

March 11, 2025

Public Comments to the Starksboro, Vermont Planning Commission

Date: 2/5/25

Commenter: Marguerite Gregory

Communicated Via: Front Porch Forum

A hearing for zoning revisions will take place on Thursday, Feb 6 at 6:30 at Robinson Elementary School.

Feedback and suggestions from the whole Starksboro community is crucial.

There are many proposed and perhaps radical changes. Although it is stated that the goals are to increase economic development and housing while preserving our natural resources, read the document and see for yourself if you think our forested environment will really be protected.

Find the document at:

[https://www.starksborovt.org/sites/default/files/uploads/content/PC%20Bylaws/zoning-bylaws_d\[...\].pdf](https://www.starksborovt.org/sites/default/files/uploads/content/PC%20Bylaws/zoning-bylaws_d[...].pdf)

Look especially at Chapter 210. Use, Density and Dimensional Standards. Allowed Uses. Use Table Figure 3.

Look at things in red, which are the changes.

New Allowed Uses in Forest Conservation District:

Condo (C), two-family home (P), Multi-family home (C), Seasonal camp for personal use (P), Public or private educational facility (C), Private Landing Area - for aircraft (P), Outdoor Recreational Trails (P) (no qualifications - these could be motorized), Animal services and agricultural support (C), Eating and drinking establishments (C), Campground (C), Commercial recreation and entertainment (C).

A Recreational Opportunity District will extend 600' into the Forest and Conservation District. Take a look at what will be permitted there too,

If you care about your natural environment, please show up at the meeting to voice your concern so that we can have sensible development that finds a middle way - that allows us all to thrive while protecting our environment. Both are possible.

Date: 2/5/2025

Commenter: Dan Baker

Communicated Via: Front Porch Forum

I hope many people in the town will attend or tune in on-line to the Planning Commission's hearing on the proposed new zoning this Thurs evening. It lays out a vision for the town that could have some significant and surprising impacts. I think many in town will be interested to hear what's being proposed.

The proposed zoning includes many significant changes. To my mind the most striking is the creation of a new commercial district, the Recreational Opportunity District (ROD). The ROD is located inside of the Forest and Conservation District, which include largely undeveloped areas in the center of Starksboro. This area was for many years described in town zoning as "... generally not suitable for land development for many reasons, including poor soils or shallow soils, poor access to town Class 3 or better roads and other municipal services, steep slopes, and the adverse effect on the habitat of wildlife and other natural resources." Increasing access and use of the Forest District for recreation and activities that support local jobs and businesses while protecting natural resources seems like a great idea.

However, some of the uses conditionally permitted under this proposal could have substantial and potentially negative impacts. To use just one example, with the memory of recent floods in mind, how this new vision of development in remote areas will impact flood risk is something that needs to be considered.

I hope the Planning Commission will share a map showing the extent and area of the newly created district, as well as a graphic that shows newly permitted uses so people can understand and visualize the changes. That could help the Planning Commission confirm that what they're proposing is what the town wants and hear ideas about modifications that could address some of the issues raised by the proposed new zoning.

When: Feb 6, 2025, 6:30 to 9 PM

Where: Robinson Elementary School, Parsonage Road, Starksboro, VT

URL:

<https://us02web.zoom.us/j/83149130920?pwd=ZqzrT8VkrbQOZasxDnKrXSeIGISx6z.1>

See you there,

Dan

Date: 2/7/25

Commenter: Ken Betchel

Communicated Via: Front Porch Forum

Unfortunately, I didn't know about this planning commission meeting until the day after, but along with a number of troubling proposals in the plan, this appears to be a work around to neighbors' objections in Ireland/Conway Roads to running a snowmobile trail by some of our houses and down Ireland Road from two years ago. After multiple meetings about this, we thought we were done with this obstructive nonsense.

If that is not part of these proposals, can someone please clarify this for me and the other residents in this part of Starksboro.

Date: 2/17/2025

Commenter: Anne Sasso

Communicated Via: Email

A. Sasso Comments on Proposed Revisions to Town Bylaws, February 17, 2025

February 17, 2025

Dear Members of the Planning Commission,

Thank you for all the work that you have put into the proposed revision of the Town Bylaws. I also appreciate the time that you took on March 6 to host a public hearing on the topic.

