

Town of Starksboro
DRB meeting
June 14, 2018
Unapproved

Board members present: Ben Campbell, Marjorie Dickstein, Jon Fenner, Dan Nugent (chair), Arnell Paquette, Rich Warren, Rob Liotard

Others present: Rebecca Elder (ZA), Emily Stoehr, Matt Sims, Matt Estey, Dennis Casey, Mark Snelling, Scott Baker

The meeting was called to order by Chair Dan Nugent at 7:00 p.m.

Minutes of 5/10/18

Corrections:

Bottom of page 1 – RE: suitability of land: “the land has already been deemed suitable..... Insert “Kelly stated” and, at the end of sentence, “based on previous subdivision decisions by the DRB and per the Bylaws.” Other minor edits noted.

Motion: Rob Liotard moved and Jon Fenner seconded the motion to approve the minutes of 5/10/18 as corrected.

Vote: Approved 5/0/1 (Ben Campbell recused. Rich Warren was not present for the vote.)

Subdivision Hearing: Dennis and Margaret Casey

Application # 2018-DRB-08-SD

Chair Dan Nugent opened the hearing. All those present introduced themselves including visitors. Dan read the official warning. Next, Dan swore in the visitors—Matt Estey, Dennis Casey, Emily Stoehr and Matt Sims. All agreed and took the oath.

The board then invited the applicants to describe the project. Dennis Casey summarized the subdivision proposal. The road access for the parcel already exists from Route 116. The wastewater and sewer plan is designed, prepared, and ready to submit to the State for approval.

The applicants then responded to the subdivision criteria in Section 426E:

- **Siting and suitability** – The lot is located in the village in the High Density district.
 - Jon Fenner asked for clarification on identifying “Lot 1” as referenced in the application narrative. Marjorie Dickstein asked about the parcel number on the map vs. what was included on the warning. The map distributed at the meeting was incorrect. The project was warned correctly.
- **Natural Features** – The parcel contains no suitable farm or forestland. Trees will only be removed as needed for constructing the proposed house.
- **Character of the Area** – There is a buffer of trees to shield in part from Route 116. The proposed driveway uses existing road access and no new curb cut would be needed.
- **Energy Conservation and access to renewable energy** – The home will be constructed to be energy efficient. Renewable and energy saving methods will be considered and used when possible.
- **Access and circulation** – Vehicle access will be minimal. There will be only one additional lot with one house.

- **Infrastructure**, etc – The proposed lot is located on a main road. The home will use a private wastewater system, a private well (no additional use of village water supply), and utilities will be located underground to the greatest extent feasible.
- **Lighting** – There are no proposed street lights and there will be minimal outdoor lighting.
 - Marjorie noted that DRB decision generally include standard language regarding downshielding of exterior lighting. In this case, she suggested modifying the condition about the lighting because the existing house on Lot 1 is below the site of the proposed new home. The decision should include specifications for the lighting on the new house to prevent glare and to ensure lights do not shine on the Lot 1 house.
- **Recreation** – The proposed lot is 1.45 acres and will allow for private recreation.

Dan Nugent asked if anyone present had additional questions or comments.

Emily Stoehr, who owns the house on the land known as Lot 1, noted that there is a lot of water run off onto the driveway in the spring. She asked about a culvert being added to help direct the water. Matt Estey said the proposed driveway will likely be gravel, not paved. Emily asked if they thought of having access from White Tail Lane. Dennis Casey said he hoped that might be possible but has not been able to secure that right of way. Rob Liotard asked if there is potential that the ROW could change. Dennis responded that it would be preferable but not likely.

The area has been surveyed but the pins are not yet placed. Matt Sims asked about the space between Lot 1 house and the proposed Lot 2 and whether it was smaller in the final proposal. Dennis said they increased the size of Lot 2 slightly after the survey and the pins will be placed on the final configuration after approval.

Matt Sims requested that the minimum number of trees be removed to allow for as much privacy between the houses as possible. Matt Estey explained that he will need to remove some trees for the sewer area, but just enough to give the house protection from blown down trees. The applicants do not intend to remove trees that do not need to be eliminated for construction and safety.

Jon Fenner asked if the neighbors had discussed a shared driveway and if an agreement was needed. He also asked who is responsible for maintaining the small portion of what would be a shared drive. The board discussed various issues related to the ROW and driveway. No shared agreement will be required.

- The board requested corrections to the map: parcel ID, lot identification notes and references.

No other questions or comments were offered.

Dan Nugent entered the exhibits as follows:

- Ex A – Subdivision application
- Ex B – Review criteria responses
- Ex C – Public notice and evidence
- Ex D – Site plan by LaRose Surveyors

- The final plat will show the corrections requested by the board. The decision will include conditions about lighting and tree removal as discussed.

Dennis Casey asked if a straw vote was possible. The board agreed to a non-binding straw vote.

Motion: Jon Fenner moved and Ben Campbell seconded the motion to conduct a straw vote.

Vote: All in favor (7/0)

Motion: Rob Liotard moved and Ben Campbell seconded the motion to informally approve the Casey subdivision with conditions as noted *in a non-blinding straw vote*.

Vote: All in favor (7/0)

Motion: Ben Campbell moved and Arnell Paquette seconded the motion to close the Casey hearing.

