

Starksboro Development Review Board
Hearing/meeting minutes

3/27/2014

Dan Nugent opened meeting at 7:30 PM

DRB Members present- Dan Nugent, chair, Ben Campbell, Marjorie Dickstein, Dan Nugent, Arnell Paquette, secretary/clerk, Rich Warren, and Norm Cota, alternate

Others: Mathew Norris, Jason Barnard, Corinne Jennings, Eric Jennings, Dennis Casey, Ronald (Scott) DeBaise, Joe and Julie Sopher, Melissa and David Moran and Dave Wetmore (ZA)

Review of Minutes:

2/27/2014- DRB reviewed the minutes of 2/27/2014. Rob moved as corrected, Ben 2nds. Minutes approved, 7-yes, 0-no. Dan signed.

DRB Business

Public meeting on application #2014DRB-02-SD, sketch plan for 2-lot SD of parcel #F515L2E by Joe and Julie Sopher

Dan chaired the meeting, Dave took written minutes.

Attending: DRB members noted above, Joe and Julie Sopher, David and Melissa Moran, Jason Barnard, Susan Blethan and Dave Wetmore- Others attending tonight expressed they were only interested in the Norris hearing scheduled next.

Dan read the public notice and asked those attending to introduce themselves. Dan then asked Dave Moran to introduce the proposed Sopher SD.

Dave M.- Introduced the plan to SD parcel # F515L2E into 2-lots. Currently, the Sopher property is located on both sides of Jim Dwire Road and is in the Current Use Program. 65 +/- acres is located on the east side of the road along with a single-family residence. As proposed the east side of the road will be SD as follows;

Lot #1- will be approx. 32 acres (19 acres east side of Jim Dwire Road and includes all road frontage and the SFH.

Lot #2- will be the remaining land on the east side of Jim Dwire Road, approx. 43 acres. Lot #2 will be an interior lot and will be accessed by a 50-ft ROW.

The desire is to keep the homes fairly close together. Both properties will be occupied by the family and forest resources will be managed as one unit. The driveway to the house on lot #2 will be approx. 1000-ft in length and will slab along slope to reduce the driveway grade.

Jason B- acknowledged that the proposed access to lot #2 will be a 50-ft ROW across lot #1 and is located to minimize steep grades. Turnouts will be created to allow access to fire and rescue vehicles.

Rich- asked for clarification of where the proposed boundaries are. DRB acknowledged that Jim Dwire Road also creates a natural SD of the property

DRB- asked what district and what minimum density requirements are. As proposed the SD is being approved in the LDRC district. The minimum (density) acreage requirements is 5 acres.

Norm- asked why the SD was configured as proposed? Dave M. stated that the property is steep along northern boundary and the house site has good soils and is not as steep.

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Dan- what state and local permits will be required. Jason stated wastewater and possibly erosion control. Locally, an access permit and zoning permit for driveway and new home.

Susan B.- shared that their home is served by a shallow well and she is concerned about negative impacts from a septic located too close to their water supply. Jason thanked her for that information. Soil evaluations were completed by Lincoln Applied Geology and Jason will use that information to design the new system.

Ben- asked if the proposed SD will limit forest management options on the long leg of lot #1 along the northern boundary? Dave M. expressed that lots 1 and 2 will be treated as one management unit. In the future it is hoped that it will remain effectively as one lot. Ben stated that the best plans don't always work out. Dave M. stated that he felt that the area of concern is accessible if not connected to lot #2.

Dan- reviewed the requirements for a sketch plan and noted the file appears complete.

Norm- Moved to recognize this as a Minor SD. Rob 2nds. Motion moved 7-yes and 0-no.

Dave- outline for the applicants that this is the 1st step and once they are ready to get back in touch with him and he will assist them through the public hearing process.

Meeting adjourned- 8:15 PM

Application #2014DRB-01-CU/SP by Mathew Norris, this hearing is a continuation from 2/27/2014. The hearing on 3/13/2014 was postponed due to weather. Every effort was made to notify all interested persons attending the 2/27/2014 hearing of the change in writing and by phone.

Dan opened the hearing by reading the public notice and making introductions. He noted that this was a continuation of the hearing that began on 2/27/2014

Attending: All DRB members noted above, Matt Norris, applicant, Jason Barnard, Eric Jennings, Corinne Jennings, Ronald (Scott) DeBaise, Dennis Casey, and Dave Wetmore, ZA.

Dan- reminded that those interested persons attending tonight were still under oath and then outlined the hearing procedure beginning with section 4.8.3.8-, "compliance and compatibility".