Many of my concerns regarding these proposed revisions were raised by multiple members of the audience during the hearing. I am including my direct concerns below for your consideration, with the full understanding that I have not participated in the extensive conversations you have had over the past two plus years and may not fully understand the context for your decisions.

The primary driver for the proposed revisions to the bylaws, as presented at the hearing, appears to be ensuring the viability of Robinson Elementary School. While there's no telling what the legislature will do in this regard, it seems that the only way to ensure Robinson's survival is to attract young families with elementary school age children. The most effective way to do this is to build affordable housing.

The proposed revisions to the bylaws appear to try to encourage this by opening up residential-related uses within the Forest & Conservation (FC) District. However, is this aligned with the Town Plan? Is sprinkling new houses throughout the FC district the most effective way to increase Starksboro's affordable housing stock? Or would it be more efficient to increase building within the High Density districts and/or the corridors along Routes 116 and 17 (for example, as Hinesburg has done)? Would it be more effective to focus attention on improving the water management within the town to be able to add housing in the areas serviced by town water?

I am concerned about the degree of expansion of other uses—Public & Civic and Commercial—into the FC district. This district is a large part of Starksboro's land and

heritage. Since the PC has initiated the development of the Recreational Opportunity District (ROD), why not expand the various uses (education facility, daycare, eating establishments, inns, etc.) in the ROD as a first pass rather than throughout the entire FC?

This would allow the town to see how successful this endeavor is at attracting businesses, stimulating economic development and expanding the tax base before opening the entire FC to such activities.

As such, I suggest limiting all the expanded uses to the ROD and removing them from the FC until Starksboro residents can weigh in on expansion in the FC district during the Town Plan revision process. In this way, the bylaws are informed by the updated Town Plan, not the other way around.

Starksboro's quiet, rural nature is one of its greatest attractions. Many residents moved here for the quiet beauty, to be able to return home after the hustle of a work day in Burlington or other more populated areas and relax in nature. Safeguarding those qualities—quiet, peace, beauty, clean air and water, abundant wildlife, etc.—should be paramount.

To this end, I am also concerned by the removal of several bylaws that provide clear rules on issues like noise and traffic. This also does not appear to be aligned with the Town Plan. It would seem that if the town is trying to encourage more development and economic activity, then it follows that more conflicts will arise that will need clear guidelines to help resolve. Instead of loosening and removing the rules, as indicated by the proposed revised bylaws, it would make sense to maintain and enforce them. If this means buying tools, like noise meters, for the Zoning Administrator to better enforce the rules, that seems like a reasonable investment.

Specific suggestions:

Chapter 100: Add a section in Chapter 100 that addresses any activities that are not covered under these bylaws. It could be a blanket statement that protects the town from any activities or uses that it has not yet considered. These should not be allowed. But an avenue for the uses to be considered, e.g., petition the PC, DRB or Selectboard, etc., could be provided.

Chapter 210: Use Table:

The table as presented is confusing. Since the ROD is an overlay on the FC and therefore contained within the FC, any uses allowed within the FC are by definition allowed within the ROD. The table needs to reflect this or the use of "overlay" could be abandoned and instead institute the ROD as a new zone independent of the FC.

I suggest that all new uses or expanded uses be categorized as "conditional use" upon their introduction. This would allow the town to "trial" the uses and then adjust the classification of the use at a later date if deemed necessary.

This would allow residents and the town to try out the new uses while providing some guardrails for any unanticipated or unintended consequences.

I feel this is especially important for activities within the Recreation Opportunity District, for the expansion of uses in the Forestry Conservation Trails district and for new introductions like the Private Landing Area and the Outdoor Recreation Trails.

I also object to the addition of fueling stations as a conditional use in the LDRC. This is not aligned with the Town Plan. It exposes these areas to greater watershed contamination. It also opens the town to possible liability issues and requires strict guidelines and rules around cleanup and remediation.

Section 321: Noise

I object to the removal of the noise requirements outlined in the current bylaws. Residents should have some recourse to ask the town to review activities that harm their enjoyment of their land and environment. It continues to make sense to have rules that limit noise between 9pm and 7am.

This original wording was put in the bylaws for a reason or it wouldn't be there. Unless, the PC has received an inordinate number of nuisance complaints related to this bylaw, and have clear evidence that the noise level limits have dissuaded economic activity, then I see no reason to eliminate them. The Zoning Administrator's lack of a decibel meter, as mentioned during the PC hearing on March 6, is not a sound reason for eliminating these rules.