Vote: All in favor (7/0)

All the visitors departed. No further discussion. The hearing was closed.

Subdivision hearing: Mark Snelling

Application # 2018-DRB-01-SD

Dan opened the hearing at 8:05 p.m.

Chair Dan Nugent opened the hearing at 8:05 p.m. All those present introduced themselves including visitors. Dan read the official warning. Next, Dan swore in the visitors—Mark Snelling and Scott Baker. All agreed and took the oath.

Dan Nugent invited Scott Baker from Barnard & Gervais (representing Mark Snelling) to describe the project and review criteria.

Scott summarized as follows:

The Snellings own a 17-acre parcel on Mason Hill North. They have proposed a 3-lot residential subdivision comprised of: 4.2 acres lower parcel, 5.8 acres middle parcel, 6.9 acres for the upper parcel. The subdivision boundary lines were located to meet dimensional standards, density standards, and making a single curb cut to the Class 3 road. There is a wetland on the property, delineated by Arrowood. The driveway was located to avoid the wetland area. A hammerhead turnaround will be provided just before the boundary line before lot 2. (see project description) The Snellings applied for and received a wastewater permit.

Review criteria responses:

- **Siting and suitability** – The land is not subject to flooding. The terrain slopes down. It is not ideal for solar access but there is opportunity for panels on the buildings but likely not trackers on the ground.
- **Natural features** – Subdivision and residential construction will have no impact on the pond; the Snellings have avoided that area for this project.
 - Dan asked if the existing road is an old logging road. Mark said no, not in the beginning. He plans to utilize as much of the existing road as he can with the final placement located to avoid the wetland and site lines that Tom Estey approved.

Q: Jon Fenner asked about the westerly boundary line adjustment (BLA) and whether that will be handled administratively.

- Note in the paperwork that there is a BLA and it will be wrapped into the subdivision.
- The BLA was included to create a more natural boundary and followed the natural contours of the land. The area is rocky but stable.
- Marjorie noted that the building envelopes are quite large and asked if the set-backs were being observed. Scott Baker said they are shown on the site plan – Lot 1. All set-backs are included on the plan.

Q: Marjorie asked about “Note 4” on the survey references: Barnard & Gervais has a copy of the one that is not in our land records. They will share that with the zoning administrator for the files.

- **Character of the area** – The lots were created above the minimum density amount. The lots vary in size with each to allow opportunity for private backyards and recreation. There will be significant screening between homes and large rear yard areas.
- **Energy Conservation/access and renewable energy** – There is some possible passive solar opportunities on the land. Those will be utilized to the extent feasible. Construction will comply with REBS.
- **Access & circulation** – There will be one curb cut with a shared drive. Access is via Class 3 road that is maintained by the Town. They determined this was not a good spot for having multiple driveways onto Mason Hill N.
- **Infrastructure & utilities** – There will be a single shared driveway with multiple turn-arounds with ample space for emergency vehicles. There is an existing utility easement. Pole placement near Lot 1.
 - Q – Is there a pole missing on the drawing? Span from the pole by the pond to the top of the property seems very long (by Leonard property).
 - Utilities will be located on each lot with mound systems for wastewater
- **Lighting** – The houses aren't designed yet; all proposed lights will be down-shielded, etc. to abide by Section 314. No street lights are proposed.
- **Recreation** – These will be private residential lots that will provide ample size for personal recreation; no public or shared trails.

Dan asked if there were questions. None asked.

Dan Nugent entered the exhibits as follows:

- Ex A – Subdivision application
- Ex B – Criteria responses
- Ex C – Public warning and evidence
- Ex D – WW-9-2535 – wastewater permit
- Ex E – Sketch plan application with maps

Ben noted a discrepancy on the maps: references to both Mark A. and Mark H. Mark stated that it should be "H" and will be noted as such.

No other questions or comments were offered.

Motion: Jon moved and Ben Campbell seconded the motion to take a non-binding straw vote.

Vote: All in favor

Motion: Rob Liotard moved and Arnell Paquette seconded the motion to informally approve the Snelling 3-lot subdivision in a *non-binding straw vote*.

Vote: All in favor (7/0)

Motion: Ben Campbell moved and Arnell Paquette seconded the motion to close the Snelling hearing.

Vote: All in favor

The visitors departed. The hearing was closed.

[Final Decision: Kelly and Kathleen Norris subdivision, final plat](#)

Application # DRB2018-05-SD

[Ben departed at 9:06 p.m. as he was not part of the Norris subdivision review and decision.]

The board reviewed the facts and findings for the Norris subdivision, requested some changes and edits, and then approved the final decision. The ZA revised the decision and presented for all members present. The decision was signed by the board.

Motion to adjourn: Jon Fenner moved and Arnell Paquette seconded the motion.

Vote: All in favor (6/0)

Additional discussion notes:

- Legality of the straw vote – Rebecca to call VLCT to inquire about straw votes and rules pertaining to DRB reviews and decisions.
- Noted for the record: corrections to typos on the agenda regarding date and time

Next meeting: June 28, 2018 at 7:30 p.m.

Respectfully submitted,

Rebecca Elder
Zoning Administrator

Approved: _____