

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

6/9/2016

Dan opened meeting at 7:30 PM

DRB Members present-Dan Nugent, Chair, Ben Campbell, Marjorie Dickstein and Rich Warren. Others: Tony Porter, Peter Marsh, Jason Barnard and Dave Wetmore (ZA)

I. Review of Minutes:

4/28/2016- Postponed, quorum not present

II. Adjustments- none

III. Visitor Business- none

IV. Scheduled public hearing/ DRB Business

2016DRB-02-BLA- Boundary Line Adjustment (BLA) between Town of Starksboro and Kerry Kurt.

Dan opened the hearing at 7:50 PM..

Dave recorded and took written minutes.

Dan read the warning notice and administered the oath to Peter, Tony and Dave. Dan asked Dave to explain the purpose of this hearing.

Dave stated that when the DRB approves a subdivision, formerly done by the Planning Commission, the approved plat cannot be modified without the Boards approval, pursuant to section 2.4.2 of the Starksboro Subdivision Regulations. This is the case with the property owned by the Town and Kerry Kurt. Both parcels #Town2 and C21167E are the result of subdivision approval granted in application #98-107SD. Dave explained that he warned this as a hearing and all public notice requirements have been complied with. Further, that it is his opinion that the objective of the Board's work tonight is to make sure that the proposed boundary adjustment is compliant with the Towns subdivision regulations. He does not expect that a new or amended decision is necessary. Rather tonight's minutes and the final signed plat should be adequate to show that the Boards intent to approve the BLA.

Dan- asked Tony to provide an overview of the proposed BLA. Tony explained that this is the BLA that was approved at Town Meeting. He pointed to the proposed BLA and described it as an area that the gravel has been exhausted. The corner pins have not been set as of this meeting. Once the BLA has been completed Ms. Kurt will not have any need to cross Town property. The Town has agreed to build a new access road on her property. The 13.24 acres being transferred to Ms. Kurt must be merged into her remaining lands. Thatcher Hurd will still have a ROW across town property.

Dave reviewed the proposed plat and identified the following deficiencies.

1. No DRB and Town Clerk signature block
2. The final plat needs to clearly state that this is a boundary line adjustment, that the land transferred to Kerry must merge into her remaining land and that no new parcel is being created from this action. No further subdivision of parcel # C21167E could take place without Town approval.
3. Dave suggested that the plat should show all of parcel #TOWN2 owned by the Town.
4. Residual acreage for both parcels should be referenced.
5. The property being adjusted is Heavy Industrial and asked if there should be a note on the plat that states the future use of the property transferred to Kurt can only be used for agricultural or forestry purposes. Dave also suggested that the Selectboard place a restriction on the land transferred to limit its use.

Date:_____

Approved:_____

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Dan- opened to Board questions and discussion.

Ben- supports the merger note and stated that citing the residual acres on the plat will support the conclusion that the BLA complies with the SD Regulations.

Marjorie- expressed her understanding that the new access road that the Town will build for Kerry will eliminate Ms. Kurt's need to have access across the Towns property. Selectboard agreed.

DRB- asked if Vermont Land Trust (VLT) was OK with the proposed BLA? Yes and it was suggested that the deed will restrict the use of the property being transferred to Ms. Kurt.

DRB agreed with Dave's points above and asked Dave to forward to them by email specific language to be included on the final plat before the Board will sign.

Ben moved the hearing to July 14, 2016 at 7:45 PM, at that time the Board will review the amended plat for compliance with the requested information and sign. Marjorie 2nds. Motion carried 4-yes and 0-no.

Other Business-

Review and affirm Dave's opinion letter date 6/9/2016, regarding DRB decision #2013DRB-04-CU-

Dave- reviewed the file record for the Board as it is outlined in the opinion letter dated 6/9/2016. Based on facts there is no reference to that would suggest that the Board intent was to limit the bedroom count.

Jason- explained that he has a purchase and sales agreement to sell the lot. The discrepancy of the bedroom count is a sticking point.

DRB- Marjorie, Dan, and Ben participated in the Peet application review and decision and collectively they do not recall any discussion regarding restricting the number of bedrooms as outlined in the decision. Marjorie cited that she recalls that most of the discussion involved the access to the property, Van Dine Drive.

Rich moved to affirm and support Dave's conclusion and opinion dated 6/9/2016 that the decision misrepresented the application record and that the bedroom count should be limited only by the States approved wastewater permit. Dan 2nds. DRB approved the conclusion and opinion cited in Dave's 6/9/2016 letter, 4-yes and 0-no.

DRB question-

In the case of the proposed BLA between the Town and Ms. Kurt, how does the DRB remain impartial when they are charged to protect the Towns interest. Dave suggested that their responsibility is to the adopted Bylaws and their interpretation. The DRB should look at the Bylaws to ensure that the application before them complies with the provisions and standards outlined in the Bylaws and Subdivision Regulations.

Adjournment

Next meeting- July 14, 2016

Rich moved adjourn at 9:00 PM, 2nd by Ben, Moved 4-yes, 0-no.

Date: _____

Approved: _____