

**Town of Warren
Development Review Board
Minutes of Meeting
Monday, May 6, 2024**

NOTE: This meeting was conducted both in-person and electronically via Zoom.

Members Present: Megan Moffroid, Peter Monte (Chair), Chris Noone, Jeff Schoellkopf
Staff Present: Ruth Robbins (ZA), Carol Chamberlin (Recording Secretary)
Others Present: George Abad, Glenn Acker, Geoff Andrew, Jim Crafts, Kelley Elwell, Shane Elwell, Jenny Faillace, Dick King, Linda Magnussen, Gunner McCain, Bill Newell, Steve Platt, Peter Reynells, Mark Rickabaugh, Allison Rogers, Amantha Rouleau, Jared Rouleau, Bruce Sargent and Susan Magnuson.

The meeting was called to order at 7:03 pm.

Application # 2024-01-SD by Long Associates [Penny Reynells] requests Sketch Plan Review for a 5-lot Subdivision. The property is located at the end of Meadow Lane consisting of 66 +/- acres, parcel ID# 005001-400 in the Rural Residential District. Though building envelopes and associated infrastructure are depicted on the site plan, there is no request for approval of construction at this time.

Mr. Monte reported on the site visit held earlier in the afternoon, attended by himself and Ms. Robbins as well as several neighboring residents. He outlined that the parcel is sixty-plus acres, with the area affected by the four proposed lots being approximately eight acres. The fifth remaining lot has no access via the ROW through the Farms property which will be used to access the four lots to be developed; the access for that portion of the parcel is from the Sugarbush Access Road and a ROW from Grand Hollow Road. A ravine running through the property physically separates these two portions of the current parcel; the four proposed building envelopes have been sited to avoid impacting any portion of the ravine, although Mr. McCain pointed out that several of the stakes delineating the envelopes need to be shifted slightly to accurately indicate that steep slopes will be avoided.

Mr. McCain explained that the wastewater systems for the four proposed lots will be designed at a capacity to serve duplexes, but that those who purchase/develop the lots may opt for building single family residences. He also indicated that he and Mr. Reynells are hoping to reach an agreement to adjust the location of the ROW that serves this property from the Farms development so that the existing road to the Farms maintenance building may be used for access and development of a parallel road can be avoided.

Mr. Monte noted that comments had been provided by Farms property owners at the site visit, including concerns regarding increased traffic through the Farms development and some concern about retaining tree cover along a southern boundary stone wall. Mr. Sargent, Mr. Andrew, Mr. Rickabaugh, and Ms. Magnussen all provided comments regarding the proposed subdivision and related development. Mr. Monte encouraged the parties to arrange for pertinent conversations outside of the DRB meeting venue; Mr. McCain confirmed with the Farms residents present that the correct party to involve in conversations regarding these matters is the Farms HOA Board.

Mr. Schoellkopf confirmed that, under the current Regulations, duplex development must go through Conditional Use review. Ms. Robbins noted that this may change when the new Regulations are adopted.

Mr. Schoellkopf inquired about the ROW access to the parcel; Mr. McCain assured that documentation has been prepared and confirmed with the Farms property owners. He noted that a reconfigured ROW will allow for avoiding the extra road construction/road loop depicted on the current site plan.

Mr. Schoellkopf asked about road frontage and associated requirements. Mr. McCain noted that two of the proposed lots will have frontage on the proposed roadway, and two will be served by ROWs from

that road. He indicated that he would confirm that all road frontage requirements outlined in the Regulations will be met.

Mr. Schoellkopf, and others, raised the issue of increased traffic on surrounding roadways, including the West Hill Road/Golf Course Road intersection. Mr. McCain explained the standards used for determining average traffic for single family residences, noting that the 10 'trip-ends' used is often a little higher than what actually takes place.

Regarding fire protection, Mr. McCain indicated that he is aware of what is typically required by the Fire Department, and noted that there is a hydrant on the Farms property.

Mr. Monte again encouraged all the parties to meet outside of DRB meeting time and work to find common ground regarding aspects of the application for which there are concerns.

