Town of Starksboro
Development Review Board
Minutes (DRAFT)
April 23, 2026

Members Present: Ben Campbell, Evelyn Boardman, Rob Liotard, Tom Perry, Rich Warren

Members Not Present: Luke McCarthy, Arnell Paquette

Applicants Present: Alan Norris (via Zoom), Jason Barnard (via Zoom), Scott Baker

Visitors: Cecilia Elwer (via Zoom), Dennis Casey, Jennifer Lovett, Chip Lovett

Others Present: Stephen Rooney, Zoning Administrator

Minutes Prepared by: S.Rooney, draft issued 4/26/2026

Meeting called to order by Chair Ben Campbell at 6:33 pm

Changes to the Agenda:
None

Public Comment: None

Amendment of 2/26/2026 Minutes

Motion: R.Liotard made a motion to amend the approved minutes from 2/26/2026-Boss Kelly Hearing to add the following paragraph under Testimony:

"J.Barnard noted that Barnard & Gervais located the sand and gravel pit extents on the plan by surveying a couple of edges and by orthophoto tracing.
J.Barnard confirmed B.Campbell's stated assumption that they did not fully survey out the rim of the pit."

R.Warren seconded.

Vote: All in favor

3/26/2026 Minutes Review:

Motion:
R.Liotard moved to accept the 3/26/2026 minutes
E.Boardman seconded.
Vote: All in favor

Hearing #26-DRB-01 PUD Norris 9 Lot Subdivision Preliminary Plan Review Hearing

Chair B.Campbell opened the Hearing at 7:00pm

Participants were introduced and Sign-in Sheet distributed.
B.Campbell discussed visitor's options to be considered interested parties.

B.Campbell read the warning.

B.Campbell asked if there were any conflicts of interest or Ex parte communications. None were reported.

B.Campbell swore in the applicant and visitors wishing to provide testimony.

Testimony:

S.Baker reviewed the following:

The application, plans, project description, and read the narrative of review criteria along with the following topics:
The issued VTrans access permit, and the process, the improvements to the line of sight.
The agricultural soils, wetland bogs and flood areas, and the upland forest.
How the application responded to the ag soils section 354.C.
How the developed areas avoid the uplands forest per Section 354.D
How the design avoids the wildlife habitat areas noted in the State Wildlife Habitat map by developing in the zone that is not identified as a rated wildlife habitat zone.
How the development is located as designed to avoid more sensitive zones.
How the site soils are ideal for wastewater systems and stormwater treatment.

The following questions, comments, and testimony were provided during the reading of the review criteria:

J.Barnard noted that the state wastewater permit has been received.

R.Warren asked about the plan for the gravel pit located west of the gravel pit north of the development. J.Barnard noted that this gravel pit has not been used for 30-40 years and is now a pond. J.Lovett noted that it is now a beaver pond. S.Baker and A.Norris clarified the northern gravel pit is the pit to be reclaimed and done during the development of the first couple of houses to use some of the excavated materials as reclamation materials. R.Warren asked if the gravel pit would have any use afterwards. S.Baker and A.Norris noted the pit would just be reclaimed and not have any further use as a pit.

T.Perry asked how the view from the road, which he noted as "pristine" would be affected by the development, as this is a scenic corridor. S.Baker noted that rather than push the development back into the more sensitive forest areas, street trees would be added to the

development road drive, not to "hide" the development, but to soften the facades, and to add vegetation, as there is currently little vegetation to retain in this area.

R.Liotard asked if the soils that would be moved into the gravel pit would come out of the center shared lot. S.Baker noted that no soils are planned to be moved from the center lot, but from Lots 1 and 2 where the houses will be set into the slopes.

B.Campbell noted that there is a knoll north of Lots 1 and 2 that would be lowered to improve sight lines for VTrans.

E.Boardman asked about the development of Lot 8, as VTrans has granted access to Lot 8.

R.Liotard asked to confirm if the Lot 8 access drive will not be developed until the Lot is developed.

S.Baker and J.Barnard noted that Vtrans wanted access addressed to Lot 8 at the same time, but that no development is currently proposed for Lot 8.

