

**Town of Starksboro
Development Review Board
February 8, 2018
Unapproved Minutes**

DRB Members present: Ben Campbell, Jon Fenner, Rob Liotard, Dan Nugent (Chair), Arnell Paquette, Rich Warren
(Unable to attend: Marjorie Dickstein)

Others present: Rebecca Elder (Zoning Administrator), Jason Barnard, Larry Shepard, Sue Shepard, Mike Shepard, Nate Shepard, Nate's wife (need name)

Dan Nugent called the meeting to order at 7:30 PM.

1. Review of Minutes:

1/11/2018 – Rob Liotard moved to approve the minutes of 1/11/18, Jon Fenner 2nd. Vote:
Approved: 5 yes, 0 no (Ben Campbell abstained)

2. Adjustments – Rebecca Elder noted that the administrative change she anticipated is not needed at this time. She described the situation to the DRB and will draft a memo to the file based on conversation with VLCT attorney. Should a correction be requested in the future, the DRB will waive the fee for the hearing.

3. Visitor Business – none

4. Scheduled public hearing/ DRB Business

2018 DRB-02-SD: minor 3-lot subdivision of parcel #B398W located in the Low Density Residential and Commercial district (LDRC) and Forest Conservation district (FC).

D. Nugent opened the hearing at 7:30 PM by reading the public notice. Introductions were made of everyone present. Rebecca Elder recorded the hearing and took written minutes. Several members of the Shepard family were present along with Jason Barnard. Dan asked Jason Barnard of Barnard and Gervais to provide an overview of the Snellings' proposed subdivision.

D. Nugent asked the applicant(s) to respond to the review criteria section 426.E. Jason Barnard responded on behalf of the Shepard family. DRB member Jon Fenner recused himself from the vote because he is an adjoining landowner of the Shepards.

Summary description:

Jason described the project and showed various points of interest on a large property map. Nate Shepard currently has a primitive camp (permitted in 2002). Larry and Sue Shepard have an existing house and septic system. Mike Shepard and Erin Buckwalter's property is on the west – currently 38.6 acres. They are looking at a boundary line adjustment between M/E and M/S increasing (acreages are rough) The proposed line follows an old woods road. Larry and Sue will continue to own the lower part of land. Mike and Erin have frontage on Lafayette Road. There is also an existing drive that is the primary access across Lots 1 & 2 and would have a ROW to Lot 3.

Currently plan: Lot 3 - 59 acres – stand alone, access from the 50 ft ROW from private land; Lot 2 would be owned by Nate – potential future conversion of camp to a single-family home. Lot 1 – 8.7 acres for Larry and Sue to include existing farm house and ag buildings, but a lot less land. Once complete, there will be a more even split of the land with roughly half to each son. The survey is complete and drafting is currently underway; finalizing the acreage will come next. Front existing boundary line currently between Larry/Sue's land and Mike/Erin's land will be dissolved, and the new line is the red one which will follow

the land contours. The lines will keep the spring on Lot 1 that feeds that farmhouse and supports the ag buildings. Magenta line on map shows the camp is just outside of the Low-density district.

In the future, Nate will need to come back to the DRB for a conditional use to convert the primitive camp to a year-round home (based on the 800 set back). Mike's building envelope is just inside the line. Overall use of the property will be similar to it is now. Construction will be of a single-family home in the Forest Conservation District but the subdivision leaves the remaining land in forestry and agriculture. The new home doesn't affect the character of the road, it will be tucked out of the way, not visible to traffic. The building envelope yet is not yet established. The Shepards would need to consider something for the future (barn, shed) in these plans.

Questions and discussion from board:

- J. Fenner asked if the road is private.
Yes, there is a private road. Conditional use approval is not required at this time because the road pre-exists. The private road goes all the way to Lot 3 (to be for sugaring and forestry uses). J. Barnard recommends leaving the ROW for the future.
- R. Liotard asked if there a structure south of the camp.
Yes, an old fallen down sugarhouse remains on Lot 2.
- B. Campbell asked about the red line on proposed map between Lots 2 and 3. What was the reasoning for the line placement? Will it allow for all future forestry and sugaring use?
J. Barnard said the placement was intended to keep the meadows intact.
- B. Campbell disclosed that the Shepard family has been a past client.
- D. Nugent noted that the boundary adjustment could happen administratively but can be incorporated in this process of subdivision. J. Barnard noted it would be easier to do all the work at the same time and ensure all details are correct before the plat is put together.

