

**Public hearing on draft Unified Bylaw
7:00 PM Robinson School**

Starksboro Selectboard

Minutes 5/10/2016

I - Call to Order

Selectboard (SB) Members attending- Susan Jefferies, Peter Marsh and Tony Porter

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

Others attending- Forty-one residents, see attached sign in sheet, Dave Wetmore. Dave took minutes and recorded the hearing

7:00 PM –Susan called the PC meeting to order. Made introductions and announced the purpose of the hearing. Susan Jefferies welcomed all who attended and presented some background information regarding the bylaw development process. Points made include;

1. The current Town plan was adopted in October 2011.
2. The Planning Commission (PC) presented the proposed Bylaws at a public hearing last November. From that hearing, including Jim Runcie, Jim Dumont and James Carroll, the PC made numerous amendments to the draft before submitting to the SB.
3. The SB is planning to hold 2 public hearings, this one tonight and another on 6/25/2016.
4. Susan used the pie charts present to demonstrate that the changes to the districts being proposed are very small and that 67% of the community is within the Forest Conservation district (FC). The overall changes effect less than 3% of the Town.
5. Tonight's meeting objective is to receive feedback from residents.
6. Susan asked that people wishing to speak state their name before offering comment/questions. Peter Marsh asked that folks cite the specific section and page they are referencing.

Alan Quittner- Asked what is the difference between the Medium Density Residential and Commercial (MDRC) and Low Density Residential and Commercial (LDRC) districts?

A- The MDRC district is a new district and the minimum density is 2.5 acres/dwelling. The LDRC district density remains at 5 acre/dwelling.

Dan Baker- Asked what do these Bylaws do to support conservation of agricultural land? Also the PUD regulations are vastly expanded over present, specifically, in regards to elderly and affordable housing.

A- Susan expressed that the Town Plan and the surveys demonstrated strong support for elderly and affordable housing. Additionally, survey results support increased more intensive development should be located along State roads. The expansion of the High Density Residential and Commercial (HDRC) district south to Tatro Road adds approx. 150 acres to the district. Presently this are supports 75 homes and a gravel pit. The PC and the SB agrees that this change will allow for infill opportunities and removes very few acres from the Agricultural Scenic and Rural Residential (ASRR) district. With the proposed Bylaws, few acres, if are any being actively used for agricultural purposes. As far as PUD requirement elderly and affordable are defined and Dave noted that these are commonly used definitions. The PC did not create these definitions

Scot DeBaise- Cited the Town Plan language that supports that this change should be only used for residential purposes.

A- Susan expressed that the Town Plan speaks of conflicting priorities and district have always been mixed use. Changing to residential only would be a significant deviation from current practices.

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Susan shared that there are some in Town that feel that the Town Plan (TP) should be updated before moving forward with amendments to the Bylaws. The last TP took 8 years to update and the PC has made a serious investment of time over the last 5 years to develop the proposed Bylaws being discussed tonight. Susan shared that both the TP and the Bylaws need to be read together. It is her opinion that the Bylaws are well aligned with and implement the objectives of the TP. The SB and PC have discussed the update to the TP and both Boards agree that the amendments to the TP will be minor, mainly concentrating on state law, renewable energy and data updates. Susan also noted that the Legislature has recently changed TP update requirement from 5 years to 8 years.

Susan Klaiber- asked where does the HDRC district end in the Village.

A- The southern boundary will be Tatro Road. The MDRC district will extend to include Jim Geier's property just south of the Town pit area.

Kerry Kurt- The TP belongs to the residents of Starksboro. Asked how the district boundaries were determined.

A- Dave explained the PC felt that the MDRC district should include Jim Geier's property because his parcel is presently non-conforming.

Mathew Norris- expressed that it's misleading to think that Starksboro will experience much buildout without public water and sewer and other infrastructure. He observed that Starksboro lacks a commercial tax base and he supports allowing some. It would help to lower and stabilize taxes.

Jim Runcie- expressed that it is not how elderly housing is defined, it is the ability to double the density.

Jan McCleery- discussed her concerns related to lighting standard outlined. She is concerned about light pollution and trespass, both of which should be defined. Her comments were distributed to PC and SB earlier this week and a copy is hereby attached. Jan asked whether the decorative/holiday lighting would be over and above the maximum lighting outlined.

A- Dave and Susan stated that the maximum lighting would include all lighting. Jan expressed that education is the key and supports efforts to further identify lighting zones and the appropriate amount of lighting for each district.

Peter Antos-Ketcham- Supports working on the TP first and then the Bylaws.

A- SB responded that any new survey/forums would result in some conflict. It is not reasonable to think that everyone will agree with a common vision and Susan cites past surveys and forums. The existing Bylaws lack guidance and the SB believes that this Bylaw is a significant improvement and SB does not support wait another 5-10 years to bring forward a new Town Plan and Bylaw. The law allows for changes/amendments to the Bylaws and if something is found to be lacking, amendments can be made.

Kathleen Norris- asked how many had responded to the surveys or participated in the forums verses the number of registered voter. The number present tonight is a small representation of the Towns population and we can't know the sentiment of the entire community.

A- 1250 registered voters currently. 75 surveys were returned, 20-25 people participated in the forum or working group.

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Nancy Custer Carroll- expressed that the SB had not answered how the Bylaws address the stated goals in the TP.