T.Perry asked to confirm that Lot 8 might be developed in the future, but nothing is proposed now. S.Baker agreed and noted the applicant considers the Lot a deferred use lot.

B.Campbell asked visitors if they had any questions or comments.

J. Lovett noted that the beaver pond in the wetland north of the meadow is an active beaver site, with a very old beaver dam, which was classified by the VT Fish and Wildlife Dept in 2018 as a high convservation priority. She believes the pond is a Class I wetlands but noted it is not currently and the State is still in the process of updating their wetlands mapping. She requested the DRB consider adding protection for the pond. She described different flood events downstream from the pond, and expressed concern that if the dam were to fail that Rt. 17 and downstream properties would be in danger. She noted that the pond also retained water when other water sources in the area dried up during the past drought and provided water for wildlife during this period. She asked that the DRB consider expanding the 25ft buffer around this wetland and impose additional wildlife protections such as a ban on trapping or hunting around the pond to protect the beavers. She noted the benefits of retaining the beaver population. She noted that the field is a resting spot for migratory birds.

J.Barnard noted that the buffer for the Class II wetlands is 60ft (50ft plus 10ft to structures). He noted that the State wetland biologist Zapata Courage has been consulted and she has provided confirmation that a wetlands permit is not required for the project. He noted that boulders will be located along the wetlands delineation to demark the edge.

J.Lovett repeated her request to protect the beavers to avoid downstream flooding from a dam failure.

S.Baker asked if beaver dams fail. J.Lovett replied yes. S.Baker asked what happens. R.Warren noted that lots of water comes down. J.Barnard noted that the beaver dam could fail with or

without the development. S.Baker expressed his opinion that removing the dam and lowering the water level to protect life and property should be given priority over the beavers. J.Lovett noted that if water levels are dropped beavers will not return, and that a beaver receiver should be used instead, so that the pond can still mitigate storm damage.

B.Campbell then asked that S.Baker read thru the narrative responses to the review criteria.

E.Boardman asked about the applicant's request to modify the minimum lot size in Lot 6 to 2.16 acreas as allowed by 358.D, as the minimum ASRR lot size per 252.B is ½ acre. She asked if per 358.G the lots can only be 200% of the minimum lot size, how can the lots be greater than 1acre? S.Baker replied that he considered 358.G to apply to the minimum building envelope, and that the minimum lot size was actually ½ to 2 acres. B.Campell asked S.Rooney to provide some guidance on the question. S.Rooney read 358.G(1)(a), and noted that it states that it applies to the lot, not to the building envelope, and that the minimum lot size in the ASRR district is a range from ½ acre to 2 acres, so the largest lot size that can be allowed in a PUD in this district is 4acres. Therefore the 2.16 acre modification request would not be necessary. S.Rooney noted that this 4acre maximum applied to all the lots in the PUD except as allowed by 358.G(1)(3), which allows one residential lot to be associated with the open space if associated with working farm or forestland. S.Rooney noted that in his opinion, Lots 1-7 appear to comply with 358.G(1)(a), and Lot 9 might comply with 358.G(3), but Lot 8 did not appear to comply with either.

S.Baker replied that if 358.G(1)(a) applied to all the lots except the homestead lot, then many more lots would be needed, and if that were the case they might need to scrap the PUD approach, reduce Lot 6 to 2acres, and apply for a simple subdivision instead.

S.Rooney noted that per the bylaws in the ASRR district, a subdivision of more than 5 lots is required to be a PUD. (*S.Rooney note 4/26/2026: Section 254.A notes "more than 4 lots..").*

S.Rooney described an example of a compliant scenario where Lot 8 was reduced to 4 acres and the remaining acreage devoted to Lot 9.

S.Baker asked A.Norris about this scenario. A.Norris was not in favor of reducing Lot 8, as the current parcel configuration fits around the pond and makes more sense to keep together in one parcel. A.Norris asked why this was so complicated and asked if the Planning Commission had messed up here.

J.Barnard noted that that this was part of the difficulty in designing a PUD in Starksboro, and wondered if it wasn't the intent of a PUD to allow flexibility for some of these rules to potentially allow a waiver?

B.Campbell noted that in his opinion the PUD otherwise seems well designed, but the DRB needed to consider the regulations and together with the applicant try to work out the issues.