Section 4.8.3.8-Compliance and compatibility

Matt- read from narrative submitted w/application. Began discussion on "light industrial" vs. "commercial" use. Matt suggested, based on definitions, that self-store units are a light industrial use. He also cited the Town Plan in support of the use and location. He noted that due to the restrictions associated with the well shed protection zone that use of chemicals, fertilizers and manure is discouraged and therefore the property should not be considered agricultural open land pursuant to section 2.15. Matt acknowledged that Dave Russell had submitted a letter to the ZA earlier this evening. That letter stated that Dave R. has used fertilizer in the past but has refrained from spreading manure. For the benefit of all those present Dave W. read Dave Russell's letter.

Matt- also shared that he had done a lot of research regarding industrial and commercial uses and concludes that industrial uses are commercial uses. It is his opinion that the self-store unit he has proposed results in the least impact on the surrounding uses. Matt submitted for the Boards consideration the following;

1. Definitions for various references regarding the terms self-store, equipment, industrial zoning, warehouse, commercial, commercial and industrial land.
2. "Freedom Storage" general policy, example of storage policy provisions

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3. The VTRANS information regarding the suitability of the existing highway access for his proposed use.
4. Email from Rick Oberkirch, VT State Permit Specialist.

Dave- noted that Starksboro Bylaws are not very clear as to whether this is a commercial or light industrial use and therefore he did some research of how neighboring towns view self-store facilities for DRB consideration.

Scott- it is his opinion that this is not a light industrial use and submitted and read portions of the following for the Boards consideration;

1. A narrative prepared for this hearing by the DeBaise's to the DRB
2. VT Statute regarding storage units
3. VT Tax publication, Lister handbook definitions
4. Drug information

Mr. DeBaise does not have copies of these documents with him but he can supply.

Matt- noted that he has reconsidered the discussion from the last meeting and proposes to;

1. limit access between the hours of 10PM and 4AM
2. he will install an electronic gate to limit and monitor access
3. he will move the access further west to limit congestion nearer Rte. 116 and the road access point.

Matt also noted that the 2/27/2014 minutes suggest that all doors will be garage style. He wishes to clarify that only the ones facing 116 will have the traditional garage style door, the balance would be a rollup style.

Matt- asked if he would need to amend his approval, if in the future, he decides to construct a smaller building?
Dave noted that typically a smaller unit would not require further DRB approval.

Rich- referencing the "Freedom Storage" document he asked if tires (identified as hazardous materials) would be allowed in the units. Matt said that tires would be a typical/common storage item.

4.8.3.9- Air, water and noise pollution

Matt-reminded the DRB of his desire to amend his application as noted above. He then read from his prepared narrative. Matt noted that there will not be any need for water or septic capacity located on the site. The buildings are not heated and electrical is limited to exterior soffit down shielded lighting and one unit will have electric for management purposes. An erosion control permit is required. The sign will not be lighted.

Ben- asked how does one see if there is no interior lighting? Matt noted that this would encourage more daytime use and further suggested that most self-store units are not lighted. This would also discourage loitering.

Scott- noted that lack of lighting would encourage Coleman or battery type lanterns. Scott is also concerned that that people would loiter and have loud music and increased traffic.

Matt- suggested that this might occur, but the same could happen if the property is developed with residential uses. Matt also discussed Mr. DeBaise concerns relative to increased traffic. Statistics suggest that this type of facility generates the same amount of traffic per 100 units as that of a single-family home. Mr. Jennings noted that this is on Rte. 116 and traffic noise and other types of noise are common.

Rich- asked if this type of space is typically used to store "excess personal accumulation/clutter"? PC briefly discussed examples of typical storage needs. Jason reminded the DRB that these are typically not accessed often

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by people renting space. Dave offered that New Haven has 2 such storage facilities and he has never received or has knowledge of any problems.

Norm- asked will there be cameras. Matt said yes

Rich- asked if the Dupoise units have electricity. Matt stated that some do but they also offer some climate controlled units. The units like he is proposing do not have electricity.

Ben- asked about the smaller building Matt had eluded too? Matt stated that he just wants the flexibility to construct a smaller building if that what the market demands. Matt briefly described that the interior configuration is flexible and that a 20-ft wide building could still accommodate a 10-ft by 20-ft unit.

Rich- could vehicles be stored in these units. Matt stated yes.

4.8.3.10- Energy conservation

Matt read from his prepared narrative- there is no heat/cooling in these buildings. The roof is insulated to reduce condensation.

Dave- because this space is not heated or cooled he did not believe that VT Energy Code compliance would be required.