A- Susan stressed that the TP and the Bylaws need to be read together. She discussed the concept of density based zoning and the ability to conserve larger chunks of land, by transfer of building rights. Dave point out that he sensed there was confusion. The goals outlined in the “Report to the Selectboard” are the “General Goals” but there are specific goals, objectives and policies for housing, economic development, community facilities and resources, natural resources, etc. Folks should be looking beyond the General Goals to understand the objectives and policies that seek to achieve the Towns vision. Tony Porter asked for a showing of those who have read the proposed Bylaws? Tony opined that when read together that it is clear that the Bylaws work to implement the Town Plan. He also expressed that the PC report to the SB was a big help. Peter agreed.

Dan Paquette- asked if undevelopable land, i.e. steep slopes, wetlands, etc. are included in the overall determination of building rights/developable lots.

A- Yes all property is included when developing building rights. All land has value and conserving or wetlands and other significant land resources is important.

Dan Baker- opined that the 2011 TP was the result of a very poor process which included a survey and public forum. He does not agree that the existing Bylaws are flawed. They may need to be tweaked but would really support stepping back and doing a better job on updating the TP and then work to amend the Bylaws.

A- Peter expressed that the existing Bylaws are flawed and provide little or no direction to the DRB. The current Bylaws offer no guidance regarding signs, lighting, noise, development standards, etc, etc. The proposed Bylaws are quite clear and help to eliminate the need for DRB interpretation. This is a good Bylaw and while changes could make it better he supports it as it is.

B- Susan shared that the TP process was a good and positive process and attempted to include a wide number of people, citing the survey, forum and working groups. It was well publicized and efforts were made to engage residents. There will always be differences of opinion. This Bylaw makes sense and provides solid guidance to the ZA, DRB and applicants seeking development approval. The current Bylaws, as Peter stated leave much to interpretation. Changes to the DRB will often result in inconsistent decisions, which is not good. Susan asked Rob Liotard and Dan Nugent, both DRB members, what version of the Bylaws they would prefer to review proposed development by. Both stated the proposed Bylaws.

Susan- announced that the hearing would end at 9:00.

Dan Baker- expressed concern related to side by side commercial projects and the cumulative effects of 50,000 lumes each. Also increase density bonus and reduced protection of agricultural resources.

Scott DeBaise- expressed support that the expanded HDRC district should be residential use only.

A- Susan expressed again that Starksboro districts are largely mixed use districts. There is survey and resident support for small scale businesses here. Changes that would move to residential use only are not on the table presently.

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Tom Perry- asked how much discretion is left up to the DRB in the proposed Bylaw? He is concerned about the new Town salt shed and whether that type of structure would be allowed if these proposed Bylaws were adopted. Scale is important to him, is there anything in the Bylaws that would limit the size of development. Tom asked about modifications to the architectural standards.

A- DRB would be guided by the district standards and all other provisions of the Bylaws regarding any future development. Building envelopes limit sprawl development and should work to conserve open land. Dan N. reminded all that farm structures are likely exempt from zoning and many farmers are using similar structures as the salt shed. Dave directed Tom to section 211 and the provisions for maximum lot coverage. Modifications to the architectural standards would be addressed by the DRB and the way they are written the DRB would not be required to grant a modification. As far as the salt shed question, there is not guarantee that one could not be developed under these Bylaws but these Bylaws provide much stronger standards and provisions that seeks to guide future proposed development. The current Bylaws do not.

Bill Coon- stressed that with no public water, wastewater and other town infrastructure, the likelihood that we will look like Hinesburg is not realistic. He opined that the Bylaws do seek to conserve agricultural and working forestland. At the same time they allow farmers and landowners more flexibility. Bill thanked the PC for their work.

Louis duPont- He also thanked the PC for their work. Louis observed that Bylaws are a work in progress. The TP is updated every 8 years and the Bylaws can be amended as needed as directed by the TP. Louis asked about the adoption process.

A- Peter stated that the SB will make a decision after the next hearing on 6/25. He supports these Bylaws and the SB is not likely to throw them out in their entirety. SB would welcome and consider written specific comments, like those Jan presented earlier.

Alan Quittner- Alan supports these Bylaws. He opined the proposed Bylaws are easier and clearer to interpret. As currently adopted the Bylaws identify the land along Gore Road as ASRR which is inconsistent with what is actually there. He agreed that the law and the Bylaw itself allows for future amendments as needed.

Tony Porter- asked PC and Dave how would Dan Bakers concern related to the cumulative effects of lighting associated with neighboring commercial projects with 50,000 lumes each.

A- Dave suggested that the DRB would be guided by the needs of the proposed use, lighting standards, site plan and condition use criteria, including "character of the area". Based on this review the DRB could attach conditions to achieve the goal minimizing lighting. Under the present Bylaws there is very little guidance. Hugh shared his experience trying to adequately light a Christmas tree lot. Most of us enjoy a dark sky he opined that we should be able to permit lighting and not compromise the night sky experience. Lighting technology is constantly changing and he believes that these standard are reasonable.

Dan Paquette- expressed support for dark skies and shared his experience working at Sugarbush SKI Area. Motion detectors are a problem as the slightest movement turns them on. Dan asked how are these regulations enforced.

A- Dan N. expressed that the proposed Bylaws clearly outline enforcement provisions.

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Dan Baker- he is concerned about scale and cumulative effect of lighting. The DRB's job is hard. He opined that the current Bylaws do provide for guidance pursuant to conditional use criteria "character of the area" .

Jim Runcie- asked when the SB would like comments.

A- Within two weeks.

Mathew Norris- expressed concern about zoning that unfairly works against farmers and landowners just to keep open land. Most Starksboro residents likely live on former agricultural land. Many of the homes on our class three roads were seasonal and have been converted.

VII- Adjournment

SB thanked everyone for turning out tonight. Zoning is a thorny issue. Susan declared the public hearing closed at 8:50 PM.

DRAFT

Date approved: _____

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Signed: _____