

I - Call to Order

PC Members attending- Dennis Casey, Chair, Jason Barnard, Norm Cota, Dan Harris, Hugh Johnson, Kelly Norris and Dan Nugent.

Others attending- Dan Baker, Scott deBaise and Dave Wetmore.

7:00 PM –Dennis called the PC meeting to order.

Visitor Business and adjustments to agenda- none at this time

Dennis asked PC members to give their summary of the public hearing.

Norm- Great difficulty hearing and had difficulty participating because of that.

Dan Nugent-Felt the PC did a good job responding to the questions where a question was asked, by either citing specifics from the Bylaw or stating that they would find the answer. Felt the Board struggled with questions related to agricultural preservation. Dan expressed that the entire Bylaw seeks to conserve agricultural resources.

Hugh- Suggests that there are areas that need to be tightened up, especially conditional use criteria and whether they are strong enough to protect adjacent uses.

Dan Harris- Noted that it was tough to respond to concerns that had been discussed for years by the Board. This Bylaw is a result of efforts to listen to everybody and find common ground. The PC did meet with farmers in an effort to address their current and future needs. Owners of land need options, especially regarding farm labor housing, and subdivision flexibility. Clearly, there are people who have issues with development of agricultural land/resources in the HDRC. Dan felt that the flexibility of the Bylaws allow for owners of these resources to conserve agricultural resources while meeting their needs.

Dennis- Reflected on the need to balance the needs of all, i.e. lighting. The lighting needs should be different at the top of Brown Hill vs. the HDRC district in the Village. Expressed that it was difficult to recall where the answers to questions were located within the Bylaws, even after spending so much time with them.

PC agreed to review 11/5 minutes and respond to each comment as they review.

Review of minutes for Public Hearing on 11/5/2015

1. Questions about the changes to the ZD boundaries. Dave shared that in addition of Hugh’s comments, he included the description of the changes as outlined in the “Bylaw report”. PC noted that the minutes as drafted below provide a good explanation.

Zoning districts-Specific areas changed from one district to another can also be seen by comparing the existing zoning map with the proposed map attached to the proposed regulations. Changes to the existing zoning districts include;

- a. High density Residential and Commercial district (HDRC)-

- i. In the Village the district will extend south to Tatro Road, this includes Freedom Acres, Hayden gravel pit and Brookside Mobile Home Park. This change reduces the major transition from 1-25 acres in an area that is already developed. The change to HDRC would allow for infill without leapfrogging into undeveloped areas. This change reflects uses and development that existed before Zoning was adopted. This area is currently designated Agricultural Scenic and Rural Residential (ASRR).
 - ii. The HDRC district has been reduced in South Starksboro in an attempt to address resident concerns over the years. The balance of this former district will become Low Density Residential and Commercial (LDRC).
- b. Medium Density Residential and Commercial district (MDRC)- This is an entirely new district.
 - i. One area is located on the north end of the Village along the east side of Rte. 116 to the Town owned gravel pit area. This area is currently designated ASRR.
 - ii. The other area is located west of the existing HDRC in South Starksboro.
 - iii. Both of these areas recognize the denser uses and land development that existed before Zoning was adopted and allows for infill without leapfrogging into undeveloped areas. Both MDRC districts are located along State highways and seek to reduce impacts from development on Town class 3 roads.
- c. Low Density Residential and Commercial district (LDRC)- This area has been amended as follows:
 - i. Ben Roberts Road- recognize and accurately reflect the terminus of the Road and extend 800-ft radius.
 - ii. Gully Hill Road is changed reflecting that the terminus of the Road was changed due to discontinuance.
 - iii. LDRC was expanded along Rte. 17 and the Gore Road to reflect the uses and development that existed prior to adoption of Zoning. This area is currently ASRR and a very small area of Forest and Conservation.
- d. Agricultural Scenic and Rural Residential (ASRR)-
 - i. As noted above portions of the ASRR district are proposed to become HDRC, MDRC and LDRC. The Planning Commission recognizes that these areas were developed prior to the adoption of Zoning and this change only acknowledges the previous development patterns and by doing so allows for potential land development infill that may help to reduce development pressures on the balance of the ASRR.
- e. Forest and Conservation district (FC)-
 - i. A portion of the area currently zoned ASRR east of the Huntington River in South Starksboro and along the Gore Road was changed to FCD.
- f. Heavy Industrial and Commercial district (HIC)-

