

Town of Starksboro  
Planning Commission meeting  
September 6, 2018  
Unapproved

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**Board members present:** Dennis Casey, Jeff Keeney, Denny Barnard, Dan Nugent, Norm Cota, Dan Harris

**Unable to attend:** Hugh Johnson

**Others present:** Rebecca Elder (ZA), Koran Cousino

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The meeting was called to order at 7:00 pm by Chair Dennis Casey.

The agenda was reordered to prepare for the Town Plan hearing first while Koran Cousino was in attendance.

### Preparation for final Town Plan hearing

The Selectboard will host the second public hearing for the Town Plan on 9/11/18 at 6:00 p.m.

Koran Cousino, chair of the Selectboard, attended to hear from the PC prior to the hearing. Norm Cota asked if the Selectboard had any concerns or questions about the Plan as it was presented. The group discussed the addition of the Energy plan, why it was needed, and how it was created.

The data included in the Plan and energy section came from the Addison County Regional Planning Commission. The data changes requested by the Energy Committee also came from the ACRPC. (Two maps were updated as well as some of the figures in the data tables.)

Dan Harris noted that the PC did hold a public Energy forum and gave people information about the plan and how it was being updated.

The group discussed that the Town Plan is a visionary document. To make changes to the regulatory document (the "Bylaws"), the Town Plan must support the intent or the changes cannot be made.

The Energy Committee met in April and discussed the draft of the plan. At their 6/11/18 meeting, they reviewed in detail and sent extensive comments to the PC for review.

The PC hopes that the Energy Committee will be able to inspire more local interest in energy issues that affect the community. They will hold a public forum on Friday, 9/14/18, to provide more information about energy issues on the local level and some details about the energy plan itself.

Question: How would an EV charging station work in Starksboro? How do payments work? Perhaps the Energy Committee could present a plan of how the systems work and potential funding sources.

After the public hearing held on June 12, 2018, the Planning Commission met again on 7/12/18 to review the public comments and made changes based on those comments.

### Minutes of 8/16/18

Motion: Jeff Keeney made a motion to approve the minutes of 8/16/18. Dan Nugent seconded.

Vote: All in favor

### Review of Bylaws

Members of the PC and the Development Review Board (DRB) met in late August to begin discussing various items in the bylaws that may need updated or improved language. The PC continued the discussion as follows:

**Abandonment** – The group talked extensively about what a definition of abandonment might include. What is the nature of abandonment that the bylaws need to address? Dan N. noted that this needs to be defined in terms of zoning (and safety), not in terms of taxes. Examples discussed included the house on Route 116 at the north of the village, currently owned by Big Heavy World. It is not occupied and has not been for many years.

- If a structure is unsafe, do we need a definition that includes safety concerns?
- If a structure is nonconforming and is not used for a long period of time, should an owner be able to develop it in the future? Over time, is the right to “improve” a property lost?
- Is this issue about nonconformance?
- Our current regs speak to the abandonment of the use. One can request a waiver to extend time. But, the regs only address non-residential use. The time limit is on the zoning permit.
- Denny thinks this should be expanded to non-conforming residential use – something that can address the situation – non-conforming structure, not of the use.
- Dan N. asked what the trigger would be. It is when the ownership changes hands.
- Zoning law is about land uses. Dan can understand a sunset period on a nonconforming use. But if it is a nonconforming residential structure, then the nonconformity pertains to set backs. Denny says this was written to help bring things into conformance. The previous iteration of the bylaws included a definition that read: “Visible or otherwise apparent intention of an owner to discontinue a non-conforming use, structure or premises; or the removal of the characteristic equipment or furnishings used in the performance of a non-conforming use, without its replacement by similar structure.”
- See what other towns are doing with this – Rebecca do some research
- Dan H. suggested a timeframe and then after a certain date, the structure must be brought into conformity. It could be hard to prove; when does the clock start?
- Jeff brought up the Carp Cole house example – House was renovated. It was previously uninhabitable. It was improved to a livable structure and then built into a home. It is nonconforming because it is in Forestry & Conservation district.

### **Seasonal camps**

- Is there a wastewater requirement?  
For a new camp, probably. Yes, you can get one for existing camp.
- Should we require wastewater on seasonal camp? Does the State have a requirement? Out-houses aren’t legal. Would be a good idea for us to require them.
- Dan – so you wouldn’t be able to get a permit for a seasonal camp without a wastewater permit? It would be hard to see the ability to have a small structure eliminated. (i.e. yoga cabin, hut, etc)
- This touches on the “lean-to” conversation – won’t be able to get a wastewater permit for many of these places.
- Denny discussed example of land that wasn’t legally subdivided and then was required by the State to have a wastewater permit.
- You can subdivide land without a wastewater permit or a deferral.
- Lean-to: can’t be an accessory structure without a primary structure.
- Current definition of a camp was written to distinguish between year-round and seasonal use. The definition includes “basic amenities” - what is an amenity? Enforceable based on the primary residence being elsewhere.
- Are composting toilets allowed? If so, under what conditions?
- Look up the primitive camp definition and classification.

**Motion to adjourn:** Norm Cota made a motion to adjourn at 8:50 p.m. and Denny Barnard seconded.

**Vote:** All in favor

Respectfully submitted,

Rebecca Elder, ZA

DRAFT