

**Starksboro Development Review Board  
Hearing/meeting minutes**

**7/23/2015**

Dan Nugent opened meeting at 7:30 PM

DRB Members present- Dan Nugent, Chair, Ben Campbell, Marjorie Dickstein, Jon Fenner, Arnell Paquette, and Rich Warren

Others: Aaron and Abby Josey, Tom Yeager, Benjamin Putnam, Bill Coon, Martin Lewis, Anne Sasso, Bill Heffernan, Brian Heffernan, Dan Baker, Peter and Marguerite Gregory, Elizabeth and Jeff Dunham and Dave Wetmore (ZA)

**Review of Minutes:**

4/9/2015- No action, quorum not present

**DRB Business**

**Review of Final Plat application #20154DRB-02-SD, request for 2-lot SD of parcel #D428L2E by The A. Johnson Co., LLC**

Dan- opened meeting (7:45 PM) by making introductions, read the warning and provided the oath to those providing evidence to the DRB. Then he asked applicant to provide a general overview of the proposed subdivision (SD).

Benjamin Putnam- Acknowledged that he represents The A. Johnson Company (authorization in file). The goal of the SD is to keep the property (both parcels) in active forest production. Lot #1 is proposed to be a 31 acre parcel that includes an existing camp that was permitted back in 2000 (ZBA approval #00-108-CU). The balance of the parcel (Lot #2) is 244 acres and will be transferred to an abutting sugar maker to be added to their existing sugaring operation. A Johnson Co. will retain ownership of Lot #1 to allow access to the timber rights they have on abutting lands owned by the State of VT.

The property is entirely in the Forest Conservation District. The right-of-way was determined to be compliant in ZBA decision 00-108-CU. Ben asked to have the location of the landing included on the final plat. Benj acknowledged that this had been requested at sketch plan meeting.

Benj addressed section 3.2- General Standards.

For the reasons discussed below, the subdivision complies with each of the requirements of Section 3.2:

3.2.1.1 Character of the Land. The land is forested, mountainous terrain which is suitable for the existing uses (e.g., forestry, silviculture, maple sugaring). No changes to the existing uses are proposed. The applicant is not aware of any flood-prone areas or hazardous conditions on the property.

3.2.1.2 Preservation of Existing Features. Since no construction is proposed, the existing natural and scenic features will be preserved. The property will continue to be managed sustainably for forestry and maple sugaring.

3.2.1.3 Recreational Open Space. Except for the existing camp, the entire property consists of open space suitable for outdoor recreational activities such as hiking, birdwatching, and hunting. These uses will be able to continue after the subdivision.

3.2.1.4 Runoff and erosion. No construction, excavation, grading, or other activities are proposed that would pose a risk of runoff or erosion.

3.2.1.5 Lot Layout and Configuration. Both of the proposed lots will meet the minimum lot size requirement (25 acres in the Forest/Conservation District). Cluster development is not an issue since no construction is proposed. Both lots will have adequate frontage on the private right-of-way serving the property.

3.2.1.6 Municipal Services and Facilities. It is not anticipated that the subdivision will require any municipal, educational, or governmental services.

3.2.1.7 Compliance and Compatibility. No changes of use are proposed. The existing uses (forestry, maple sugaring) are compatible with the uses of surrounding properties, which are also large, forested parcels. The subdivision will comply with and further the goals and objectives of the Town Plan, including the following:

Natural Resources, Objective 1: “Encourage multiple-use management of Starksboro’s forestland, including sustainable forestry activities that incorporate best management practices for soil and water protection.”

Housing, Objective 3: “Minimize the amount of productive farm and forest land that is converted to developed lots.”

Economic Development, Goal 2: “Maintain the land base needed to support environmentally sustainable and economically viable farming and forestry in town, thus preserving our rural way of life.”

Economic Development, Goal 3: “Support our working landscapes – farms, forests, and sugar bushes – for the livelihoods of residents and future generations who make their living off the land.”

Economic Development, Objective 2: “Sustain Starksboro’s rural economy, encouraging future generations to continue farming, sugarmaking and forestry in town, thus maintaining these traditional activities as [the] town’s primary industry.”

