

Town of Starksboro
Development Review Board
Minutes (DRAFT)
May 28, 2026

Members Present: Ben Campbell (Chair) Evelyn Boardman (Vice Chair), Tom Perry, Arnell Paquette, Rich Warren, Luke McCarthy

Members Not Present: Rob Liotard

Others Present: Stephen Rooney, Zoning Administrator

Minutes prepared by S.Rooney on 5/29/26.

Meeting called to order by Chair Ben Campbell at 6:30 pm

Changes to the Agenda: None

Public Comments: None

Minutes Review:

Motion:

L.McCarthy moved to accept the 5/14/26 minutes as amended by comments sent out to the DRB last week by email from R.Liotard. E.Boardman seconded

Vote: All in favor

Hearing #26-DRB-02WVR-Thompson Waiver Hearing.

Applicants Present: Bradley and Alexandra Thompson

Visitors Present: Lexy Thompson, Kevin Moyer

B.Campbell opened the hearing at 6:40pm.

Introductions were made and the Interested Parties and Visitors Sign-in Sheet was distributed.

B.Campbell read the warning. S.Rooney noted that the warning contained an error in the second sentence, the sentence should read “The proposed waiver is on property in the ASRR district”.

B.Campbell swore in applicants and visitors.

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

Hearing Testimony:

B.Thompson briefly reviewed the waiver request to build a garage addition into the set-aside area on the property.

B.Campbell read the exhibit list. L.McCarthy asked about the origin of Exhibit K. S.Rooney noted it was a diagram of a suggestion provided to the applicant via his email correspondence with them.

B.Campbell asked if building the addition on the west side of the garage was feasible. B.Thompson replied that grade dropped away on that side and would require more fill, and they wished to screen the new addition and the business use from the road and the public eye by placing it on the east side.

L.McCarthy asked why they did not decide to modify the set-aside boundary similar to S.Rooney's suggestion instead of the waiver. B.Thompson said the survey and amended plat would cost \$5,000-\$7,000, which was equal to the cost of the addition.

B.Campbell asked S.Rooney if a stamped survey was required. S.Rooney's opinion was that it would be an amendment to a plat, so to be officially recorded in the land records it would need to be official. S.Rooney noted that even with a waiver a drawing would need to be created to record the waiver in the land records.

B.Thompson noted that if cost were not an issue they would prefer to modify the building envelope, as the current one-acre envelope includes the front and side yard setbacks, so the net building area is only approx. 0.67 acres. He noted that current building envelopes would not be created in the setback zone. S.Rooney concurred and noted that the term "building envelope" in the plat was confusing as the area was really intended to show what area remained outside the set-aside zone.

B.Campbell noted the potential difficulty with the board setting a precedent for granting a waiver in a set-aside and wondered if for the cost of recording the waiver it might be worth the expense to modify the set-aside to provide more building area around the existing structures.

T.Perry asked if the applicant had looked for other surveying quotes. B.Thompson said no, and he and A.Thompson stated they would likely not proceed with the project with this added cost, as the cost to benefit did not make sense.

T.Perry asked if a smaller addition that complied would work. B.Thompson said it would be too small for their purpose.

B.Campbell asked how the set-aside line was determined. B.Thompson stated that Jason Barnard's crew had come out and surveyed the line location for \$300.

R.Warren asked when the lot was created. A.Thompson noted 2009. R.Warren asked if what the bylaws required of building envelopes at the time. S.Rooney noted that building envelopes were not used or required in the bylaw of that time. S.Rooney noted that the set-aside area in the plat was created two subdivision prior to this subdivision, and that the total set-aside area from the original subdivision had been maintained through each subsequent subdivision. R.Warren asked how much area had to be conserved on this parcel. S.Rooney noted that 4acres was set-aside and 1 acre was left for a building area.

R.Warren and S.Rooney discussed the option of adjusting the set-aside boundary to enclose and include the front and north side-yard setback and moving the building area as needed accordingly.

