

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

9/14/2017

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: Jason Barnard, applicants's consultant, Kit Harris, applicant/owner, Linda and Douglas Dague, Samantha Fenner, Alan Kirkpatrick, Donna Lescoe, Jody Higgs and Dave Wetmore (ZA)

I. Visitor Business- none
Adjustments- None.

II. Review of Minutes:
8/10/2017- Rob moved minutes as corrected, Arnell 2nds, approved 7-yes, 0-no. Dave corrected and Dan will sign.

III. Scheduled public hearing/ DRB Business

1. Kit and Karen Harris application #2017DRB-027-CU/SP, seeking conditional use and site plan approval for use of their property for an events (wedding and concert) venue on parcel E51725E

Dan- invited Board introductions, re-read public notice and administered oath to those present, including Dave Wetmore.

Jason Barnard- explained that the Harris's have scaled back their application request. Applicant's submitted revised/amended information before meeting and further explained herein. Specifically, they request

1. Up to six wedding events/year, < 200 people total
2. One festival/concert per year, < 500 people total.
3. No camping is being requested. Portalets will be used and bath house will not be needed or required. State Permit specialist has been contacted and "project review sheet" requested.
4. Only day events, usually between the hours of mid-afternoon and 11:00 PM.
5. The Harris's are requesting a variance to allow music to continue to 10 or 11PM.
6. Site plan remains the same including stage and parking areas.
7. Their submission includes support of Front Page Forum comments.

Jason and Kit- explained that in early August 2017 the Harris's (Applicant) hosted a concert festival on a Friday night and all day Saturday. Approx. 300 people were in attendance at any one time. The Applicant hired a paid security for this private event. There were no charges for attending the events, however donations were suggested. The Applicant had someone take some informal dB noise readings using an application on their phone. At the stage the decibel level was 85 and where the driveway intersects with VT Rte. it was 45 dB. Parking identified as southerly of the house along the eastern edge of the wetland, held 50+ cars. Parking attendants were able to increase the # of cars parked in this area. 72 cars used the overflow parking area on the left side of driveway. Jason noted that parking will not be formally developed or improved. Parking areas will remain grassed. Parking attendants help the Applicant's understand parking limitations. Jason and Kit met with VTrans. Line of sight is good but the intersection of the driveway with Rte. 17 will be required to comply with the B-76 driveway standards.

Dan-opens discussion and questions from Board and interested persons.

Marjorie- Regarding the August event, what time did the music end and last car leave? Applicant stated the music ended at 10:15 and last car left around 10:30. Security stayed till all cars had left. Will caterers, tent and portalet

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people be allowed on the site before and after the day of the scheduled event? Yes. Will you host any other events beyond the 7 proposed? No. What is the justification for a variance for extending music past 9:00 PM? Why can't music stop at 9:00 PM. Applicant expressed that summer daylight often extends past 9:00 pm and they believe many users will want to stay into the evening.

Jon- Asked about the noise check? Was this done by a qualified person? No just used an application on a phone. Are the 6 events only weddings? Kit stated yes.

Ben- Asked about resource protections and LID practices? Jason explained that the wetlands have not been mapped. Parking can occur within the wetland buffer providing the area remains vegetated. An erosion control permit will be required along the wetlands. Most all LID (Low Impact Development practices) will be required along the driveway. What happens when extensive use and wet conditions create parking problems? Jason stated that the soils are very good. If foul weather is anticipated a silt fence could be deployed quickly. Has it been determined whether this is an appropriate use for land enrolled in Current Use program? That has yet to be determined. The area around the stage is presently excluded. The parking areas are not.

Dave- noted that he was called by the neighbors on July 29th due to the excessive noise. Apparently the Harris's hosted a wedding. The Haskin's expressed that once again it sounds like the music is in their living room. The Haskins explained they had another commitment and could not attend tonight. They are not in favor of extending the music past 9:00 PM. Was this a paid event? Kit stated no they were family friends.

Rob- asked about the statement that food and drink would not be provided by the applicant. Will the applicant still maintain control over all aspects of the venue operations? Jason stated yes, but food (caterer's license) and drink (liquor license) would be the responsibility of the caterers.

Donna Lescoe- Asked when sound (decibel) reading was taken, Friday or Saturday. Applicant stated it was done on Saturday only. Donna attended both days (Friday 6:30 – 8:30 PM and Saturday 3-5 and again 8:30-9:00 PM.) She was asked for a donation to enter. Access definitely needs improvement to get vehicle traffic in and out. Donna counted 60 cars in the parking area south of house on Friday and 101 on Saturday. The parking was wet and muddy and difficult to get in and out. She explained that the Harris property is a great place and that she would welcome the opportunity to conduct wedding ceremonies there. Her concerns are noise, as she felt it was quite loud. She could not hear it from her house off Sam Stokes Road. She does not support granting a variance. Donna expressed frustration with the Applicant's website and that they are actively promoting their property as an events venue before approval has been granted.

Dave- explained that he did not believe that a variance could be granted. Variances are usually granted specifically for dimensional requirements and this is a development standard. Dave noted that there are requirements for driveways regarding fire and rescue vehicle accessibility. He believes it is also important to incorporate a staging area for these vehicles.

Jason- explained that the driveway intersection needs to be improved to comply with the B-76 standard. The driveway could function as is because the site distances allow for drivers to pull over at specific points to allow others to pass. If DRB requires improvements to widen the driveway he suggested that 18- ft. is wide enough for vehicles to pass easily. Fire and rescue staging areas could easily be incorporated into site plan. The Applicant's would rather not develop gravel parking for only 7 events/year.