- i. This area is entirely owned by the Town and is deed restricted to municipal type uses. This district is being changed to ASRR, since the deed restrictions eliminate the possibility of any future industrial uses. The existing gravel pit operation will continue until the gravel resources are exhausted and reclamation of the area is required. Future municipal uses will require site plan review.
2. How much have the zoning districts been expanded and where? PC expressed that the description of the changes above are clear. Dave has asked Brandy to calculate the actual acreage changes, she will get that done next week. Dan Baker asked for it to be expressed as a percentage of increase to the district as they currently exist. PC noted that the zoning district acreage changes is not all agricultural land and certainly doesn't meet the definition of "open agricultural land" as currently defined. PC noted that as proposed the HDRC district has been shrunk in the South Starksboro area and the HDRC district in the Village has been expanded to include an area south to Tatro Road where 75 homes including Brookside mobile home park exists. Dan Harris expressed that the amendments to the HDRC district follow dense settlement patterns that existed before adoption of Zoning. Actually, brings many of the parcels into conformance. The PC wrestled with the Hayden parcel and whether to include, but determined that Freedom Acres should be included. Additionally, the PC is proposing to add a MDRC district area in both South Starksboro and north of the Village. Dave noted that based on his quick calculations the changes in the HDRC in the Village added approx. 150 acres to the HDRC and 45 acres to the MDRC. PC and Dan Baker discussed that the proposed zoning district amendments have not changed the existing HDRC of which Leslie Rublee's farm is a significant part of. The PC stated that the Bylaws do not prevent Mr. Rublee from conserving all or part of his farm. Dan Baker stated that the Bylaws don't support either. He does not feel that the Bylaws do anything to conserve agricultural resources and don't support the goals in the Town Plan. Dan Nugent stated that he feels what is being suggested is spot zoning, directed at farmers and he does not support that. PC expressed that the Bylaws do support by the Town Plan, and address the needs that been expressed for many years.
3. Donna Lescoe asked if the zoning district map amendments included her request?

Answer- PC explained that the HDRC was reduced in South Starksboro to reflect resident requests. The zoning district was changed to recognize that the 800-ft boundary should originate from Sam Stokes Road and not Rte. 17. This change does positively affect Donna's property.
4. Does the Village Water Cooperative have any more capacity? Can they provide water to for new development?

Answer- PC stated no. The Coop can only serve the existing connections, which is approx. 53. Presently, there is no ability to expand.
5. What are the density requirements for the proposed MDRC district?

Answer- As proposed it is 2.5 acres/dwelling unit, see section 212.A.
6. What happens when a property is bisected by the MDRC and LDRC district, how does this effect future development of property? Additionally do the bylaws that address energy structures?

Answer- Many properties are currently bisected by a zoning district boundary. If future land development was proposed then density requirements for each district would be determined and factored in. PC explained that they had looked closely at adjusting zoning districts to property boundaries, but this would be a huge change and did not feel the Town would support it.

Renewable energy structure bylaw provisions- Presently the Town Plan is very supportive of renewables and that the Town Plan would need to be amended before a zoning bylaw could be drafted.

- 7. How much agricultural land is being converted to HDRC and MDRC? How does this Bylaw protect agricultural land resources?

Answer- PC stated that they have asked Brandy to calculate the actual amount of land that is being changed. Dennis did state that none of the land being changed is currently under agricultural production. Additionally, the change to the HDRC district in the Village will bring many homes into compliance. Linda Saunders stated that her land is currently hayed to keep it open but that the soils are poor and need a great deal of soil amendment to maintain fertility. She also noted that there are several homes that are located in the area. Additional information to follow from Brandy. Also see question #2.