4.8.3.11- Commercial and Light Industrial extra requirements

This property is located in the ASRR corridor- Since this property has been used for agricultural purposes it meets the definition as "open agland" and requires review pursuant to section 2.15. The DRB noted that they had received testimony regarding the open agland concerns. Additionally the Norris parcel is 2+ acres and is not adjacent to or connected to an ongoing farm operation.

Matt- stressed that he hopes that regardless of the Boards decision relative to the self-store units that they will decide the open agland issue so that he would not have to come to the Board for a permitted use.

4.10- Site Plan review-

DRB acknowledge that the testimony has covered site plan standards already.

Marjorie-asked about building in phases, what happens if it is determined that the use is not successful? Matt noted that they could be dismantled and sold and then the site could be reclaimed for another use.

What is the typical occupancy rate?- Matt suggested it usually runs between 88-94%.

Matt- noted that he had also spoke with law enforcement officers, including Mike Manley about safety concerns and the type of calls associated with self-store units. Mike Manley acknowledged that he had talked with Mr. DeBaise and noted that drugs and other types of contraband can be found in self-store units but they are also found everywhere else and that these units do not, by themselves, attract drugs. Self-store units are not a magnet for this illegal use.

Scott- information from the self-storage association suggest that meth labs have been found in storage units. Scott is concerned that Starksboro does not have a regular police presence relying instead on the VT State Police and Addison Cty. Sherriff Dept.

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Corrine Jennings- stated that it is difficult to control the drug trade, meth labs are found in residential areas and not just in self-store units. This is not a reason to prevent Matt's project from being approved, if that was the case we should not send our children to MAUHS because we know drugs can be found there also.

Arnell- asked Matt to confirm the hours and the access on to Brookside Drive.

Norm- asked if Matt had looked at the trees and tree health along Brookside Drive? Matt did not think they were as poor as it was suggested last meeting. Some could stand to be removed but pruning could address Chris' concern about pedestrian safety along Brookside Drive.

Rich- asked if setback compliance applies to the access? Dave noted that this would be impossible. Driveways do not, but it is expected that parking and any other land development would need to.

Scott- asked about a perimeter fence? Matt stated that he plans to install a fence on all sides. The fence along 3-sides will seek to restrict trespass onto the property from neighboring properties. The fence along 116 would be different but will seek to limit access and direct traffic onto the property via the driveway.

Rich- asked Mr. DeBaise whether he had the opportunity to cover his points outlined in his narrative to the DRB.

Mr. DeBaise- summarized his concerns outline in the narrative.

Matt- noted for the DRB that VT Frames and Foam Laminates is a light industrial use in the ASRR corridor. That type of use/business attracts far more traffic and generates noise and the Board has allowed that use to expand.

Dave-Starksboro Zoning provide for mixed use districts throughout Town. He suggested that the DRB should focus not so much on the use but the impacts of the use.

Dan- asked if there was anything else that folks wanted to present to the DRB?

Norm- moved the following exhibits for the Boards consideration, Ben 2nds. So moved 7-yes and 0-no

1. Application, applicants narrative and fee
2. Public notice compliance and abutter notification
3. Site plan and building elevations
4. Notice of continuance due to weather
5. VTRANS access compliance
6. Definitions
7. Zoning from other Towns
8. VT Permit Specialist email
9. DeBaise narrative w/citings
10. Self-store law from VT Statute
11. Public Safety bulletin on Meth/drugs
12. Dave Russell letter

Rich- asked if Matt had any last comments?

Matt- stated that he believes that this is a good low impact use of the property and he worked hard to put together a good proposal.

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Dan- noted that he would like to close the hearing, and asked Mr. DeBaise if the information he wanted to submit was cited in his narrative. Scott said it was. Dan suggested, if that was the case, then for him to submit the citing's to Dave on Monday. Scott will comply.

Dan- asked the DRB whether it was appropriate to close the hearing allowing Scott to submit the actual documents he cited in the narrative. DRB felt comfortable and Matt did not object.

Rob- based on that Rob moved to close the hearing on application 2014DRB-01-CU/SP, Arnell 2nds. Motion to close approved 7-yes and 0-no

Dave- DRB has 45 days to issue a written decision and suggests the DRB meet on the 10th to deliberate.

Other business-

DRB will meet on 4/10/2014 to deliberate on the Norris self-store application

Review of Melendy SD decision- DRB reviewed draft and Marjorie suggested that we should add condition that access to lot #2 should be constructed prior to the sale of lot #1. Rob moved to approve Melendy SD subject to Marjorie's addition, Norm 2nds. Approved 7-yes, 0-no. Dave will add and Dan will sign Monday.

Adjournment

Rob moved to adjourn at 10:15 PM, 2nd by Ben. Moved 7-yes, 0-no

Approved: _____

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