Criteria:

(J. Barnard read description narrative) Lawrence C. & Susan A. Shepard own an existing 131.5+/- acre (based on tax maps) parcel along the northerly side of Robert Young Road in Starksboro; the parcel is improved a single-family residence and a primitive camp. Michael A. Shepard and Erin R. Buckwalter own an adjoining 38.6+/- acre parcel that is improved with a single-family residence. The landowners are proposing a project that includes two components:

- The landowners are proposing a Boundary Line Adjustment along a portion of their shared boundary. The proposed adjustment will increase the area of Michael A. Shepard and Erin R. Buckwalter's parcel from 38.6+/- acres to 42.1+/- acres, and will decrease the area of Lawrence C. & Susan A. Shepard's parcel from 131.5+/- acres to 129.0+/- acres. The purpose of the proposed adjustment is to change the existing arbitrary boundary to a more appropriate boundary that accurately reflects the existing natural terrain and site improvements.
 - Lawrence C. & Susan A. Shepard are proposing a Minor Subdivision to subdivide their remaining 129.0+/- acre parcel into three (3) new developable parcels of land. Lot No. 1 will be 8.7+/- acres in size and will include their existing single-family residence. Lot No. 2 will be 59.9+/- acres in size and will include the existing primitive camp that will be converted to a year-round single-family residence. Lot No. 3 will be 58.9+/- acres in size and will consist of presently undeveloped land that will contain deferral language in the deed and will be conveyed to Michael A. Shepard and Erin R. Buckwalter.
1. Siting and suitability – The adjusted boundary will provide a significantly more logical and appropriate boundary that reflects the existing shared drive and edge of meadow. For the existing parcels of 38.6+/- acres and 131.5+/- acres, the 2.1+/- acre adjustment is minor and does not adversely impact the suitability of the lots for future use and development. The new, subdivided parcels (Lots No. 1, 2 and 3) will result in the existing single-family residence and primitive camp each being situated on its own single lot (Lots No. 1 and 2). The soils associated with the property will continue to support the existing Lot No. 1 on-site wastewater disposal system. In

compliance with the State of Vermont Wastewater System and Potable Water Supply Rules a replacement wastewater disposal area will be designated on Lot No. 1, while a primary wastewater system will be designed, and a replacement area designated for Lot No. 2. The property is not subject to periodic flooding or poor drainage. J. Barnard – Next step is to apply for wastewater permit. The building envelope will be delineated in the next phase – one will be with Nate’s parcel (to contain around that area).

