

Town of Starksboro
Planning Commission/DRB combined meeting
August 23, 2018
Unapproved

Board members present: Dennis Casey, Denny Barnard, Dan Nugent, Norman Cota, Ben Campbell, Arnell Paquette, Rich Warren, Rob Liotard
Unable to attend: Jon Fenner, Marj Dickstein, Hugh Johnson, Dan Harris, Jeff Keeney
Others present: Rebecca Elder (ZA)

The meeting was called to order by DRB Chair Dan Nugent at 7:30 p.m.

The PC and DRB members called a joint meeting to discuss potential changes, suggestions, and improvements to the current land use regulations—"Bylaws"—in Starksboro. The current bylaws were adopted in 2016, so the DRB has been reviewing applications using these bylaws for almost two years.

Prior to the meeting, the Zoning Administrator assembled a list of items for discussion based on DRB meetings and questions asked by board members over the past several months. The list was used as the basis for the discussion.

- **Abandonment** – What does abandonment mean for our bylaws and zoning applications? If the land is owned and the taxes are paid, then it is not considered abandoned. If a person is living in a structure but not paying taxes, that is a different issue. What about a property that has no regular resident but the taxes are paid? Dan Nugent asked Norm Cota how the Listers view abandonment. Ben Campbell asked if there is a difference between unoccupied and abandoned. Denny Casey noted that the 2006 bylaws had a definition for abandonment that was not included in the current bylaws. He thinks abandonment was included pertaining to nonconforming uses; focused on the non-conforming status to help get them into conformance. Rob asked when the question of abandonment would affect the DRB. Using an abandoned structure as an example: the structure is preexisting. Can it be turned back into a house? The old regs said no, but the new bylaws may allow a change of use. Denny C. noted that if someone complies, the structure can be used. But if it is nonconforming, the owner can't walk away and come back and recontinue the use. When you leave the structure, you lose the right.
 - Section 124 – 1-8 – abandonment/discontinuance language - Need clarity about what abandonment is – need to include language
 - Dan thinks 36 months is a better length of time for abandonment. Arnell suggested "uninhabitable" should be part of the definition and "unoccupied"
 - Fix up within 36 mos., or structure should be deemed abandoned. Or if it is uninhabitable per septic requirements. Septic question – if you get a septic person to come in a say it is fine, then can you continue the use? Ask Jeff Keeney.
 - The footprint still exists so the new structure must stay within that for pre-existing condition to be maintained.
- **Seasonal camp** – Is there a wastewater requirement? What does the State say about this? Wait for Jeff to get more answers.
- **Definition of a Lean-to** – Under 100 SF may be a loop hole. Current use allows people to have warming huts in the woods/shack/dwelling – keep chainsaws, axes, no bunks, no considered a camp (State). Norm says it can still get taxed (CU would exempt). Dan – if the structure is less than 100sf, do we care? If this were added to the regs, it would mean that if someone wanted to create something in the FC then people would be required to come to the DRB for approval. Dan thinks that all structures should come into play for zoning. Altering the definition could lead down the road of many lean-tos together.....3 or more become a campground under the bylaws.
 - Amend to say a lean-to must be a conditional use for any size in the FC

- Ben thinks it is a problem that conditional use can't be done administratively. The DRB has never been approached on this lean-to issue. Should it be something that can be handled administratively?
- Event guidelines – Recent decision for Shangri-La farm was more thorough and is a good example for future decisions for event venues. There have been no events in 2018 at Shangri-La so there is nothing to review at this time.
- **Definitions of parcels and lots** – The group discussed how these terms have been used interchangeably and perhaps more clarification is needed. This led to a discussion of a recent DRB application that was submitted with the wrong parcel ID and this created questions about the process and what is considered a “parcel”. SPAN numbers are quickly becoming relied upon for identifying parcels in addition to the parcel ID. SPAN can also be problematic because those numbers can be tied to multiple contiguous parcels.
- **Variance vs. Waiver** – very difficult to meet the 5 criteria for a variance and they are specified by statute. The Waiver process was created to help alleviate the strictness of the variance process.
- **Essential services** – Should this require a site plan review? Would the Town care about power lines being installed through a large swath of forestland? What does the town think on this? It is not clear what the DRB would be reviewing for the site plan hearing. Need to look at State regulations further. One cannot go across someone else's land without permission.
 - If the power is being pulled for an ag purpose, does that make it exempt? Dan said in Burlington, ag structures are all conditional use and must go through hearings.
 - Does the ag exemption carry over to power to an ag building? Ask the Agency of Ag. ****
- **Mobile homes** – “Vermont” and other high-efficiency homes will become a bigger deal in the near future and are starting to be used as replacements for traditional mobile homes. Efficiency VT is going to push forward with advancing their use in the state. These homes are designed to be put in small lot locations and be efficient and affordable. Definition – chassis is key to difference between a “mobile home” and this newer style alternative.
- Sec.422 – 4-2 and 4-3 – use of the word “appellant” – should this be changed to applicant

Motion to adjourn: Ben Campbell moved and Norm Cota seconded the motion.

Vote: All in favor

The meeting adjourned at 10:08 p.m.

Respectfully submitted,

Rebecca Elder
Zoning Administrator