S.Carter agreed the applicant's goal was to comply to the extent possible, and that maybe a waiver might be considered if it provided a better alternative to strict compliance.

S.Rooney added that his suggestion was strictly an example, and that perhaps there was a way for a smaller Lot 8 to be granted access to the area devoted to Lot 9.

S.Baker noted that they also did not want to create an extra lot as 10 lots would require an ACT 250 review, so a reduced Lot 8 might be necessary.

R.Liotard noted another example might be to merge Lot 8 and 9 for now to avoid the issue for now as no development is currently proposed. S.Baker asked A.Norris if that made sense, A.Norris noted that might need to be done, but he still thought the current configuration made more sense.

B.Campbell noted that the application of the current regulations was complicating approval of the proposed lot layout, but as no future development was currently proposed on either lot, that an adjustment of Lot 8 and 9 into one lot might be necessary and the simplest way to allow the application to move forward. A.Norris agreed and asked if that solved all the issues.

T.Perry and S.Rooney commented that the board should not be holding the applicant to a specific solution at this time. B.Campbell agreed but noted that the applicant did need to come up with a solution to meet the requirement of one large parcel with others under 4acres.

S.Carter agreed and proposed that the hearing condition be worded to indicate the need for compliance without determining a solution. A.Norris noted that he also did not want to spend more to redesign the solution if the board could see a way to approve the current design.

T.Perry asked if further subdivision of the PUD is allowed. S.Rooney noted that you can't further subdivide the open space, but you can further subdivide what remains outside of that.

T.Perry noted that he hoped whatever decision the board came to that it did not box the applicant or the board into a situation that couldn't be resolved. B.Campbell agreed that for any issues that are questionable the board's conditions should simply require compliance to allow for resolution.

J.Barnard noted that he did not believe that the regulations required the open space to be 60% of the entire parcel, as the language does not specifically say the entire parcel, even though that may be how it has been viewed, and that when he was on the planning commission he doesn't believe that's how the regulations were written.

D.Casey stated that the PUD was not the entire parcel, only the land that is being used for the lots. He said there is no way the Planning Commission wrote regulations that required that 60% of the total acreage parcel needed to be set-aside, and that was ludacrious and ridiculous, and that no one would do that. He noted that might be the way S.Rooney interpreted it, but that was not the way it is. He said he would need to understand the homestead lot rule better and wasn't sure if A.Norris and J.Barnard were disputing S.Rooney's interpretation of that as well.

B.Campbell added that when D.Casey separates the term development from the PUD, that development as noted in the regulations is the entire parcel, and that's what makes the issue

ambiguous. Dennis stated that was the way the board interpreted it, but that is not the way it is, and that's not what it says in the regulations.

S.Carter stated in his review of Section 350, he noted the term "subdivision" and "land development" being distinguished separately and not interchangeably even within the same paragraph and that he believes the term "development site" in Section 358.H(2) is meant to be interpreted differently than the entire parcel. He cited 358.B where it is noted that land development within the PUD is distinguished separately from the entire PUD, and section 331.D where he believes "development site" does not refer to the entire subdivision. He believes the regulations separate the concept of the area to be developed from the area to be subdivided, and that "development site" and "subdivision" are not use interchangeably in the regulations.

B.Campbell asked if there were further board or visitor questions.

R.Warren asked S.Rooney if there was a size restriction on the open space. S.Rooney said no and noted that 358.G(3) states "one residential lot may be created as the "homestead lot" for the open space parcel." He noted that other than this lot, there is only one other lot size requirement described in Section 358.G.

T.Perry asked for further clarification of the lot sizes in 358.G versus the standard ASRR lot sizes, and these sections were further discussed by the group.

R.Liotard asked to clarify the applicant's request for a modification of the 2 acre minimum lot size in the ASRR, and S.Rooney reiterated that in a PUD application the 2 acre ASRR is allowed to be increased to 4 acres so the modification request is unnecessary.

S.Carter noted State Wetlands biologist Zapata Courage's email noted that no wetlands permit was required. S.Rooney noted that this email was not in the current exhibits and made a copy to insert into the exhibits.