- 8. What is the largest parcel in the extended HDRC district?

Answer- PC expressed that it was likely the Hayden parcel on the east side of Rte. 116. The Hayden property includes the gravel pit and the open area seen from the Rte. 116.

- 9. The PC needs to seriously consider the comments made by James Dumont, which make the zoning language stronger. Also expressed concern for agricultural resource loss and light trespass. Dan Baker expressed concern for the negative effects of light reflecting off a ground surface and multiple projects setting side by side.

Answer- **PC has not reviewed the comments submitted by Jim Dumont.** As Brandy’s comments reflect the “should and encourages” were a deliberate choice and the Board was aware that they are not mandatory. PC noted that the term “VT vernacular” is defined in the Bylaws. The lighting standards are from the most recent “Pattern Outdoor Lighting Code”, which is the model regulations promulgated by the “Dark Skies” organization. PC agreed that they would like to explore exactly what 50,000 lumes/acre looks like.

- 10. Will the PC consider written comments? Answer- PC stated absolutely but need them soon.

Jim Runcie spoke to the technical concerns he has with the Bylaw;

- Jim shared that words like “encourage” and “should” cannot be measured where words like “shall” can be.
- Jim expressed concerns about conditional use standards, especially for uses in the ASRR district. The standards need to be enforceable.
 - Answer- PC noted that the conditional use standards outlined in section 426 include the site plan and performance standards review. Regarding enforcement the Bylaws outline two procedures for enforcement, see section 417.
- Jim asked about density bonus section # 359.E- should there be a minimum requirement to get the bonus?

- Answer- PC agrees this section needs to be edited. What is the definition for affordable or elderly. PC noted that DRB “may” grant a bonus. This is clearly open for misuse. Need definition and establish threshold.
- What is to keep future subdivisions from taking place once the property has been totally developed.
 - Answer- PC stated that it would be part of the DRB decision and Mylar would track building rights and once they are used up it would be noted as such on the Mylar.

11. Alan Quitner- expressed that acres from abutting zoning districts should be able to be used to meet density requirements.

Answer- PC expressed that it would be impractical to incorporate what Mr. Quitner requests and suggest that the proposed changes positively effect Mr. Quitner’s options.

12. Will the zoning district map have a written description?

Answer- PC stated no, the map will prevail and pointed to section 203 for more explanation.

13. Concern was expressed about requirement that all development be in character with the VT vernacular. Expressed support and flexibility for other constructive alternatives and practices that might be more efficient and more affordable.

Answer- PC expressed that these standards would not likely apply except in the case of a special historic use district. The Special district standards “encourage” only and apply only to site plan and conditional use review. There is no provision in the Bylaws that restrict permitted uses. The Town Plan outlines what character is and that he felt the Bylaws allow for flexible designs.

14. What effect will the change from ASRR to LDRC effect property, especially regarding commercial and light industrial uses?

Answer- PC noted that all zoning districts in Starksboro are mixed use and allow for commercial and light industrial uses that are compatible with objectives outlined for the district. Further, all commercial and light industrial uses including home business uses require DRB review. Scale and compatibility would be a significant part of the DRB review.

15. Brian Duerr- asked what precipitated the changes to the zoning districts?

Answer- PC stated they were guided by the Town Plan and resident input.

16. Nancy Carroll asked about the conflict between agricultural vision and development.

Answer- PC stated that density requirements have not changed. The Board feels strongly that the Bylaws do conserve agricultural resources.

Nancy asked why the HDRC district is proposed to be expanded in the Village?

Answer- PC stated that it was outlined in the Town Plan to change, largely due to the existing development patterns that predated zoning.

Jim Dumont- spoke on the deBaise behalf. Extending the HDRC will change the area from agricultural commercial uses to commercial uses outlined in the HDRC district. Expressed that standards must be enforceable and refers to his letter to the PC.