Section 325: Traffic

I object to the removal of the traffic limits outlined in the current bylaws for the same reasons outlined above regarding noise.

My objections also apply to Section 342: Home-based and on-farm businesses, item 342A, (1) (c). There should be guidelines for traffic generated by home-based businesses, especially in the LDRC. If traffic limits have hampered the expansion of economic activity in the HDRC, then perhaps distinct bylaws for both districts need to be considered.

This also applies to Section 342B (8): I object to the removal of the current wording. Additional items:

Private Landing Areas: Given the recent contentious events surrounding private landing areas in Lincoln, I am concerned about the introduction of the use for private landing areas in Starskboro with nothing more than a permit from the ZA. This topic deserves a broader, more informed conversation with residents.

I think the town should put more constraints on these areas to minimize disruption to neighbors, wildlife and the environment. They should be designated "conditional use." I question whether they should be allowed in the FC district. And there needs to be a section that outlines requirements, e.g., including FAA design standards, perhaps limiting use solely to the landowner's private aircraft to limit traffic, etc. The lack of guidelines and oversight in the proposed revised bylaws is worrying.

Outdoor Recreation Trails: I also am concerned by the vagueness and lack of guidelines regarding outdoor recreation trails in the proposed bylaw amendments. I think they should be designated "conditional use," at least in this first pass introduction. There also needs to be clarification between outdoor recreational trails for private use vs. for public use.

If the town envisions public use trails on private land, then that deserves a broader conversation with town residents. Hiking, biking, snowshoeing and cross-country ski trails

have a lower level of impact on neighbors, wildlife and the environment than do motorized vehicle trails.

Recreational Opportunity District: Section 283 needs more detail about uses. In the Use Table in section 210, a number of uses have been created or expanded into the ROD, including primitive camping, retreat center and commercial recreation and entertainment. These need to be defined more thoroughly in the same way that inns or B&Bs are in Section 340.

These uses are defined in the Section 510A Definitions but, for example, the definition of Commercial Recreation and Entertainment is too vague as it pertains to the ROD. I also question the inclusion of a retail store in the ROD. These need guardrails, e.g., a retail store is allowed as part of an outdoor recreation facility. A ski rental and repair shop could be considered an appropriate personal service facility that is part of an outdoor recreational facility; a barbershop, for example, doesn't belong in the ROD.

Thank you once again for the opportunity to provide comments on the proposed revisions to the Town Bylaws.

Sincerely,

Anne Sasso

Date: 2/19/2025

Commenter: Jan McCleery

Communicated Via: Email

TO: Planning Commission Members

FROM: Jan McCleery

DATE: February 19, 2025

Thank you for the work you do, I appreciate the time you devote to town work on behalf of all of us, its residents.

I have a previous commitment that coincides with your Feb 20th meeting so am sending my comments in the attached document for your review and consideration.

Regarding the need to save our school by encouraging and making it possible for families with young children to live in town I offer the following option to free up housing stock:

Consider repurposing underused properties in the HRD for aging seniors who want to remain living in town but be relieved from the chores of maintaining their current property.

This would free up housing stock that could be purchased by families with young children who might attend Robinson school. One property to consider could be the Baptist church building. I offer this thought as the moderator of the church's board. FYI, the town of Lincoln undertook a similar initiative to have seniors housed nearby the store and church that has worked well for many years and individuals. The demographics of our state and town need to be taken into consideration to solve the lack of affordable housing in town.

My second suggestion is related to the zoning proposal to add a Recreation Opportunity District to our zoning regs. Proposed zoning regs need to be aligned with the purpose of Act 171 that is to decrease fragmentation of the forest and to preserve natural features, natural qualities and wildlife habitat.

Value statements on opportunities for outdoor recreation in ones community need to be mined from a large number of individuals. Here is a thought of how we might get that broad input that is needed and as you on the PC seek.

At town meeting or at a separate meeting invite the community to come together in three distinct groups, each group to be made up of members living in and representing their unique "neighborhood". To create the three distinct groups, I envision Starksboro as having three neighborhoods based upon the state or town highway the residents use when they leave their property.

Each of the three neighborhoods I envision is in the F&C district and thus includes the new ROD being proposed.

