Steve Rooney

From: David Schmidt
Sent: Wednesday, December 24, 2025 7:03 AM
To: Planning Commission
Subject: Fw: Town jurisdiction over PLA

FYI

From: Dimitruk, Rachel <Rachel.Dimitruk@vermont.gov>
Sent: Tuesday, December 23, 2025 11:02 AM
To: David Schmidt <dSchmidt@starksborovt.org>
Cc: Beitzel, Christopher <Christopher.Beitzel@vermont.gov>
Subject: RE: Town jurisdiction over PLA

Good afternoon :

Thank you for reaching out.

Unfortunately, I can offer you no guidance on the questions you have posed below. While the Transportation Board does encourage towns and municipalities to create zoning and land use provisions that works for their community and addresses landing areas/airports, the Board cannot give legal advice.

I can outline for you what the law requires of the Vermont Transportation Board. The law states that a "… person proposing to establish an airport, restricted landing area, or a seaplane landing area shall make application to the Board for a certificate of approval of the site selected and the general purpose or purposes for which the airport, restricted landing area, or seaplane landing area is to be established to ensure that it shall conform to minimum standards of safety and shall serve public interest." 5 VSA § 207(c).

A prior condition for our consideration is that the landing area be in conformance with the requirements of the local government with respect to land use or has the approval of the local governing body. Aeronautics Rules and Regulations, Rule 6.01.

The factors the Board considers the factors laid out in the Aeronautics Rules and Regulations:
6.01 Personal landing area. A personal [or private] landing area may be approved by the Board when application has been made to-the [Board] Agency prior to any construction or operation and it is shown that compliance is made with the following requirements:
A. Hazards. It can [safely] reasonably be used for the purpose intended and does not impose undue hazards upon adjoining property or its occupants, or endanger the users or use of existing surface communication.
B. Operation. It does not interfere with the safe operation of any public airport or with the safety of any state or federal airway.
Aeronautics Rules and Regulations §§ 6.01-6.04 & 16.08. Please note that the Transportation Board cannot address noise, whether directly or indirectly, or by proxy. Likewise, the Board is not a forum for litigating or relitigating zoning issues.

It is important to note that the FAA preempts many aspects of airports and landing areas, particularly where it relates to noise, flight paths, and other aspects related to what takes place above the ground.

I would strongly recommend that your town receive legal advice to help understand what can be included in its zoning or land use bylaws.

Thank you for your inquiry and Happy Holidays,
Rachel

Rachel Dimitruk
Executive Secretary
Vermont Transportation Board
Vermont New Motor Vehicle Arbitration Board
P.O. Box 6
Fairfax, VT 05454
(802) 595-9410

Lemon Law | Department of Motor Vehicles
Home Page | Transportation Board

From: David Schmidt <dSchmidt@starksborovt.org>
Sent: Thursday, December 18, 2025 2:56 PM
To: Dimitruk, Rachel <Rachel.Dimitruk@vermont.gov>
Cc: Beitzel, Christopher <Christopher.Beitzel@vermont.gov>
Subject: Town jurisdiction over PLA

Hi Rachel,

I am reaching out on behalf of the Town of Starksboro as we explore the potential adoption of bylaws related to Private Landing Areas (PLAs). As part of this process, we are seeking a clearer understanding of the scope and limits of municipal authority in this area.

Specifically, we are interested in understanding to what extent a municipality may regulate PLAs through local bylaws. For example, questions have arisen about whether a town may place limits on the number of takeoffs and landings, establish operational conditions, or regulate intensity of use more generally. We are also trying to better understand where the jurisdictional boundaries lie between municipal authority, state oversight (including the Transportation Board), and federal regulation, particularly with respect to aviation safety, operations, and airspace.

In addition, we would appreciate guidance on:

- What types of PLA regulations have been upheld or challenged in Vermont or comparable jurisdictions?

- Which areas are clearly within municipal land-use authority, and which are preempted by state or federal law?

- Whether there are best practices or model bylaw provisions that balance local land-use concerns with state and federal aviation frameworks.

- How municipalities should frame findings or standards to avoid regulatory overreach while still addressing local impacts such as noise, safety, or neighborhood compatibility.

Any insight, references, or direction you can provide would be greatly appreciated, as we want to ensure that any local regulations we consider are both effective and legally defensible.

Thank you for your time and assistance.