Answer- PC stated they will look closely at Mr. Dumont’s comments. The PC shared that they worked with a planning consultant on this Bylaw draft and it was reviewed by ACRPC with favorable comments. Further the currently adopted Bylaws do allow light industrial uses up to 20,000 square feet. On the 19th Mr. deBaise sited goal #10 of the Village Planning area. He did not disagree with the changes to the HDRC district but suggested the PC eliminate any chance that commercial development could be established, essential making this area residential only. PC noted that this would effectively be a new district. Jason asked specifically what is so offensive about commercial uses that are compatible with residential uses? Scale and type of use is a big concern especially regarding, security lighting, impervious surfaces, traffic and development of agricultural soils. PC noted that all these uses including home business uses would require DRB approval. Dan Baker feels that the Bylaws don’t have a maximum coverage. Dave noted that this is not true. Setbacks would still apply to any land development except driveways and further that the bylaws stormwater standards would regulate development of more than 10,000 square feet of impervious soil. PC agreed to look at whether maximum building size should be included. Dan Baker stated that Bylaws goals and objectives don’t do enough to support conserving agricultural soils. PC noted that there is nothing in the Bylaws to prevent conserving agricultural property by an owner of land.

Dan Baker- expressed that the existing and proposed Bylaws are not at all similar. Proposed Bylaw is very different and spoke to expanded uses and lighting standards. Lighting standard allows for a maximum of 50,000 lumens/acre. Dan is very concerned about light trespass, especially when side by side commercial projects could create excessive light trespass. Dan suggests that light standards should be similar to what we experience now as one drives through Starksboro.

Answer- PC expressed that the current Bylaws do not have a lighting standard and that having one is important. PC will explore what 50,000 lumens/acre looks like. An example of typical lighting is in a table, which is part of the Bylaw. The question about light reflection is difficult to address. Brandy’s comments state that the lighting standard from the “Dark Skies” organization, “Pattern Outdoor Lighting Code”. Dan Baker concerns related to uses that require excessive lighting being located side by side will be looked at further.

Jamie Deacon- asked how these questions will be answered? The PC expressed that the minutes of this hearing and answers to questions will be posted on the website, as they have been right along.

Jim Runcie- shared that he thought that including a noise standard is good, but that it is averaged over 15 minutes. This could be a problem, especially with a kennel or shooting range where an average dBA may comply with the Bylaws but would very disruptive.

Answer- PC will look at these points closer. As presently proposed the Bylaws would prohibit commercial outdoor shooting ranges. Regarding kennels the Bylaws are silent. PC agreed that some uses have greater impacts to neighbors, like kennels, and will to look them closer.

Peter Marsh- what tools are available to enforce these regulations?

Answer- PC stated that Bylaws provide to a ticketing system as well as the provision for notice of enforcement.

Peter Ryersbach- asks whether outside boilers are considered pursuant to section 323.B?

Answer- PC expressed that the State regulates the use of new outdoor boilers although admits there are still a lot of old ones in use that the Bylaw would not regulate.

Carin McCarthy- asked why some uses require site plan and others are conditional?

Answer- PC stated that it has to do with the intensity on the use upon the neighboring properties and the business needs themselves.

Linda Sunders asked what the difference is?

Answer- Dave Wetmore shared that site plan review is an internal review of the use, i.e parking, landscaping, lighting. Conditional use review is a review of how the project would impact the surrounding uses. CU review would also include site plan review.

Jeff Keeney-noted that section 312.D cites that a driveway shall not exceed an average 12% grade, is there a maximum grade?

Answer- PC stated yes, section 312D states 12% for a drive and 335 states any development 25%.

PC will continue review at next meeting 12/3/2015

VII- Adjournment

Norm moved to adjourn at 9:30 PM, Jason 2nds, Dennis thanked Dan and Scott for coming tonight. Motion to adjourn 6- yes, 0-no.