Neighborhood #1 Ireland Road and VT route 116

Neighborhood #2 VT route 17

Neighborhood #3 Big Hollow Road

What we do not know is what the residents in each these "neighborhoods" currently values and enjoys as outdoor recreation activities and what additional opportunities they would like to support in their neighborhood. This is valuable information for planning and then to base zoning regulations upon. Recreation opportunities are better incorporated into the town plan and its upcoming revision rather than initially being inserted into current zoning regulations.

Date: 2/20/2025

Commenter: Marguerite Gregory

Communicated Via: Email

Presentation to Planning Commission, 2.20.2025

After the hearing a couple of weeks ago, I decided to do some research into the issue of Private Landing Areas, hoping to learn what indeed the state regulations did say, what the experiences of residents and people on planning commissions and conservation commissions of other VT towns were, and what kinds of town plans and zoning regs had been crafted by these towns since the VT Transportation Board wrote a letter to municipalities in 2021 to help them develop guidelines to establish regulatory mechanisms that deal with helipads and airstrips.

At the hearing I understood it said that “Permitted Use” was the only way to conform to Federal and State laws.

First I’d like to excerpt some points from the letter written by John Zicconi, Executive Secretary, Vermont Transportation Board, on Feb. 2, 2021. I also include this letter in information I have sent to the Planning Commission to consider.

Referring to the increase in applications for private helipads and airstrips, often serving a single home in an existing subdivision or neighborhood, John Zicconi writes, “These private facilities can dramatically change the character of an area and can have negative impacts while providing a private benefit to few”.

He details the state permitting process:

1. The local municipality reviews land use
2. The State reviews ground-related safety to determine if aircraft can take-off and land safely
3. The US Government reviews the airspace to ensure safety once the aircraft is airborne.

The Vermont Transportation Board convened a committee of municipal planners, regional planners, VTrans staff and a representative of the Vermont League of Cities and Towns to develop guidelines to help municipalities understand what they can do. These guidelines say that detailed zoning regulations can take the following tools into account:

1. Setbacks – establish a minimum for helipads and airstrips, which may vary according to the zoning district.
2. Lot size – Appropriate lot sizes may vary by type of zoning district. For airstrips, the US Government sets minimum runway lengths necessary depending on the aircraft to be flown.
3. Noise – federal law prohibits states or municipalities from considering or regulating aircraft noise, which is the sole domain of the federal government. However, municipalities can regulate land use and the character of an area so long as they are not used as a proxy for limiting aircraft noise.
4. Permitted Use – if a community wishes to allow helipads and airstrips they can be allowed in some or all zoning districts

5. Conditional Use – can address the character of the area, performance standards, and land uses so long as they are not a proxy for noise.
6. Accessory Use – helipads and airstrips can be allowed as incidental or subordinate uses to the property’s primary use.
7. Prohibited Use – Municipalities with proper regulatory tools can prohibit helipads and airstrips throughout town, or they can prohibit them only from specific areas of town or within specific zoning districts.
8. Exemptions – zoning can exempt certain aviation uses such as crop dusting and insect control from needing a local permit. However, federal law allows for emergency landing for safety purposes anywhere needed.
9. Screening and Visual Impact – Zoning can address the planting of trees and shrubs. However, specific glidescopes with specific ground-to-air clearance ratios must be kept in mind. Also, trees or other structures cannot be placed too close to actual landing facility. Moreover, zoning can establish how aircraft can be parked and other associated visual parameters.
10. Surface type. Some towns require helipads to be paved and maintained free from dust, dirt and other loose material that could be blown onto adjacent properties.
11. Runway length – zoning must allow for proper runway length for a specific class of airplane.
12. Additional Permitting. Municipal approval must be obtained prior to application for a State Aviation Permit.

The Transportation Board Executive Secretary is willing to meet with a local planning commission to answer any questions.

From the above guidelines, it is clear that towns have a choice. They can write in Permitted Use, Conditional Use or Prohibited Use into their zoning regs, for either the entire town or for specific zoning districts. Parameters of conditional use are also enumerated.

From other sources, it is evident that a local government cannot restrict how often or at what times a strip/pad can be used; it has no control over the amount of noise that an aircraft makes (even the noise of electric aircraft is substantial); it cannot restrict lighting.

Therefore, I urge the Starksboro Planning Commission to consider the potential impacts of private landing areas on the people, wildlife, and environment of our town before allowing their use in Low Density Residential and Commercial Districts, Agricultural, Scenic and Rural Residential Corridors and the Forest and Conservation District.