3.2.1.8 Air, noise and water pollution. The subdivision does not involve any changes in or intensification of uses, so there will be no increase in pollution.

3.2.1.9 Energy conservation. Because no construction is proposed, energy efficiency or conservation issues are not applicable.

Dan opened the hearing to Board member or visitor questions.

Arnell- are there any changes proposed? No the existing existing uses will not change.

Jeff Dunham- does this application include request for any new structures? This is a subdivision application. Any new structure must comply with the Towns regulations. Agricultural uses are exempt from zoning but setback compliance is still required.

Anne Sasso- asked about existing easements to the property.

Jeff- asked about the existing camp? Both the access right-of-way and camp were approved in 2000.

Jon Fenner- asked if the easement will also serve lot #2? Yes it is shown of the proposed final plat. Ben asked if the existing road follows the right-of way. Not currently.

Marguerite Gregory- is concerned about noise from pumps. Benj noted that the property is currently setup for maple production. Jeff noted that the topography behind the Gregory's and future expansion may require the installation of a vacuum pump shed close to the Gregory's property.

Rich- asked if Bill Heffernan will be purchasing the property. Yes.

Dave Wetmore noted that changes to the final plat would require the landing site as previously noted and also the title block needs to refer to DRB approval.

Jeff- asked about changes to the existing boundaries. Tom Yeager stated the boundaries have remained the same for 40 + years.

Dan Baker- asked about the possible uses for the right-of-way. The right-of-way could be used for any use allowed by Starksboro Zoning.

Dan N- read the proposed list of exhibits.

#1- Application, fee, supplemental project information and authorization

#2- Proposed final plat

#3- Public notice requirements

#4- Exhibit A-D, submitted in support of the application, includes septic compliance information, Deed references, right-of-way information and ZBA minutes from 7/6/2000.

#5- Copy of ZBA decision #00-108-CU for camp on lot #1.

#6- Sketch plan meeting information.

Ben moved to accept, Jon 2nds- moved 6-yes and 0-no

Rich W.- asked about section 3.2.1.3- Will this property be open for public recreation? Benj said that it is presently but that it will be up to the new owners in the future.

Arnell- Can this be considered the final plat without the changes noted earlier. Dave suggested that it can and that the decision would be conditioned to reflect the edits noted.

Marguerite- asked what a landing is? It is a place used to concentrate log and forest products prior to leaving the property.

Dan asked if there were more questions/comments. None were mentioned.

Ben moved to close the hearing at 8:20 PM, Jon 2nds. Approved 6-yes and 0-no. DRB will draft the decision and review for approval next meeting.

Dan Nugent opened the public hearing on application #2012DRB-02-NCU, by Aaron Josey

The following people attended this hearing- Aaron and Abby Josey, Anne Sasso, Dan Baker, Martin Lewis, William Coon, Elizabeth and Jeff Dunham and Dave Wetmore (ZA).

Dan- opened meeting (8:25 PM) by reading the warning and provided the oath to those providing evidence to the DRB. Then he asked applicant (Aaron Josey) to provide a general overview of the proposed expansion to his existing non-complying use.

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Aaron- stated that he wants to acquire his Federal Firearms License (FFL) so that he can conduct primarily on-line sales of firearms from his business property at 749 Ireland Road. He is not proposing a retail store front. Occasionally, folks would stop to pickup a firearm purchased on-line.

Jon- Fenner- asked about his current business and if a copy of the Town approval was available? Dave will send to DRB. Aaron noted that he operates a family business that specializes in late model sport bike motorcycle, diesel truck and Volvo car parts. The majority of the business is conducted on-line via eBay and Craigslist. They occasionally have a local customer pickup/delivery, however, this is by appointment only. Our operating hours are Monday thru Friday 9am to 5pm and Saturday 9am to 12pm. Aaron stated that his business traffic is minimal. The addition of the FFL will not significantly change current business hours or operation. There will be dedicated website for the FFL business. Most of the on-line FFL business will be conducted through Gun Traders.com.

Dave Wetmore- noted that local business is strictly by appointment only during these same hours and that custom work is supposed to be minimal.