R.Warren asked about the number of building rights, S.Carter reviewed the building rights calculation included in the application and noted that this calculation provides evidence that the applicant is not trying to develop the total building rights allowed.

T.Perry asked to clarify the district boundaries on the parcel; S.Carter reviewed these boundaries.

B.Campbell asked about the status of the shared drive agreement. S.Carter noted that per the regulations this would be provided for the final application.

T.Perry asked for clarification on the term "simple disconnect" with respect to storm water management and the type of vegetation used in these areas. S.Carter and J.Barnard reviewed that compliance concept and the allowed vegetation versus constructed storm water management trenches, ponds, and other features.

S.Carter noted that a stormwater management plan had been provided. S.Rooney noted that this had been discussed prior to the hearing to comply with the regulations requirement that a plan be

provided once the site exceeds 10,000sf of new impervious. S.Carter and J.Barnard noted that the plan had been completed, but it may have been overlooked in transmittal and that would be confirmed and sent if not.

R.Warren asked if street trees on the new drive would be located on the outside or inside of the curve. S.Carter noted his preference of the inside of the curve, but that this would be looked at along with species and spacing.

T.Perry asked how the applicant intended to develop the parcels. A.Norris noted that most might be sold only as lots for owners to build as they wish, but he might also build one himself to sell. He might include some building design restrictions in the sale, or not. D.Casey asked if the regulations required the developer to disclose how the lots would be developed, and if the DRB could require the developer to sell them in some particular way. B.Campbell stated that was an extreme condition that he would not support. S.Rooney noted that the DRB could only add conditions that support the bylaws, and the bylaws do require the applicant to address phasing. T. Perry clarified that he asked the question to clarify why house details such as lighting were being discussed at this point when the land subdivision was the level of detail being currently reviewed. R.Warren noted that lighting was required to be reviewed during this phase of development by the regulations. There was general group concurrance that detailed house design was not under review in this process.

E.Boardman asked if required 100ft road frontage also needed to be a modification request, based on the review comments by S.Rooney provided in the Exhibits. S.Rooney clarified that the discussion in the exhibits was in regards to road setbacks, and although this dimension was not consistently labelled, the setbacks appeared compliant and were confirmed by the applicant in their response. S.Carter referred to the plans and confirmed the setbacks.

T.Perry asked for clarification of monumentation, S.Carter provided technical definitions.

S.Rooney noted that there are two lots without a building envelope required by Section 358.G(1)(b), and that waivers have been granted by the DRB if no development is currently proposed on the lot. S.Carter requested that the waivers be granted as part of the hearing, and noted that the restriction on development on these lots is also required in the state wastewater permit.

J.Lovett asked about the process moving forward, and if people could still submit emails comments or questions. S.Rooney described the process the DRB would follow to allow the applicant to file their final plan review application, and that further testimony is allowed. T.Perry noted that if folks had suggestions for improving the application it would be helpful to share them with the board. J.Lovett asked for confirmation that the board was reviewing the written testimony received to date, and B.Campbell replied in the affirmative.

E.Boardman asked about S.Rooney's question to Barnard & Gervais in the exhibits regarding steep slopes on some of the lots and whether conditional use review would be required. J.Barnard noted that the preliminary grading indicated that some of the lots may require conditional review, but if this was found necessary after the actual house is designed, this would

be done by the lot owner during the zoning permit review process. S.Rooney agreed that this was the proper sequence of review.

Motion:
B.Campbell moved that the application materials be accepted as meeting the criteria under Section 427 and Section 358 appropriate to conduct the Conditional Use Review Hearing. S.Rooney provided clarification that this motion is not an approval of the application, only that the application is complete and appropriate for the hearing. J.Barnard asked if the process was for the preliminary hearing to be closed and moved forward to final. S.Rooney replied yes, the hearing would be closed like any other hearing. R.Warren seconded the motion.
Vote: All in favor.

R.Warren offered another example of a potential compliant subdivision process where Lot 8 was subdivided off from the current parcel, and then the remaining area developed under the current PUD layout under a later application.

J.Lovett and Chip Lovett left the meeting.