The deleterious effects of aircraft are numerous:

1. There is a growing body of scientific literature demonstrating significant and cumulative impacts from sudden noise and aircraft on wildlife
2. Health –
 - A. Noise. A NYTimes article in June, 2023 details the effects of noise on the human body:

- a. People who live in peaceful rural communities can be at risk because there is little ambient noise to block out sudden loud noises. This increases the jolt.
 - b. Over time, exposure to noise can cause changes that lead to inflammation, hypertension and plaque build up in arteries, increasing the risk of heart disease, heart attacks and strokes.
 - c. Decibel increase is logarithmic, not linear, so with every 10dB increase, the sense of loudness to the ear doubles.
 - d. Pronounced fluctuations in noise levels compounds the effects on the body
 - e. Noise will disproportionately affect low income households who cannot install triple pane windows
 - f. Protection against noise is economically advantageous because of increased good health.
 - g. Decades of scientific evidence show that noise causes or contributes to hearing loss, annoyance, sleep disruption, cardiovascular disease, metabolic disturbances and exacerbation of anxiety and depression.
- B. Lead in fuel
- a. Piston-engine airplanes and helicopters use leaded aviation fuel, or avgas, which make up the largest remaining aggregate source of lead emissions to air in the US, according to the EPA.
 - b. Exposure to lead, even at microscopic levels, can cause irreversible and lifelong health effects in children, causing behavioral problems, lowering IQ and slowing growth.
 - c. The presence of tiny lead particles is increased in areas where planes take off or land. In addition to their presence in the air, they accumulate in the soil, and it is logical to assume that they will be also harmful to vegetation and wildlife.

3. Potential Effects on a Community

The experience of the Town of Lincoln, demonstrates the contentious and divisive and disruptive nature of private landing area permitting.

- a. A town cannot count on applicants to provide accurate information when requesting a permit. The town was told that there would be battery powered planes with vertical take-off. That was not the case.
- b. Aircraft were landing in residents' yards, circling homes, dive bombing, hovering 5' above neighboring yards, bullying, trolling and turning residents against one another. When residents went to the town and sheriff for help, they were told that if the aircraft is 5' above ground, they could not help.
- c. Local residents and the town had to hire outside counsel and buy an instrument to track aircraft that was harassing residents. Total cost so far, \$158K.
- d. Property values have fallen because of the noise.

These effects were recounted by a person who experienced them directly.

What Other Towns Have Learned and Done

The website, savevtairspace.org, is an excellent resource for someone trying to understand the issues around Private Landing Areas in Vermont towns. The section *Cases from Vermont* is

especially helpful in learning about how other towns thought about the issues, the processes they went through and their final decisions, resulting in zoning regulations.

Basically towns felt that with PLA's, private uses benefited a very few, at the expense of the many.

Overall, towns were concerned that:

Private Landing Areas serve a single family, but have the same, or more, risks, noise, and quality of life impacts. Planes take off and land at low altitudes over neighbors' homes and farms, disrupt wildlife and conservation areas, and change the character of towns. But unlike airports, the public and town governments have no say over the aspects of private landing area use with the greatest impacts on safety and quality of life. That is the purview of the federal and state governments alone.

Once a landing area is in place, they (towns) have no way to control how it is used, Impacts on domestic or farm animals, wildlife or conservation areas, privacy, peace, quality of life, the character of a town, or property values...are not usually considered as part of a narrow land use decision-making process.

Towns realize that Vermont has a network of private, municipal and state airports which are regulated to address the wide range of safety, public nuisance, environmental and other issues raised by air travel. For most Vermonters, airports are only an hour away. Most Starksboro residents can reach the Burlington airport in 30-45 minutes.

In Warren the zoning administrator/planning coordinator wrote:

"The Town of Warren has the Sugarbush Airport that is open for anyone to utilize. As such, we do not address airstrips in our zoning regulations as we feel the need is already met. If it is not in our Town regulations, then it is not permitted.....the municipality is allowed to be stricter than the State...In my opinion, a private airstrip does not fall under something that would be considered in the public good."

In South Hero the town at one point considered "Conditional Use" for PLA's. Then they changed their mind: *Once aircraft strips/pads are allowed, even conditionally, by the Town Plan, it will be very difficult for the Town to fight the building and use of such strips/pads, Wealthy people with deep pockets can work to get what they want through the courts, The ONLY way to prevent this problem is to clearly prohibit strips/pads upfront, in the Town Plan (not saying anything in the Town Plan or Development Regulations will allow strips/pads.*

The feeling was also that anytime in the future, the town can vote to allow airstrips and helipads if voters want to.

