

Town of Starksboro  
Development Review Board  
Notes  
October 10,2024

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Members Present: Ben Campbell, Evelyn Boardman, Arnell Paquette, Rich Warren, Luke McCarthy, Rob Liotard

Others Present: John Clush, Rebecca Elder, Nancy Boss

Applicants Present: Kevin Kelley, Sandy Kelley

Visitors: Lexy Thompson (Zoom), Jenny Austgen, Carrie Austgen, Kathleen Norris, Kelly Norris

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Meeting called to order by Chair Ben Campbell at 7:00pm

**Public Comment:** None

**Continuation of Hearing #24-501:**

- B. Campbell read the public warning and relevant statutes. Checked for conflicts and ex parte communications. There were none. Stated right to appeal and swore in all attendees making statements.
- S. Kelley read the site plan review related to the building envelope and the driveway. S. Kelley stated there were factual changes to the application beyond the control of the parties involved in that the driveway was already built prior to the Kelleys purchasing the property. Stated that the person who received the permit to build the subdivision changed the location of the driveway after they got the permit. S. Kelley read responses to additional criteria asserting that the location of the house meets location standards and asserted that the building envelope meets the criteria outlined in the zoning regulations.
- B. Campbell stated that the applicant mentioned building envelopes several times, but that the plats presented do not outline the building envelope and will need to be resubmitted with greater detail.
- J. Austgen asked about regulations regarding screening and since the building was not placed where it was supposed and closer to the property line, if it was possible to erect some plantings or bushes to act as screening between the properties.
  - o B. Campbell said the comment will be taken into consideration when the DRB goes into deliberation.
- B. Campbell stated the as-built the DRB needs to receive needs to detail the building envelope and everything within it.
- S. Kelley asked how much detail they should have put in the review criteria answers. If it should be more detailed than just “meets the criteria.”
  - o B. Campbell responded at the responses can be as elaborate and detailed as the applicant wants, or as succinct as the applicant wants.
- S. Kelley continued with design criteria – driveways. They did not feel that section A regarding new and extended driveways applies to the application. Stated the current driveway extends to within 100 feet of the residence. Stated the driveway has plenty of

room for emergency vehicles and their movements. Also stated the driveway does not exceed a grade of 12% and that the requirement for a negative grade within 30 feet of the road is not met, but neither are the driveways in the majority of the subdivision. Stated that since nothing has changed from original development and the driveway doesn't impact steep slopes or wetlands a resource protection management plan is not required. Regarding Section 354 building envelopes S. Kelley stated the building envelope will have no impact on preservation of prime agricultural soils. Nor will it have any impact on the requirements of section 2 of the building envelopes standard. Building envelope also has no impact on the farming ability of surrounding lands, and that the building is currently located along the tree line of the property, meeting the requirements in the standard. S. Kelley stated the land is not forestland so those particular standard do not apply.

- R. Warren asked if the DRB has a copy of the document.
- L. McCarthy asked if the driveway was 500 feet or longer.
  - o K. Kelley stated it's 500 feet to the turn around in front of the home.
- R. Liotard asked if anything has been presented that shows what the actual building envelope is.
  - o B. Campbell stated there has not been, and reiterated that the as-built that was submitted is incomplete.
  - o K. Kelley asked what needs to be on the document, and that a document showing that information had already been submitted.
  - o B. Campbell produced the map that was previously submitted and showed that it does indeed have all the structures, but it doesn't outline the building envelope.
  - o K. Kelley asked if he could make the building envelope as big as the property itself.
  - o R. Elder explained that the bylaws explain what can be done and that the Kelleys should consult with a surveyor.
  - o K. Kelley again asked what the regulations were for building envelopes. Stated he was glad to produce that document but wanted some clarity on regulations.
  - o B. Campbell stated one main regulation is that the building envelope cannot encroach on any of the property setbacks.
  - o N. Boss asked if the Kelleys can make those corrections on the map or if the addition need to be made by a surveyor
    - R. Elder stated it would have to be done by a surveyor.
- R. Warren asked if it would be possible to hold off on deliberations until we actually see the document showing the building envelope.
- L. McCarthy read the building envelope definition from the zoning bylaws.
- L. Thompson asked about the role of the DRB decision from 2020 and what impact it has on this process.
  - o B. Campbell stated it really doesn't have an impact since we are looking at the current application. While the initial violation is being considered by the town, it is not being considered for the requested amendment.
- L. Thompson also asked for the driveway to be regraded and pitched in a way that it does not erode Meadowbrook Drive as a condition of the permit.
- E. Boardman asked if the Kelleys changed the grading of the driveway after they purchased the property.

- S. Kelley stated the driveway ended at the top of the hill and all they did was bring it around to the house.
- General discussion of erosion from driveway. Kelleys admit there is some minor runoff and erosion but there is also settling ponds and ditches.
- E. Boardman asked if there is a state stormwater permit for the subdivision
  - K. Kelley stated yes
- B. Campbell explained that the hearing would be continued until such time the applicants produce appropriate drawings and documentation showing the building envelope. At that time the documents will be received and reviewed and the hearing will be closed for deliberations.

**MOTION:** L. McCarthy makes a motion to continue the hearing to October 24<sup>th</sup>. R. Warren seconds.

**VOTE:** All in favor