B.Campbell read the exhibit list. S.Rooney noted the state wetlands email should be added to the list. There was a discussion of what was intended in the body of the email. J.Barnard and S.Baker note that there was more in the email chain, and that the email was in reference to her review of the application and finding there was no wetland permit required. S.Baker noted that the application would clarify this for the final plan review. The wetlands email would be entered as exhibit AA.

S.Rooney referred to Charlotte Sullivan's letter in the exhibits, and his previous responses, and asked if the applicant had any comments or further responses. J.Barnard noted that A.Norris had left the meeting. J.Barnard noted that he had reviewed the letter, and that the flood hazard area is not a concern due to the elevation change and distance to the development, and that the applicant was not going to wait for FEMA to finish remapping the area. J.Barnard and S.Baker noted that the wildlife and wetlands questions had been addressed in the application and testimony.

R.Warren asked if Lots 1 and 2 would contribute the greater amount of the material used to fill in the gravel pit. J.Barnard noted there was no calculation done, but that relatively speaking this is likely true. R.Warren asked if it was allowable to cut material and build a lower platform with it and build on that, or does it need to be compacted. J.Barnard noted that foundations should be set on undisturbed native material.

B.Campbell noted that the 60% open space issue still needed to be resolved by the DRB. J.Barnard repeated that he was on the Planning Commission at the time this section was written and that he did not believe applying the 60% open space calculation to the entire parcel was their intent. D.Casey agreed that no one would write a regulation like that. S.Baker provided B.Campbelll with his analysis of the intent of the "development site' language, which B.Campbell noted that the DRB would review.

D.Casey stated that if it was the DRB's intent to waste land or make sure the least amount of development happened, then that's what they should do, but that's not what the regulations say, and the DRB can get an opinion from whomever, but that's not what the regulation say.

S.Carter noted that it would be inappropriate for the DRB to interpret "development site" as meaning the same as "area to be subdivided", when the two terms are not used interchangeably elsewhere in the language.

T.Perry asked how the applicant would define the development site. S.Carter said it was an open question and that the bylaws could be read to mean the area of the building envelopes, not the lots to be developed.

T.Perry asked about how the 60% open space applied to the entire parcel would differ from the same percentage applied to the total of developed area, and which was more applicable to the intent of the PUD to conserve the land normally allotted to each home in a standard subdivision. S.Carter noted that applying it to the whole parcel might be warranted if a full build out was proposed, but when only a portion of the building rights were proposed to be used, applying 60% to the entire parcel did not make sense. S.Carter noted in his opinion that the question was more appropriate for the Planning Commission, and that the DRB should not be making this applicant bear the burden of addressing this ambiguity. B.Campbell asked that some respect be given the DRB while they worked through how to address this issue.

R.Warren noted that if the applicant was using the total of building envelopes as the "development site", that the definition of land development on page 5-8 of the regulations included activity outside of the envelopes, so that might not be an appropriate interpretation.

J.Barnard repeated that the rest of the site is not being developed and is therefore not part of the development site. R.Warren agreed that the activities listed in the definition are not occurring on the remainder of the site.

B.Campbell noted that the group seemed to agree that there is an issue with interpretation and definitions, and it needed to be resolved.

J.Barnard noted that although there may have been a subsequent amendment of the regulations, he did not recall being asked to approve of requiring 60% of the entire parcel remain open. D.Casey said that would never happen and that interpretation is wrong. T.Perry noted an example that of a 2000acre PUD with 6 homes being required to set aside 1200 acres, and that did not seem to make sense. J.Barnard said that interpretation would drive him to recommend to the applicant to fully develop out the building rights in order to justify setting aside 60% of the whole parcel. B.Campbell noted that it may require the DRB go to the Planning Commission to clarify the issue

S.Rooney provided a history of his initial review of the issue upon receipt of the application, and his discussions with the Town's zoning consultant, who provided a white paper on why the development site in 358.H(2) should be taken to mean the entire parcel. He then checked in the zoning ordinances of the surrounding towns, and interpreted their bylaws to intend that open

space is determined as a percentage of the entire parcel as well. He provided this information to the DRB, and noted that it was an issue that needed to be resolved.