A Recommended Process for Decision Making Around PLA's

1. Write into zoning regs language such as: "If not expressly allowed, a use is prohibited."

South Hero includes this section in its zoning:

Prohibited Uses. Where a use listed in Table 2.1 is not designated as permitted, conditional or exempt in a zoning district (when the cell is marked with an X); such use is prohibited in that zoning district.

Supposedly Ripton has excellent language that can be accessed.

2. Hold town informational meetings, either town-wide or for specific zoning areas, so that the community can explore the issue and express its thoughts and feelings. This could be done in conjunction with community input around a new town plan, or in meetings focused specifically on this issue.
3. Require a town-wide vote before air commons are handed to private parties in the form of private landing areas. Citizens can petition the town and request a town-wide vote.
4. Whatever the town decides, Permitted Use, Conditional Use, or Prohibited Use should be clearly written into the zoning regulations. Even better, it should appear in both the town plan and the zoning regs.

In addition, Vermont citizens can urge the state legislature *to undertake a study and develop regulations that protect the character of our towns, our environment, and public safety. Our communities should have a say in the use of shared airspace.*

Private air travel....provides a few people with enjoyment and convenience, at a high cost to the majority. Save Vermont Airspace website

Paraphrasing other viewpoint from another Starksboro resident:

1. The idea that a lot of wealthy people will move to Starksboro if we allow PLA's is a fiction. There is not a lot going on in Starksboro to appeal to such people. Starksboro would have to abandon working class families and spend a few million dollars to turn it into a destination for the wealthy. Stowe and Manchester have been doing this for decades.
2. Wealthy people will also not send their children to the Starksboro school, as good as it is, when extraordinary and very expensive schools are available elsewhere.
3. If a lot of wealthy people do move to Starksboro, property values will rise, pushing working class families out of town.

Respectfully submitted,

Marguerite Gregory

Feb. 20. 2025

Date: 2/20/2025

Commenter: Dan Baker

Communicated Via: Email

To: Starksboro Planning Commission

From: Dan Baker

Date: 2-20-25

I am submitting these written comments as a follow-up to issues I raised at the Planning Commission's public hearing.

I would first like to acknowledge the time and effort the Planning Commission has put into these revisions. I appreciate your volunteering your time. That said, I do not think the current proposal is ready for adoption, and in fact needs substantial revision.

I am most immediately concerned about the creation of a Recreational Opportunity District (ROD). This "overlay" district appears inconsistent with the goals and limitations of the Forest and Conservation District (FCD), which include largely undeveloped areas in the center of Starksboro. This area was for many years described in town zoning as "... generally not suitable for land development for many reasons, including poor soils or shallow soils, poor access to town Class 3 or better roads and other municipal services, steep slopes, and the adverse effect on the habitat of wildlife and other natural resources." Increasing access and use of the Forest District for recreation and activities that support local jobs and businesses while protecting natural resources seems like a great idea. However, many of the uses conditionally permitted under this proposal could have substantial and potentially negative impacts including increasing flood risk, increasing costs and liabilities for the Town, impacts on wildlife and natural resources, and impacts on residents.

The ROD appears to be a significant expansion of uses, including commercial uses, that are distinctly different from the goals of the current Town Plan. I noted at least 10 specific policies in the Town Plan that would be violated by the current proposed zoning. One paragraph in the Town Plan summarizes the issues:

Vast areas of Starksboro are remote and not currently accessible from maintained public roads. The cost of providing infrastructure and services to development in these areas would be significantly higher than for those located in village centers or along main roads. Extending roads into currently inaccessible areas would fragment forest blocks and increase impervious surface coverage along with the potential for erosion, sedimentation and downstream flooding.

If the Planning Commission is convinced that a District like the ROD is desirable, I strongly suggest this be proposed as part of a Town Plan revision with substantial public input, as well as an analysis of the impacts such a change could have on the Town budget, flood risk and natural resources. After such consideration, if the town supports such a change, it should be included in the Town Plan and then implemented in the Zoning. The current proposal is out of line with that process.

