and their letter of November 18, 2008 with the conditions as stated in their letter. **SECOND** by Mr. Robinson. **DISCUSSION:** Mr. Monte asked why the deck was necessary and or desired. Mrs. Hamilton stated that it provided a way to maintain accessibility to the outdoors as they planned on growing older in this home. The question was also asked as to who would monitor the conditions as set forth in the WCC's letter. Mr. Behn suggested that the WCC be notified at the commencement of construction. The Board agreed to include a condition that the WCC Chairman be notified of the commencement of construction as part of this motion. In addition, Mr. Monte proposed two modifications to the WCC's letter of 11/18/08; 1) that "Areas of construction will be monitored during construction for NNIS…" and 2) "The 50 foot wetland buffer will be maintained in a natural state with mowing not more than two times per year." **SECOND** by Mrs. Roth for the additions to the original motion. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Behn to grant the requested front setback relief of 12 feet. It is noted that the existing trees are to remain and there are plans for new ones to be added as depicted on the plans submitted. **SECOND** by Mrs. Roth. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the development on steep slopes is approved subject to the required erosion and runoff controls being adhered to as described in the application. **SECOND** by Mr. Behn. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the requested boundary line adjustment is classified as a minor subdivision under the regulations with a finding that the movement of the line will not create a non-conforming lot. **SECOND** by Mr. Behn. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the Board classifies this request as a Boundary Line Adjustment under Section 6.2 (E) and gives Final Plan approval as applied for in the application subject to the filing of the final plat as required under Section 6.5. **SECOND** by Mr. Behn. **VOTE**: all in favor, the motion passed.

MOTION by Mr. Monte that the Board approves the application subject to the provisions already voted. SECOND by Mr. Behn. VOTE: all in favor, the motion passed.

3) Other Business

The Board reviewed and signed minutes and decisions from the previous meeting. The Board then discussed the request by Attorney Solomon for a re-hearing of the determination of the Administrator's decision regarding the Simpson's use of their camper.

MOTION by Mr. Monte that the Board grant Mr. Solomon's request for a re-hearing of the Appeal of the Administrator's Determination regarding the use of the Simpson's camper located at 493 Prickley Mountain Road. This re-hearing is subject to the receipt by the Board, and a copy to Attorney Richard King, of a summary memorandum two (2) weeks prior to the date of the hearing that shall be limited to the three specific grounds as outlined in his letter dated November 1o, 2008. Attorney King, should he so desire to respond to Attorney Solomon's summary

memorandum, must submit that response to the Board and a copy to Attorney Solomon one (1) week prior to the hearing. Attorney Solomon's re-hearing is scheduled for Wednesday January 21, 2009 at 7:00 pm. **SECOND** by Mr. Robinson. **VOTE**: all in favor, the motion passed.

Mr. Monte adjourned the meeting at 9:15 pm. The next scheduled meeting is for Wednesday December 3, 2008 at 7:00pm.

Respectfully submitted,

Ruth V. Robbins
DRB/PC Assistant

DEVELOPMENT REVIEW BOARD

Peter Monte 12/3/08
Peter Monte date

Chris Behn 12-03-2008
Chris Behn date

Virginia Roth date

Lenord Robinson 12/03/08
Lenord Robinson date

TOWN OF WARREN, VT
Received for Record 12/14 2008
at 11:20 o'clock A M and Received in
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TOWN CLERK