

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

09/22/2016

Dan opened meeting at 7:45pm

DRB Members present: Dan Nugent (chair), Ben Campbell, Rob Liotard, Marjorie Dickstein, Rich Warren, Jon Fenner

Others: Dave Wetmore (ZA), William Jewett, Amos Palmer, Clair Byrne, Stefan Jacobs, Dan Hansen

I. Review Minutes – not done

II. Adjustments to agenda –

Reviewed draft DRB decision to uphold Cynthia Langley's appeal for #2016DRB-03-A. Rob motioned to accept draft as written, Jon seconded. Approved 6 – yes, 0 – no. Original copy was signed and submitted to Dave W. to be issued on Monday.

III. Visitor Business – none

IV. Scheduled Public Hearing/meeting

#2016DRB-05-A, appeal of zoning administrator's notice of violation dated June 29, 2016 by Amos Palmer.

Dan opened the meeting at 7:45 PM, reviewed the notice, and asked all present to introduce themselves.

Jon took written minutes and recorded the meeting.

Dan swore in all participants. Dan asked Dave to explain the original letter.

Dave reviewed the information around the original letter and reasoning behind it. Palmer property is grandfathered for a seasonal camp up to 100 days per year. Notice of violation was issued because property is being used as a single family residence, full-time, more than 100 days per year. Dave reviewed the history of the property since 1981. He also review why he believed it was being used year-round.

Marjorie ask a few questions about the time line and why the notice of violation was filed now. Dave stated that because of marriage last year and registration of the dogs, he felt he had enough evidence now to pursue it.

Rich inquired about evidence of occupancy prior to Mr. Palmer's purchase. Dave said that there is no evidence of occupancy other than as a camp.

Date: _____

Approved: _____

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Marjorie ask about other houses in that area and a record of their full-time residence. Dave said there were four others on Round Robin road, and it has never been challenged since he came on in 2002 that they were full-time residences and not camps.

Rob ask if it had always been a 10 acre lot. Dave said it was non-conforming lot based on the subdivision in 1981.

Jon asked about 2014 listing and the fact that Huntington is listed as the address. Dave explained that Huntington does provide emergency services there, but the lot is in Starksboro. Huntington is just the mailing address.

Ben asked about boundary adjustment. Dave said he did not research that.

William J. presented his argument for Mr. Palmer. Discussed arguments around existing regulations vs. new proposed regulations. Dispute is not over the facts, he agreed with most of those that Dave presented. Argument is a legal argument on how the regulations treat camps vs. other uses. His argument is that based on Benj Putnam's successful argument from Cindy Langley's appeal, Mr. Palmer's property is a single family home. He also argued that based on the zoning district chart of Section 1.6, that Single family homes and Seasonal Camps are lumped together and treated the same since they use the word "and" between them. He also stated that the septic design and number of bedrooms was not relevant to the argument.

Dan Hansen commented on William's presentation.

Amos P. spoke about his history with the property. He stated that he new it was a camp that the seller thought it could be converted to full-time. He spoke about his marriage license and taxes.

Jon asked about converting the camp to a full-time residence. Amos responded with information about the other camps in the area being converted to full-time residences by outside investors.

Marjorie ask William about the logic behind using "and" in the zoning use chart and how that makes them equivalent. William responded with details on seasonal camp and conversion to full-time use.

Marjorie asked about the new zoning laws and amenities that defines a seasonal camp, and what Amos' camp had. Amos replied with heat, electric, water, indoor plumbing, and internet.

William pointed out that to be equitable, all other year-round properties on Round Road should be investigated to see if they are grandfathered in appropriately.

Dave clarified a few points around the septic and the state and town septic plans. Also pointed out that economic health of Amos is not important, that he knew going in with the 2009 purchase that it was a camp. Spoke of intensity of use and the impacts related to it.

Date: _____

Approved: _____

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Dan Hansen explained his position on Amos' property and why it should be treated as a seasonal camp.

Rob asked William if he was saying seasonal camps and residences are distinctions without a difference. William responded that he didn't think that was entirely true. Single family homes were one thing and wholly within there are places that are single family homes occupied less than 100 days. He went on to explain that the difference between the two is at least ambiguous, and if so the DRB must rule in favor of the property owner.

Marjorie asked Dave about the existing vs. the new zoning laws for clarifications and when each applies.

William pointed out that if the new zoning passes, he wants to come back in and argue under those laws.

Dave also brought up the fact that even under the new zoning laws, he believes this violation would all still apply.

Rob suggested that William provide a writeup of his argument so that the town lawyer could review.

Jon asked Dan about his property in the context of other full-time residence on Round Robin road. Dan pointed out that the other 3 full-time properties and his have been occupied full-time for at least 15 years.

Ben asked Amos if he knew it was a camp and if he ever approached Dave about making it full-time. Amos said that he had talked to Dave and was told it would not happen.

Jon asked Dave if there was any way to get confirmation on other properties that were full-time residences on Round Robin road. Dave said it would be difficult to provide evidence, but could get affidavits. Marjorie and Rob argued that it should be considered in a vacuum only based on the bylaws.

Dan suggested a recess until October 13, 2016. Rich motioned, Rob 2nd, Approved 6 – yes, 0 – no.

V. Sketch Plan Reviews – none

VI. Other Business – none

Adjournment

Next meeting – October 13, 2016 - Palmer appeal continuation.

Adjourned at 9:40 PM

Date: _____

Approved: _____