Application # 2024-07-CU submitted by John Vitko and Sarina Gulisano is requesting Conditional Use approval for Special Events to be conducted in the hangar at 2535 Airport Road, parcel ID# 009003-700 in the Airport Commercial District.

Ms. Robbins explained that timely notification had not been sent to abutters, and the applicants had requested that the hearing be continued accordingly.

MOTION by Mr. Monte to continue the hearing for this application until June 3, 2024 at 7 pm. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

Violation #2024-01-VOL - Appeal submitted by Shane and Kelley Elwell of Violation #2024-01-VOL issued March 13, 2024 for the use of an unpermitted access.

The first question addressed by the Board was whether they have jurisdiction over the matter at this point, due to an appeal being heard in Environmental Court. After reviewing the statement of questions provided by Mr. Abad, who indicated that this is the document submitted in the appeal, Mr. Monte expressed that the driveway violation does not appear to be included in the matter before the Environmental Court. Others concurred, and it was decided to proceed with hearing the Appeal of the Notice of Violation (NOV). It was also noted that the actions under review took place well after the appeal was filed.

Mr. Monte began by asking Ms. Robbins to specify what actions of the appellants led to the issuing of a Notice of Violation. Ms. Robbins indicated that in November of 2023 the Elwells used the access point in question to move a bulldozer from their property onto Rabbit Road. On March 13, 2024, she went to the site and took photos of tracks in the snow that went down the drive to the edge of the roadway; she issued the NOV regarding the March 13 incident, based upon the appearance of Rabbit Road having again been accessed from the end of the drive.

Mr. Schoellkopf discussed that the earlier, related DRB decision was to invalidate the construction of the driveway, but not to ban property owners from moving equipment on their land. Ms. Robbins explained that, while nothing was specified by the DRB regarding addressing the violation of constructing the drive without permitting, the culvert between the property and Rabbit Road has been removed and the

stability of the drive has been verified by an engineer. Mr. Monte later indicated that the Town was satisfied with the removal of the culvert as a means to prevent access to the roadway, and had not requested that the drive be deconstructed.

Mr. Monte cautioned the Elwells that the continued allowance of commercial use of their property may be impacted by changes in the balance of equities, and that they should avoid pushing boundaries that lead to the appearance of or actual use of the land for commercial purposes beyond the scope previously reviewed.

Mr. Elwell then explained that, following a storm in early March, he used his bulldozer to retrieve three fallen trees for personal use as firewood. He noted that he did not take the bulldozer into the roadway, and that the trees were placed in the pile on the Elwell property that is designated for personal use. Ms. Elwell also provided photos of the bulldozer tracks taken at the site. Mr. King pointed out that, while this may be similar in appearance to the November event, there is no certainty from Ms. Robbins that the bulldozer actually accessed the roadway.

Mr. Monte explained that care should be taken to avoid providing the appearance of enlarging the commercial use of the property, as activity which may be interpreted as commercial use might lead to a challenge of the continued use of the site for the entire business.

Ms. Robbins confirmed for Ms. Elwell that the portion of the property referred to in this discussion has been designated as private.

Mr. Schoellkopf offered that no clear evidence of the drive being used to access the roadway had been presented.

MOTION by Mr. Schoellkopf to uphold the Appeal of Violation #2024-01-VOL and dismiss the Violation. **SECOND** by Ms. Moffroid. **VOTE:** All in favor, the motion carries.

It was again confirmed that the steep slope issue related to construction of the drive has been resolved by communication from an engineer verifying the drive's stability, and that the access issue has been resolved by removal of the culvert between the end of the drive and Rabbit Road.

Other Business:

Some details of the Kohl decision were clarified.

Steve Platt inquired about a building permit issued for the property on Applewood Road for which there is an active appeal at the Supreme Court; Ms. Robbins assured him that the permit is not active, and that a new permit will need to be applied for once the appeal is settled.

Minutes were signed.

Decisions were reviewed and signed.

The upcoming schedule was reviewed.

Adjournment

The meeting adjourned at 8:41 pm.

Respectfully submitted,

Carol Chamberlin, Recording Secretary

Development Review Board

Peter Monte, Chair Date

Chris Behn Date

Chris Noone Date

Megan Moffroid Date

Jeff Schoellkopf Date