DRB asked specifically about how adding the FFL to the business location would change traffic generation? Aaron thought it would be minor, 2-3 extra customers/cars weekly. DRB asked how this FFL system works. Aaron noted that all federally regulated firearms traded on-line must be purchased and picked up at a FFL approved dealer. What type of firearms are you planning to deal with? Nothing fully automatic as that requires additional licensure. Typically, they would be sporting firearms and handguns. Aaron stated that he is presently applying for a Type I basic license.

Will there be shooting on the property? No shooting will be allowed on the property. Public did express concern about purchasers feeling the need to travel up to the end of Ireland Road to shoot. Aaron stated that he would not encourage this.

Will you sell ammunition and accessories? Do they require additional licensure? Aaron stated that he did not have any plans to sell ammunition. Aaron stated that he believed that there are no license requirements to sell most ammunition and accessories.

How are the firearms shipped? By UPS, and Fed Ex, both of which are on Ireland Road daily.

How will the firearms stored at your business be secured? They will be located in a locked room in a fireproof safe.

Will this affect your business hours? No the hours will remain the same and they are not proposing to have a retail storefront. Abby mentioned that if a storefront was needed it would not be on Ireland Road. As the owner of the Rainbow Room in Middlebury, exposure is important.

What district is this property located? Forest Conservation district, however most the parcels beyond are located in the Low Density Residential and Commercial District. Aaron expressed that he felt that it was agricultural vehicles that do the most damage.

Dan- asked about certified receipts for mailing. Aaron stated they had been sent at the beginning of the week and gave them to Dave.

Does the FFL have additional insurance requirements? Aaron was unsure.

Jeff Dunham- asked about shooting- No shooting will be allowed.

Aaron shared pictures of secure room and safe he is proposing to use.

Would you purchase firearms for sale? Possibly.

Will FFL business require extra employees? Currently it is just Aaron and his brother. FFL business will not require additional employees.

Will you provide gun smiting services. Aaron stated that he has an interest but not at this time.

Jeff expressed concern over parking below Aaron's business along Ireland Road. It is unsafe with that corner.

Martin Lewis- expressed that the business is often quite busy and spills over on to Ireland Road. He has seen loading and offloading being conducted on the Road. He is also concerned about on-site shooting activities. Martin asked the Board to condition any approval subject a no parking in or along Ireland Road and no outside shooting.

Bill Coon- expressed the same concerns as Martin. This is a residential area, and feels that shooting, security of the firearms storage area, traffic and parking need to be considered. Dave noted that Aaron should not be parking for any reason within the Ireland Road right-of-way.

DRB- discussed that the shop use pre-dated the adoption of Zoning. Marjorie expressed concern related to increased customer traffic from the expansion to include FFL. There is also the issue of security. Aaron does not live on the property. Aaron is agreeable to a security system. Elizabeth asked if additional road signage would prevent customers from parking in the Town right-of-way? DRB asked if additional parking could be created? Dave noted that Aaron's Town approval now states that wrecked and parts vehicles should be stored under cover, which would free up customer and business loading and offloading needs.

The following exhibits were entered into the record-

#1- Application and required fee.

#2- Applicant's narrative

#3- Property map and boundary survey

#4- Public notice requirements- DRB acknowledged that abutter notification was likely not timely and asked Dave to send out a recess memo to abutters indicating that the DRB will leave the hearing open to allow abutters to provide comments at the 8/13/2015 meeting.

#5- FFL information from Web.

Jon moved to recess the hearing on application 2015DRB-02-NCU to 8/13/2015 at 7:45 PM. Arnell 2nds. Approved 5-yes, 1-no. Board reminded Dave to send out recess memo to abutters of Josey property on Monday. Dave should draft decision (findings and conclusion) for Board's consideration on the 13<sup>th</sup>. Review and changes will be made after considering comments from the abutters.

**Other business-** Swierz final plat- Dan and Ben Campbell signed. Dave will record. No other scheduled DRB meeting/hearings at this time.

**Adjournment**

Ben moved to adjourn at 9:30 PM, 2<sup>nd</sup> by Jon. Moved 6-yes, 0-no.

DRAFT