Linda Dague- asked specifically about who would enforce the Board conditions of approval? She noted that the private event was advertised everywhere. How do you make sure that the applicants don't exceed their occupancy? For her this is a quality of life issue. Dave noted that the narrative states that the applicant would

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notify the Town of each event because they would be scheduled well in advance. Further, Dave noted that the ZA would enforce the Boards conditions as best he could. Kit also shared that the maximum attendees would include all people on the property, including caterers, security, etc. Kit noted that he can host any private events he wants to presently. Many others have done that in the past and do so annually. That said he wants to work with the rules in place. Dave expressed that he hoped that the Applicant's would not willfully violate their conditional use approval. On some level you have to trust that folks will operate their business as they agreed to.

Alan Kirkpatrick- expressed that he has a common boundary with the Harris's and that he is concerned about the Applicant pushing the limits. He does not want to find campers or party goers on his property. He too is concerned about enforcement. Will there be security at every event? Will there only be 1 festival/concert/year? Who's going to make sure only 200 people are on the property? Jason explained that a State Wastewater permit is required. The permit would restrict the number of attendees and complaints to ANR would bring an enforcement action as well.

Jody Higgs- Where is the 55 dB measured from? She is skeptical of a phone application and would like more data. She expressed strong reluctance to support a variance. She moved here for the peace and quiet. Jody also expressed concern about folks driving Rte. 17 under the influence. Dave noted that the Regulations state from the "property line or elsewhere" and that is a weighted level over 10 minutes. Dave also commented that Starksboro Zoning districts allow for mixed uses including commercial uses where the uses are compatible with the adjoining uses. In this area, that is primarily residential uses. The Regulations also severely limit any commercial use on Starksboro's class 3 roads. This type of use would likely only be considered on either 17 or 116.

Dan and Ben- explain that the Board is here to determine whether the Applicant's request can and will comply with the Towns Zoning. The Board will be reviewing the criteria pursuant to sections 424 and 425.

Marjorie- expressed that the DRB could consider a condition that expressly states that if the applicant's don't comply with their permit their right to operate their business can be revoked.

Kit- mentioned that he did try to get law enforcement involved in the August event. Talked with Bristol PD and invited them to attend. Kit also noted that he is willing to hire a sound engineer if necessary. DRB debated how to duplicate the sound from a typical event without an actual event taking place.

Donna- asked if conditional use approval runs with the land or just with the applicant. Dave noted conditional use approval runs with the land. She also asked why not use the overflow parking area as primary parking, avoiding the wetland south of the driveway.

Alan- asked if the festival/concert would be over 2 days like August weekend event. Kit stated no, just 1 day.

Jon- Do the parking areas impact wetlands/natural features or threatened/endangered species? Jason responded that the wetlands have not been delineated, but that he would do if requested by the DRB. Wetland buffers can be mowed and used for parking without improvement. DRB felt that wetland delineations would be appropriate.

Rob- described who interested persons are and that any Board decision can be appealed to Superior Court. Once a decision is made all interested persons receive a copy of the decision and that is appealable. The Court would decide who is actually an interested person.

Rob- asked if Applicant will manage the entire venue or just rent out the land to users? Who will be responsible for events once the property is contracted to be used? Kit responded that this is their business and will have complete and final control over all aspects of the event, including noise, parking, security, etc.

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Rich- will there be fireworks? Kit stated no fireworks will be allowed.

Dave- spoke about signs and lighting, both of which are required to comply with the Regulations.

Dan- asked do we have enough information to close the hearing? He noted there seems to be agreement that we need to delineate the wetlands, and how do we address the noise issues. Arnell expressed that we should just expect the Applicant to comply with the development standards (55 dB at property line). DRB discussed the complications of replicating the noise generated from a concert. Dave noted that still pending are;

1. State Wastewater
2. Act 250
3. Project Review Sheet
4. VTrans letter of intent

Dave also expressed that we need an amended site plan removing any reference to camping and bath house. The revised site plan should clearly show primary and overflow parking, intersection and driveway improvements, fire and rescue staging areas, sign location, proposed exterior lighting and portalet locations. It would also be helpful to have contour information.

Rob-asked if the Board would like to make a site visit? Most DRB members felt that would be helpful. Jason asked that if one is conducted that it be limited and not open for testimony. Rich expressed that the Chair has total control over any DRB proceeding and he should use it to limit extent of discussion at site visit.

Jason expressed if given enough time between now and the next meeting he hoped to have wetland delineation and VTrans letter of intent. Rob suggested that Tom Estey be involved regarding the fire and rescue staging area and access concerns as well.

Ben moved to continue review of the Harris application on October 12th beginning with a site visit at 6:00 PM at the Harris property on VT Rte. 17. The site visit will be followed by the hearing continuation at 7:30 PM, Rob 2nds. Motion to continue carries 7-yes and 0-no.

Other Business-

1. Review and approve Hazard 2-lot subdivision #2017DRB-07-SD- Jon moved to approve Hazard decision as corrected, Arnell 2nds. DRB decision #2017DRB-07-SD approved 7-yes and 0-no.
Jon moved to authorize Dan Nugent DRB Chair to sign the Hazard decision once corrections are made.
Rob 2nds. Motion carried 7-yes and 0-no. Dave will make corrections and Dan will sign.

Adjournment

Jon moved to adjourn at 9:40 PM, Rich 2nds. So moved 7-yes, 0-no.

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