B.Campbell requested that the applicant review the waiver criteria in their application. B.Thompson read the prepared responses in the application.

E.Boardman asked if the current bylaw use of building rights vs. set-asides could be applied to this case. S.Rooney was not sure but noted that the set-aside was proscribed in a DRB decision and was perpetuated through two subsequent DRB decisions.

A.Paquette asked if the addition was an open lean-to. B.Thompson clarified that it would be enclosed storage/office space.

T.Perry asked if the applicant had looked for other ways the past bylaw differed from the current bylaw to see if there was any avenue for relief to be found. The applicant state they felt they had exhausted the options that they could see.

L.Thompson asked if another similar case had come before the board and what was the decision? S.Rooney did not know, nor did the board. A.Thompson had found waivers granted for setback issues, and L.Thompson noted the S.Starksboro fire station waiver of the setback. L.McCarthy noted that those were normal setback waivers that have a defined process; this is an encroachment on a set-aside area. S.Rooney agreed and noted that the set-aside was maintained through three DRB decisions, so it could be considered a critical condition, and that courts had frowned upon DRB's over-riding past critical conditions.

S.Rooney noted that creating an adjusted set-aside would likely incur design time from the surveyor as well as field and drafting time in order to come up with a compliant solution that the DRB could approve. B.Campbell weighed the pros and cons of the cost of the set-aside adjustment versus the cost of drawing up the waiver.

S.Rooney noted that it appeared from aerial photos that the applicant might also need more room for parking and other existing development on the site. B.Thompson noted that he thought the set-aside was restricted for anything above grade, and that he wasn't sure the term "conservation" necessarily applied to the set-aside. S.Rooney noted that the previous by-law defines the set-aside as "development restricted", but that the original decision had also allowed an engineered septic system to be placed in the set-aside.

B.Campbell asked if the board was in favor unofficially as a straw vote. A.Paquette noted she would be in favor. R.Warren stated he did not feel comfortable discussing outside of a deliberation. L.McCarthy noted he was in favor as the setbacks in the remaining building area could be considered “set-aside” land, and that granting this waiver in this special case might not set a precedent. T.Perry was in favor of the waiver but wanted the rationale to be carefully documented to avoid setting a precedent for a different application.

R.Warren asked S.Rooney if the DRB was allowed to grant this waiver by the bylaws. S.Rooney read the waiver restrictions and allowances in Section 423.A, and the group did not find language preventing this waiver request in that section.

A.Paquette asked if there was any waiver restrictions in the Home Business section. S.Rooney replied no.

S.Rooney noted that if this had been a setback waiver he would have referred it to the DRB as a waiver, but as it was a waiver from a set-aside, so he did not feel he had the authority to refer this to the DRB in that fashion, nor might the DRB feel they had the authority to grant it if they felt the set-aside was important, which is why he suggested to the applicant the idea of modifying the set-aside to remain compliant with the earlier decision.

T.Perry pondered if the Board might consider the original “building envelope” flawed when viewed under the current bylaws due to the inclusion of the setback areas as the rationale for granting the waiver.

B.Campbell asked for a motion to determine if the waiver application was complete for the purpose of conducting the hearing. S.Rooney noted that the applicant had stated that they did not feel it was necessary to provide support letters from abutters as required in Section 423, as this was not a setback waiver. S.Rooney noted that he considered encroachment on the set-aside as an abutter issue, but that the applicant was free to ask the DRB about this. A.Thompson noted that they had gone to the abutters and received support letters and provided them to the Board. They were entered into the Exhibit List under Exhibit L.

Motion: L.McCarthy moved to accept the application as complete. A.Paquette seconded.

Vote: All in favor

Motion: B.Campbell moved to close the hearing at 7:27pm. L.McCarthy seconded.

Vote: All in favor.

Motion: B.Campbell moved to deliberate in closed session. A.Paquette seconded.