D.Casey noted that the DRB only needed to go by what is written in their regulations and it doesn't matter what is written in other towns, and that he didn't care what the zoning consultant said. He said it appeared to him that the ZA and the DRB were searching for ways to limit development. S.Rooney took exception to the assignment of intent, and noted his only intent was to be sure the DRB or the applicant avoided legal issues with whatever decision was made, and that he would support either interpretation the DRB decided to move forward with.

S.Carter reiterated his interpretation of development site as the portion of the lot being developed versus the entire parcel, and his agreement that the PUD should be considered to mean the entire subdivision. He expressed his opinion that the ambiguity should be resolved in favor of the applicant. S.Rooney agreed and noted that he recalled that this may be a requirement that needed to be confirmed.

B.Campbell noted that the DRB members are citizens who are not development experts, and that this one of the first PUDs they've reviewed, and that they are learning here as well and unfortunately the applicant is involved in this learning process. He noted that he is not trying to limit development, and if D.Casey felt that way that was not true.

R.Warren asked of whomever is providing definitions that a definition of development site be provided. D.Casey noted that to him it is clear. T.Perry asked how the DRB would know what the area of the development site would be under D.Casey's interpretation. D.Casey said he didn't know what that area was, but he knew it wasn't 60% of the entire parcel. B.Campbell asked if D.Casey considered his testimony to be his personal opinion or that of the entire Planning Commission. D.Casey said it was both.

R.Warren asked if D.Casey objected to providing a clear definition of development site. D.Casey did not object, but noted that the ZA has provided a list of 70 or more issues that are unclear in the regulations, and maybe nothing is clear in the regulations.

B.Campbell noted it was the DRB's job to apply the regulations to applications and that it should be expected that they need assistance when there are ambiguities. D.Casey said that meant that when the DRB didn't understand something, then the application should be denied until the regulations are clarified. B.Campbell said that expectation was extreme, and that he was only proposing to work with the Planning Commission to resolve some of these issues. D.Casey said they could resolve the issue, then the next ZA could come in and question everything all over. T.Perry said that was all part of dealing with these issues, and that where there was confusion in this process, it was part of the process to resolve the confusion.

D.Casey asked about the DRB's rules for going into deliberation, and if the Board would deliberate in "secret". B.Campbell noted it was an option that the board had to decide. D.Casey asked if the ZA participated in the deliberation. B.Campbell said no. D.Casey noted that when he was on the DRB they never voted in "secret", and that it was important for transparency that the Board deliberate in public, so the public can understand what needs to be fixed and what is

going on, and where the bus is headed, and that he wants the Board to deliberate in public. B.Campbell noted that there were advantages to members' schedules offered by the closed session option that also needed to be taken into account.
S.Rooney reviewed the requirements of the recently adopted DRB rules for going into closed or open deliberations. The adopted rules require a majority to go into closed session, or a unanimous vote to remain in open session.

B.Campbell asked if S.Carter had any closing thoughts. S.Carter offered an apology if the temperature of the discussion was raised and appreciated the volunteer efforts of the board and the thorough discussion.

Motion:
R.Warren moved to close the hearing at 10:10pm. R.Liotard seconded.
Vote: All in favor.

A discussion of the pros and cons and whether to proceed with an open deliberation versus a closed deliberation took place, and a review of the calendar was conducted to determine which approach could be accommodated. S.Rooney noted the board had 45 days, until June 7th ,to issue a preliminary determination. S.Rooney clarified that he attends the deliberative session as the DRB clerk to record the outcomes, but does not participate in the deliberation.

Motion:
B.Campbell made a motion to go into closed deliberative session. E.Boardman seconded.

Vote:
All but T.Perry voted yes. T.Perry opposed. A 4-1 vote as a majority meant the motion passed.

D.Casey asked if this vote meant every deliberation would be closed. R.Liotard said no, it was being done in this case to deal with the scheduling difficulties and the need to issue the determination before the 45 days expired.

D.Casey and S.Carter left the meeting.

The Board set a date of Friday, April 24th to hold the closed deliberative session. S.Rooney noted he would not be in attendance.

Motion:
E.Boardman made a motion to adjourn at 10:37pm. B.Campbell seconded.
Vote: All in favor.