2. Natural features – More logical boundaries, attending to features, natural road; Wanted to work to preserve the balance of the parcel and provide homes for the sons; No affect on the wetland affect (shows up on BioFinder) – nothing proposed in that area. The proposed boundary adjustment and subdivision boundaries are based on existing natural features, site improvements and historic use to the greatest extent practicable. Each existing residence will have more logical boundaries that take into consideration the existing topographic features and contours, field/forest edges, access, and infrastructure (i.e. wastewater systems and water supply wells). This layout is designed to minimize natural feature disturbance, including the continued use of the existing means of access in order to minimize clearing and impervious surface area. Overall, the project area does not include any flood hazard areas or prime agricultural soil and will not have undue adverse impact on any significant wildlife habitat. There is a small area of Class-II wetlands associated with the existing pond on Lot No. 1 as mapped by the Vermont Agency of Natural Resources; this wetland area will remain with no proposed impacts to the wetland or its buffer.
3. Character of the area – The general character of the area associated with this part of Robert Young Road is single-family rural residential homes. The boundary adjustment and three-lot subdivision will continue to provide single-family homes on parcels that are significantly larger than the minimum size for their zoning districts. Adequate privacy is presently provided among the existing residential structures, and the proposed lot layout offers ample opportunity for privacy among any future structures.
4. Energy conservation/Access to renewable – Most of the land within the subdivision is on a south-to southwesterly-facing slope and is predominantly wooded with several pockets of existing cleared areas interspersed. As such, the property is well-suited to take advantage of solar gain for both passive & active solar heat as well as photovoltaics. Any new residential structures will be constructed to meet the most recent energy conservation standards, including the VT Residential Building Energy Standards. It is expected that LED lighting will be utilized along with energy-efficient heating system(s) and appliances.
5. Access and circulation – All four lots will be accessed via the existing private road, Mountain View Farm Lane. Michael A. Shepard and Erin R. Buckwalter’s lot will also continue to use the existing gravel driveway located within the right-of-way on lands of K. Birdsall providing access to Robert Young Road. The northern end of Mountain View Farm Lane presently transitions to a woods road that continues for more than 1.5 miles around the perimeter of Lots No. 2 & 3. The proposed subdivision is located on a Class 3 town road and the addition of two new lots is not expected to have an undue adverse impact on the condition, capacity, safety or function of either Mountain View Farm Lane or Robert Young Road. Given the large lot size and rural character of the property, pedestrian access within the proposed subdivision is not applicable to this project.
6. Infrastructure, utilities, facilities and services – Robert Young Road is currently maintained by the Town of Starksboro while the Mountain View Farm Lane private road that serves the properties will continue to be maintained by the landowners. Starksboro presently provides first responder and fire service to its residents and Mountain View Farm Lane will continue to provide accesses for these services. Utilities are currently located along Mountain View Farm Lane and are easily accessible to the proposed subdivision. To the extent feasible, all utilities will be constructed subsurface interior to the subdivision. Utilities have been brought in for phone and internet – power needs to be brought to the structure.

7. Lighting – Any new lighting will be typical of rural residential homes and will be designed and constructed so that exterior lighting is down-shielded to mitigate light trespass off the proposed parcels and therefore all new exterior lighting will be compliant with Section 314. Further, it is expected that lighting will utilize the most up-to-date and energy-efficient fixtures.
8. Recreation access – The proposed lots are large enough in size to provide adequate area for recreation (i.e. walking trails, garden areas, etc.) on each individual parcel. Therefore, no shared or common lands is being proposed as part of this project.

QUESTIONS:

- Is this a minor or major subdivision?
 - It is not considered major if the road isn't extended/improved. B. Campbell asked about EMS access. Technically right now Mike and Erin access via Birdsall ROW. Nate would be only one to access that way potentially in the future. No extension proposed now.
 - D. Nugent asked if the camp conversion would then trigger the major subdivision. Right now, the private road is serving the 2 existing homes and is not going to Lot 3. However, the third lot will be created. The current ROW is sufficient. The log road/driveway would not need to be brought up to private road standard unless Lot 3 were to be developed.
 - Any building on Lot 3 would be a conditional use application for the future.
- No road improvements will be done at this time. STRIKE the sentence "The first 600=-/ of road would be improved...." From description submitted with initial application.
- Boundary line adjustment will be from the center of the road.

Motion: Rob Liotard moved to accept the Shepards' plan as proposed. Arnell Paquette seconded the motion. **Vote:** 5/0 – Jon Fenner abstained.

The hearing on application 2018 DRB-05-SD concluded.

Interior lots – question about frontage – check with Dave about the formula of the road frontage – 310C new lots without road frontage
Just has to be access.

Make sure there is a 50ft set back from the road

If at some point they were to try to build there

Ben – so yrs down the road, or wants to put in a camp, road would have be widened – we created a lot – you can set back from no building

Disclosure for future meeting: The Snellings are clients of Ben Campbell.

Motion to adjourn: Ben moved to adjourn the meeting. Arnelle Paquette 2nd.

Vote: 6 yes, 0 no

Meeting adjourned at 9:00 p.m.

Next meeting:

Respectfully submitted,

Rebecca Elder

Approved: _____

Date: _____