Vote: All in favor

The group discussed resuming the open deliberations for the 26-DRB-02SD Boss-Kelly final plan review from the 5/14/26 date, but held off to have it during the time noted for deliberations on the agenda.

Hearing #26-DRB-04SDA/04CU-Hammerbeam Holdings, LLC.

Applicants Present: Kevin Moyer, Scott Baker (Agent).

Visitors Present: Lexy Thompson, Jenny Austgen, Kevin Kelley, Bill Norland

B.Campbell opened the hearing at 7:40pm.

Introductions were made and the Interested Parties and Visitors Sign-in Sheet was distributed.

B.Campbell read the warning. S.Rooney noted that the warning contained an error in the second sentence, the sentence should read “The proposed subdivision amendment and conditional use review is for property in the LDRC, ASRR, FC, and HDRC districts.

B.Campbell swore in applicants and visitors.

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

Hearing Testimony:

S.Baker reviewed the site plan, noting the existing drive and shed located on a low slope area closer to the original building location on the original plat, with a new extended drive slabbing the steeper slope to the west over to a new house site where the forest opened up on lower sloped land. He described how the new house and drive were benched into the existing grade with a walk-out basement to limit cut and fill heights, with approx. 4-5 feet of max. fill and 1-3 feet of maximum cut.

K.Moyer described his process of buying the land, and wanting to build the house further from Rt. 17 noise and have more visual privacy from road, and to be further from the eastern wetlands on the lot.

B.Campbell asked for questions from visitor.

B.Norland stated he was an abutter to the southwest, and that he approved of the original subdivision at the time as the house location on the plan for Lot 1 was further to the east, hidden in the woods. He objected to the new house location closer to his residence out in the open field and would have opposed the original subdivision with the house in this location. He feels there is adequate room to place the home as designed in the originally approved house location.

K.Kelley stated that he was an abutter to the north and opposed the new location of the house as it would place the house out of the woods and directly into his main view’s line-of-sight, with the top floor and roof being plainly visible. He noted concern over the affect on the value of his property, and felt the original location would provide the same site features as the proposed.

L.Thompson asked S.Rooney if the building envelope had ever moved from the original location on Kevin Moyer's lot. S.Rooney said no, the application was a proposed amendment to the envelope location. L.Thompson said the house location on the original approval was further to the east and might be encroaching on the wetlands, and was not a the location of the existing shed, and that she preferred the new location further from the wetlands. She felt the issues with slopes had been addressed. She noted the subdivision approval did not stipulate if houses had to be interior or exterior to treelines, and that there was no restriction on the removal of trees. She objected to K.Kelley's concerns about viewshed and locating a house in a location other than approved, as K.Kelley had to get an after-the-fact approval to move his house from its permitted location. She did not think that current subdivision owner's should object to the new applicant's proposal.

K.Kelley stated that he and Bill Norland had nothing to do with her building a pond in a wetland and then having to fill it in.

J.Austgen stated she was an abutter to the north and was in favor of the new house location, and although she would have the greatest visual impact, she felt it was an appropriate and good use of the land.

S.Baker responded that the house would be located below the main view of the Kelley's and not level with it. He felt that the new house location provided better spacing for the structure and the future ADU given the available area and the low-density nature of the district.

B.Campbell then asked the applicant to read through their responses to the review criteria provided with the application. S.Baker read the prepared responses.

L.McCarthy asked why the building envelope was 2.2acres, when the bylaw noted a 2acre maximum. S.Baker reviewed the perimeter site constraints (setbacks, offsets from septic and wetlands) that determined the envelope boundaries.

T.Perry asked about the original location of the house. S.Baker noted that original location was not well defined and should not be a basis for determining where the actual house location should be allowed. K.Moyer assisted T.Perry is locating the house site on the original plat. J.Austgen noted that K.Kelly built his house away from its approved location into a location that she now sees.

K.Moyer stated it was a false claim by K.Kelley that he cannot see houses from his view, and that he believed there are 8 houses that are visible from K.Kelley's location.