I am also concerned that the proposed zoning greatly expands uses throughout the town while lowering, or completely removing, standards that would guide development and limit impacts to the Town and to

residents. Clear guidelines can reduce the impact of development on the Town, on neighbors and on natural resources. With expanded uses, such as the commercial development proposed in the ROD or the density bonuses approved in the previous revision to the zoning, clear guidance could help address and lower impacts. Instead the current proposal eliminates whole sections of standards, for example limitations on traffic, or lowers standards, for example for on lighting and noise. I strongly support reinserting these sections.

In addition, new uses with potentially significant impacts are permitted without even conditional use review. Specifically, private landing strips would be a permitted use in Low Density Residential District, the Agricultural District and Forest District. This raises multiple concerns for safety, impact on neighbors, and other recreational uses. As defined in the proposed zoning there are essentially no limitations on the use of private landing strips. It's not even clear if they could be associated with a commercial use or not. If the use is something that the Planning Commission believes should be expanded, then I strongly recommend clear standards that define that use through a conditional use permitting process, and limiting that to Districts outside the FCD.

I note that the removal of language related to campgrounds appears to create the opportunity for year-round campgrounds that could become residential in nature. Was it the intention of the Planning Commission to permit unlimited residency in campgrounds?

Other uses in the "Definitions" section are vague and open-ended. For example, Outdoor Recreational Facility, a conditional use throughout town, is defined so broadly that it could mean almost any business that provided entertainment, regardless of whether it is outdoors or indoors.

I hope the Planning Commission will post written comments and enable people to read the feedback you have received. I think this is important for an open and informed discussion of the proposed zoning.

Finally, I hope the Planning Commission will recommend and support a town vote on these proposed regulations when revised.

Date: 2/20/2025

Commenter: Robert Turner

Communicated Via: Email

To: Starksboro Planning Commission

From: Robert Turner, 656 VT-17, South Starksboro

Re: Recently proposed zoning changes
2/20/2025

These are my personal comments, but they are informed by my experience as a natural resource professional, a town auditor, a conservation commission member, and as someone who has been involved in every town plan revision since the mid-1990s. The comments here pertain exclusively to the ROD's legal status. I have many other comments pertaining to the compatibility of the ROD with the town plan and other inconsistencies in the language as drafted that I will share in another memo.

In the bylaws, Chapter 200 (Establishment of Zoning Districts) lists all the current districts and adds the ROD. Except for the ROD, the current districts are all established as Land Use Planning Areas in the Town Plan. The ROD is not described in section 201 as an Overlay. You

chose the label “Opportunity District” and not an “Overlay district”. Please explain your logic here. Chapter 210 also gives the ROD the same standing as other land use districts. In contrast, section 281A describes it as an overlay district. Overlay districts generally further restrict the allowed uses of the district it overlays. ¹Based on the PC’s response to a question at the hearing, I understood that all the permitted uses of the underlying FC zone were also permitted in the ROD. This seems to conflict with the Use Table in Chapter 210.

Overlooking the fact that this is confusing, I believe the distinction is important. As you know, defining a Land Use map is a required element of Town Plans (24VSA Chapter 117). The areas on the map are assumed to have the full analysis and process support required by the planning process as described in the law. This requirement makes sense to me since these areas form the basis of zoning districts. To allow a completely new land use district to be created in the zoning bylaw shortcuts the planning process. As I see it, If the selectboard had said we need more industry, could a zoning amendment create a new industrial land use district wherever the planning commission decided it should go? I doubt that would be legal.

Does the ROD represent a new land use district under 24 VSA, regardless of the terminology used in the bylaws? If so, can a new district be created in the bylaws? Similarly, does the law allow an overlay to substantially expand the uses allowed in the underlying district? If the planning process requires towns to consider a range of fiscal, public safety and environmental impacts in creating land use areas, can the planning commission demonstrate it has performed this analysis? Has the proposed policy been reviewed by ACRPC, the town attorney or any other land use professional? I would appreciate your responses to these questions.

From my uninformed perspective, the more spontaneous and capricious the ROD appears, the less likely it will stand up to a challenge. Last Tuesday, I asked the ACRPC for its opinion about how a court might interpret the regulations as proposed. Would they withstand a court challenge by an aggrieved neighbor? I have gotten an acknowledgement that Adam will consider my request. I will share their response.

