

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

8/10/2017

Dan opened meeting at 7:30 PM

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

Others: John Hazard and Dave Wetmore (ZA)

I. Visitor Business- none
Adjustments- None.

II. Review of Minutes:

7/20/2017- Jon moved minutes as corrected, Ben 2nds, approved 7-yes, 0-no. Dave will correct and Dan will sign.

III. Scheduled public hearing/ DRB Business

1. John Hazard, Final Plat application #2017DRB-07-SD, 2-lot subdivision of parcel G4332E

Dan- invited Board introductions, read public notice and administered oath to John Hazard and Dave Wetmore.

John- presented an overview of his subdivision request. John purchased property in 1982, the property was developed with two ski style lodges in the mid 1970's. The property is a 2.3 + acre parcel. Both single-family homes have functioning potable water and septic systems. The homes have been continuously occupied since he purchased in 1982. The present configuration makes it difficult to sell as it is considered an oddity by lenders. As John begins to think about retirement, the present configuration makes it very difficult to sell.

Dave W- introduced the 2-lot subdivision. The subdivision will require compliance with sections 121.C, 300.A, 353.C and 426.E. As proposed the property is non-conforming for several reasons.

1. The property has two developed primary structures on one parcel.
2. Parcel # G4332E is only 2.3+ acres and therefore does not comply with the minimum residential density of 1 dwelling/5 acres.
3. At least one of the structures does not comply with required setbacks.

Section 121.C specifically addresses these situations and permits the DRB to approve a subdivision of land when; "A pre-existing lot that has been lawfully developed with multiple single-family dwellings in order to create a separate lot for each dwelling irrespective of whether the resulting lots conform to the minimum standards of these Regulations.

Dave- explained that it is section 121.C that allows the Board to approve the proposed subdivision. Each lot complies with the "minimum lot size" of 1 acre in the Low Density Residential and Commercial District. Lots #1 and #2 have permitted and approved locations for replacement potable water and septic. The existing systems have not failed and function properly. The replacement systems would only be required if a system failure occurs. The application includes the applicant's responses to section 426.E

Jon- asked Applicant if he was proposing any renovations. Would the renovations be setback compliant? John responded that he is planning some renovations to his existing home on lot # 2, and that the renovations would comply with required setbacks.

Date:_____

Approved:_____

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Marjorie- asked about the merger of a non-conforming parcel when purchased by an adjacent property owner. Dave explained that Marjorie was likely talking about the “doctrine of merger” which applies to undeveloped parcels which are purchased by an adjoining property owner. The doctrine does not apply to this subdivision and explained further that the Statutes specifically exempts developed properties (functioning water and sewer) from the doctrine of merger.

Dan- asked John to read the narrative that addresses criteria and answer questions for the record.

John- read directly from Jason’s narrative, prepared and submitted with the application and then responded to DRB questions.

Jon- asked if the replacement wastewater systems could be easily accessed from their respected lot as proposed. John felt they could.

Dan- asked Dave to read into the record the exhibit list.

- Exhibit #1- Application and Fee
- #2- Proposed final plat survey
- #3- Narrative submitted with the application
- #4- Wastewater permit #WW-9-2433 and site plan
- #5- Public notice compliance

Dan- asked if the Board had any other questions. Hearing none, Dan asked for a motion to close the hearing.

Rob moved to close the evidentiary portion of the hearing on application 2017DRB-07-SD, Rich 2nds. Motion carried 7-yes and 0-no.

Dan and Dave explained to John Hazard that the Board has 45 days to deliberate on the application and render a written decision. It will be reviewed for approval at the Board’s next meeting on September 14. Dave explained that it will be sent to him by certified mail.

John left @8:15 pm.

DRB deliberation on Hazard application- DRB asked Dave to include in draft decision a condition regarding lighting if fixtures were changed.

Other Business-

1. Harris application is continued to September 14.

Adjournment

Arnell moved to adjourn at 8:30 PM, Ben 2nds. So moved 7-yes, 0-no.

Date:_____

Approved:_____