K.Kelley repeated that the house has moved from in the woods, to out into the open directly into his view. He asked the applicant to provide the rationale for why he needed to move the location.

K.Moyer responded his intent to was to get further from Rt. 17 for visual, auditory and safety reasons.

K.Kelley said he didn't think the noise from the road would improve. He said he relocated his house as the original location indicated did not provide an adequate sized area. He stated that had he built his house 60ft away from the current location, where the original survey indicated, it would still have been visible from J.Austgen's property, but that K.Moyer's move would have a significant impact on his view.

T.Perry asked about the gravel pad and other existing features on the site. K.Moyer noted they were all placed by the original owner. S.Rooney noted that the original owner had applied for a RV parking permit on the lot.

S.Baker noted that the extension of the existing driveway is approx. 100ft. and did not consider this to be a big shift. He also noted the location of the original house box shown in the approved plat is in a location that doesn't provide adequate room for the intended development.

S.Baker clarified for E.Boardman the grading done to provide adequate cover over the sewer line.

T.Perry noted that the new house site appeared to be on the edge of the existing treeline, and not out in the middle of the field. K. Moyer agreed. K.Moyer noted he was attempting to leave existing trees wherever possible given construction and safety concerns.

K.Moyer clarified the septic layout, and J.Austgen's septic easement on K.Moyer's property for R.Warren.

S.Baker reviewed the location of the steep grades at 20% for R.Warren.

B.Campbell read the exhibit list.

Motion: E.Boardman moved that the application materials were complete and met the criteria for the conditional use and subdivision amendment hearing. L.McCarthy seconded.

T.Perry asked to clarify that the subdivision amendment concerned moving the house site. S.Rooney confirmed.

Vote: All in favor.

Motion: B.Campbell moved to close the hearing at 8:41pm. E.Boardman seconded.

Vote: All in favor.

Motion: L.McCarthy moved hold the deliberative session for this hearing in closed session.

A. Paquette seconded.

Vote: All in favor

Motion: E.Boardman moved to go into the continued open deliberative session for application 26-DRB-02SD Boss-Kelly. L.McCarthy seconded.

Vote: All in favor

Open Deliberative Session: The board went into open deliberative session for application 26-DRB-02SD Boss-Kelly at 8:44pm.

S.Rooney clarified the Exhibit F and H changes to updated drawings S-1 and S-3 provided during the hearing.

S.Rooney noted a typo under Decisions and Conditions to correct a plural to a singular.

S.Rooney noted that the amendment to the wastewater permit had not been received so it had been made a condition of issuing the zoning permit, which is typical.

S.Rooney noted there were findings and conclusion language still provided in reference to the gravel pit that should be reviewed. L.McCarthy questioned if the DRB had found it to be not relevant to the application if it needed to be mentioned. S.Rooney noted it had been deliberated at length, so it might be good to leave it in to put it bed officially.

Some discussion by the group was had as to whether conclusions and findings could state the applicant “should”, while the final condition or determination stated they “shall”. The decision was left in this state.

L.McCarthy questioned why condition 2 did not require a zoning permit for development on Lot 6. S.Rooney noted that no development was proposed on Lot 6.

Some discussion followed by the group over the general condition number 4, and how broad the statement should be about following applicable regulations.

R.Warren asked about whether the term Parcel 10431 should say Parcel ID 10431. S.Rooney noted that this was the common reference in all decisions.

Motion: L.McCarthy voted to approve the decision draft as amended. A.Paquette seconded.

Vote: All in favor

Motion: A.Paquette moved to close the open deliberation at 8:58pm. L.McCarthy seconded.

Vote: All in favor

Closed Deliberative Session: The meeting moved into a continuance of the closed deliberative session for application 26-DRB-01PUD Norris.

Motion: B.Campbell moved to adjourn at 9:40pm, E.Boardman seconded.

Vote: All in favor.