¹ From ACRPC: An overlay zone is a zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Communities often use overlay zones to protect special features such as historic buildings, wetlands, steep slopes, and waterfronts. Overlay zones can also be used to promote specific development projects, such as mixed-used developments, waterfront developments, housing along transit corridors, or affordable housing.

Date: 2/24/25

Commenter: Marguerite Gregory

Communicated Via: Front Porch Forum

Starksboro's current zoning revisions call for permitting helipads and airstrips in Low Density Residential and Commercial, Agricultural, Scenic and Rural Residential Corridors, and the Forest and Conservation Districts.

I urge all concerned residents to look at the website <https://www.savevtairspace.org> to educate yourselves about this issue.

A letter sent by the Transportation Board in Feb. 2021 to Vermont Planning Commissions , is instructive on this issue and offers clear guidance. See this link: <https://www.wallingfordvt.com/wp-content/uploads/2021/02/Helipad-Letter.pdf>

Executive Secretary John Zicconi writes, "the Board has seen a significant increase in applications for private helipads and airstrips.....These private facilities can dramatically change the character of an area and can have negative impacts while providing a private benefit to few".

He states that the permitting process is designed to have three review components: "1. the local municipality reviews land use, 2. the State reviews ground-related safety to determine if aircraft can take-off and land safely, and 3. the US Government reviews airspace to ensure safety once the aircraft is airborne.if the host municipality has no policy language in its adopted plan or no established regulatory mechanism, such as zoning bylaws that deal with aviation.....land-use issues and neighborhood concerns go unchecked."

Municipal plans are urged to include "explicit, prescriptive policy language...about where private helipads and airstrips are and are not allowed". Zoning regulations can address setbacks, lot size, permitted, conditional, or prohibited use, screening and visual impact, surface type, runway length and additional permitting." Zoning cannot address noise. Conditional use can address the character of the area, performance standards, and land uses. Nothing prevents emergency landings for safety purposes.

The Board encourages all communities to discuss this issue and decide if its local permitting process is adequate.

I do not feel that the zoning revisions meet the guidelines suggested in this letter, nor has there been community-wide discussion about the issue prior to the revision to the zoning.

Please look at the website <http://savevtairspace.org> and read the letter for yourself.

What shall we do?

Date: 2/26/2025

Commenter: Marguerite Gregory

Communicated Via: Email

Notes from Phone Conversation with John Zicconi, 2.26.2025 about PLA's

(These notes are taken from my telephone notes, as well as I could reconstruct them. It would be

best to contact John Zicconi directly and invite him for a consultation. See Note #1)

Notes taken by Marguerite Gregory

1. John Zicconi retired about a month ago from the Department of Transportation where he held the position of Executive Secretary. In that capacity he wrote a letter to municipalities in Feb. 2021 that is very instructive. The new person who took his place does not yet know much about the issue of PLA's. He said he happened to be the most knowledgeable person in the state at the moment. He was glad Starksboro is discussing the issue and was glad the planning commission had included it in zoning revisions because this opened public debate. Even though he is retired, he offered to consult with the planning commission and/or the select board, or any other town group grappling with this issue, to help set a sound foundation for consideration of the issues involved. He'd be happy to come in person (he lives nearby in Shelburne) or to attend a PC or SB meeting by phone. His cell phone number is 1(802) 343-7280.

2. Jurisdiction around PLA's needs to be addressed by:

a. Local regulations – only local municipalities have authority to address land use issues and they should do so, considering such things as the character of an area, lot size, setback, etc.

b. The State deals with safety, such as how safe it is for planes to take off and land at that spot. It can also consider the public good. It prefers for towns to have included mention of PLA's in their bylaws and for there to have been public debate on the issues involved. It will not accept applications for PLA's unless there is municipal approval.

c. The FAA deals with airspace only.

3. The town attorney would be the best person to advise the town as to how well a town's conditioned uses for PLA's could hold up in court if a legal suit were to be brought.

4. The State of Vermont encourages aviation facilities especially for medical facilities and industrial parks. Local rescue squads might also find them advantageous, or they could be useful for mountain rescue. That is something for a town to consider. To have blanket approval or prohibition could come back to bite the town. First there needs to be a discussion about where the proper places would be to have PLA's.

5. The State would like towns to have serious conversations and not leap into an extreme on either side. People won't want PLA's in residential areas. However, a town

might designate a particular area that could be made safe with wind sockets, etc. This would increase safety for first responders and everyone involved in a rescue operation.