

Town of Starksboro Development Review Board
NOTICE OF FINDINGS OF FACT AND CONCLUSIONS OF LAW - DECISION
In re: Application No. 23-500, site plan review of parcel #TOWN 27

INTRODUCTION AND PROCEDURAL HISTORY

1. **Application #23-500** seeking site plan review was submitted by the Town of Starksboro (applicant) pursuant to the Town of Starksboro Land Use and Development Regulations, adopted in 2020.
2. The site plan (SP) application was received by the Town of Starksboro staff on May 1, 2023. A copy of the application and site plan are available at the Starksboro Municipal Office.
3. Public notice requirements for application **#23-500** were completed as required in chapter #400 and evidenced in exhibit D. This includes a warning in the Addison Independent, required postings, notice to abutting property owners, and owner/applicant.
4. The site plan was considered by the Development Review Board (DRB) at a public hearing on May 11, 2023. The hearing closed on the same date.
5. The following members of the DRB attended the hearings:
 - a. Dan Nugent (chair), Ben Campbell, Arnell Paquette, Robert Liotard, Evelyn Boardman, and Luke McCarthy.
6. Pursuant to 24 V.S.A. § 4465(b), a record of the name and address of persons participating at the hearing is part of the hearing record. The following persons are in that record: Koran Cousino, Carin McCarthy, Nancy Boss (ZA), Rebecca Elder (TA)
7. During the hearing the following exhibits were submitted to the DRB in support of the application:
Exhibits A – F : These exhibits are available at: Starksboro Municipal Office, Zoning Records.
 - A. Application
 - B. Public Notice
 - C. Site plan review responses
 - D. Site plan sketch

FINDINGS - Based on the application, testimony, exhibits, and other evidence presented, the DRB makes the following findings:

1. The Town of Starksboro requested a site plan review for property located at 2849 Vermont Route 116. The property is more fully described in deeds in the Starksboro Land Records. Tax map ID and parcel ID Town 27.
2. The Town 27 property is in the High Density Residential and Commercial (HDRC) district as described on the Starksboro Land Use Map on record at the Town of Starksboro Municipal Office, and in Sec. 202 of the Starksboro Land Use and Development Regulations (SLUDR).
3. Prior to the hearing and pursuant to section 426.B, the applicant spoke with Zoning Administrator Rebecca Elder to discuss application requirements, review process and site plan and waiver standards. The ZA determined that the site plan would be reviewed pursuant to Sec. 424.
4. Application #23-500 proposes land development on parcel Town 27 for potential uses of the new town pavilion (zoning permit 21-12).
5. Based on the density factor (section 211) the proposed land development is allowed.
6. **Sec. 424** - The applicant shall demonstrate to the Development Review Board (DRB) that the project conforms to the review criteria listed in Section 424D. The following reflects the applicant's responses via testimony and exhibits:
 - (1) **Siting and Design.**
 - (2) **Vehicular Traffic and Circulation.** Any event or activity would primarily make use of the existing municipal lots. Traffic enters from Route 116 and cars drive into either the lower lot by the town clerk's office or the upper lot for commuters. Depending on the time of day and day of the week, traffic conflicts will need to be identified to ensure that flow to the preschool continues as needed and that the Addison County public transport bus can enter/exit for its regular stops. There is an EV charging station with spaces provided.
 - (3) **Pedestrian Traffic and Circulation.** Because the parking exists, the pedestrian traffic would follow the current flow from the municipal office and commuter lot to the garden area and commuter waiting shed. As further improvements can be made when funds are available, the

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town hopes to create better, clear walking paths and additional landscaping to enhance the natural area.

- (4) **Parking.** Any event or activity would make use of the existing municipal lots. See #2 above.
- (5) **Stormwater and Snow Storage.**
 - a. The pavilion does not generate any additional impact on the existing systems within the parking lot areas associated with the existing town building and commuter lot. The site was chosen to minimize impact on drainage.
 - b. No additional snow storage will be required beyond shoveling the immediate area beneath the pavilion if there were a winter use desired (rare). The roof pitch was reviewed by the Community Garden coordinator to ensure that the roof will not cause shadow on the garden plots.
 - c. Drainage has already been addressed and a retention wall has been established to support the natural landscape and appropriate water removal from the site.
- (6) **Lighting.** The water and electrical work to serve the pavilion has been completed. Lighting will be minimal, down-shielded, and on motion-sensors to minimize impact on neighbors. Uses will generally be associated with a time-limited event.
- (7) **Signs.** No signage is requested at this time beyond allowance for a small identifying sign if needed.
- (8) **Landscaping.** The stone wall provides a natural retention wall, as well as concealing electrical conduit. The location offers the best solar capture opportunity, which will generate electricity for the neighboring town buildings if funding to place solar on the roof are completed. AC Regional planning offered to help create a landscape plan to complement the future parking lot improvements (to improve drainage, reduce impervious surface and address traffic flow improvements).
- (9) **Energy Conservation.** Electricity is available at the site. It is intended for occasional use for approved events. Little use or impact is expected and the future solar roof potential is anticipated.

CONCLUSIONS- the DRB concludes the following:

- 1. Section 211 - The proposed land uses comply with the required standards as described in the Use Table.
- 2. Prior to any further land development or change of use, the owner(s) of the lot shall have received an approved zoning permit or development review board approval as required by the SLUDR.

DECISION AND CONDITIONS

Based on the standards and criteria referenced in the Starksboro Land Use Development Regulations, the applicant (Town of Starksboro) demonstrated that the site plan for uses of the town pavilion on parcel # Town 27 comply with the review criteria outlined 426.E. Therefore, the **Starksboro DRB APPROVES the Site Plan request on application #23-500 for public and private uses of the Town Pavilion on said parcel subject to the conditions outlined below.**

The Site Plan approval shall be subject to the following conditions:

- 1. All land development will comply with the standards for the High Density Residential & Commercial district as outlined in Sec. 223.
- 2. Per Sec. 321 Noise, the use of the pavilion and surrounding area shall be limited to the hours of 7 a.m. to 9 p.m. Sound produced by use of the pavilion shall be compliant with the bylaws.
- 3. All future lighting shall be typical of rural residential communities and shall be designed and constructed so that exterior lighting is down-shielded and compliant with Sec. 314.
- 4. The pavilion space shall be reserved for use with a signed permission form to ensure uses will be consistent with the site plan approval and town guidelines.
- 5. Use of the pavilion space must be in accordance with town guidelines and in consideration of the hours of the pre-existing preschool and town office that share the parking lot and shall not interfere with current traffic and existing uses.

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6. The pavilion shall be posted with signage that includes the rules and prohibitions on site.
7. If solar panels are to be installed on the east side of the pavilion structure, the owner shall measure to determine if there would be glare impact on the neighboring properties.
8. All land development and use of Town 27 parcel shall be in accordance with the application, plans, exhibits on file, and the findings of fact which are incorporated herein.

Dated at Starksboro, Vermont, this 22nd day of June, 2023.

Daniel Nugent, chair

Arnell Paquette

Edward "Ben" Campbell

A. Robert Liotard

Evelyn Boardman

Luke McCarthy

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.