Best,
David

ZA BYLAW SUGGESTED REVISIONS FOR PC / DRB CONSIDERATION			Date Modified:	1/6/2026 7:27
	Blue Items are new from last issue			
Item	**Title**	**Status**	Proposal	**Detail**
1	**ADU wording**	**PC accepted 12-18-25. ADU's do not count towards driveway upgrades in 311.C. Included in 12-29-25 draft.**	Change definition name to Accessory Dwelling Unit in definitions and Use Table. Provide definition of Dwelling Unit: A building containing independent living, sleeping, housekeeping, cooking and sanitary facilities intended for year around occupancy. Change Single-Family Home to read: A Dwelling Unit intended for year-round occupancy by a single household. Add sentence to Accessory Dwelling Unit definition: ADU's associated with Single-Famiy Homes do not count in calculating dwelling unit density. Confirm if ADU's count towards 311.C requirement to upgrade to a private road from a driveway if serving more than 4 homes.	Sent: Tuesday, September 2, 2025 12:15 PM To: Planning Commission Subject: Accessory Dwelling definition 1. The current state statute term is Accessory Dwelling Unit, or ADU. We only define an Accessory Dwelling or Apartment, "unit" is not included. Our definition says it's a secondary dwelling subordinate to the primary dwelling. The state notes these as independent living units, with separate sleeping, living, cooking, and sanitation facilities. We do not specify what must be in the ADU. 2. We have no definition of a Dwelling. There is a definition of a Single Family Home, which does not include the term Dwelling. Two-Family Home uses the term dwelling in it's definition. 3. The following definition uses the term "dwelling", not "Home". Principal Use. The primary or predominant use of a lot, building, or other structure or an area of land. The principal use of any lot with an inhabited single-family dwelling or two-family dwelling shall be deemed residential. I'm assuming we want an ADU to be an independent dwelling unit with it's own facilities, but it's not clear that someone who just converts a spare room into a bedroom would not be able to define this as an ADU under our current regs. If we defined Dwelling to note that it includes separate living, cooking, sleeping, and sanitation facilities that would suffice.
2	**Bylaw Enforcement period**	**No action required**	Date of official selectboard draft submittal will start this 150 day clock	Sent: Monday, July 28, 2025 2:07 PM To: Planning Commission Subject: Amended Bylaw enforcement period Dennis, I'm reading that I may be required to review current applications under both new proposed and previous bylaws for 150 days after the 1st public hearing. Curious if I'm officially in this period of time and if so, when does the 150 days expire? 24 V.S.A. § 444G(d) If a public notice for a first public hearing pursuant to subsection 4442(a) of this title is issued under this chapter by the local legislative body with respect to the adoption or amendment of a bylaw, or an amendment to an ordinance adopted under prior enabling laws, the administrative officer, for a period of 150 days following that notice, shall review any new application filed after the date of the notice under the proposed bylaw or amendment and applicable existing bylaws and ordinances. If the new bylaw or amendment has not been adopted by the conclusion of the 150-day period or if the proposed bylaw or amendment is rejected, the permit shall be reviewed under existing bylaws and ordinances. An application that has been denied under a proposed bylaw or amendment that has been rejected or that has not been adopted within the 150-day period shall be reviewed again, at no cost, under the existing bylaws and ordinances, upon
3	**Applicant and Owner definiitions**	**PC accepted 12-18-25: Included in 12-29-25 draft**	Revision as follows to 501.A: Owner (also referred to as"property owner" or "landowner" or "Owner of Record" or "developer"): Name of Person(s) or Entities noted as the Owner of the Parcel on the current Grand List or most recent Warranty Deed Filing. If multiple names are provided, all must be noted and sign all applications. If an Entity is noted (i.e. Star Farms, LLC), then the contact information for the person authorized to represent the entity must be provided. Add 502.B, Applicant: The person(s) or entity or firm authorized by the Owner to submit the application, act on the Owner's behalf in all matters relating to the application, and be responsible for communications between the Town and the Owner. If the person(s) or entity or firm submitting the application and acting on the Owner's behalf is not listed as the Applicant, then a seperate letter of authorization signed by the Owner must accompany the application allowing this party to act on the Owner's behalf.	Sent: Monday, August 4, 2025 5:02 PM To: Ron Rodjenski Subject: Applicant vs Owner Ron, I have a civil firm that submits all their applications with us listing the Owner as the Owner, and the Owner as the Applicant, even though they've prepared all the information and included a cover letter saying they are submitting all the information "on behalf" of the Owner. I asked them to put themselves down as the Applicant, and they were adamant that they've not done this anywhere in 25 years and that it's a conflict of interest. When I research this, there are definitions of Owner, but no definitive source of the term Applicant, so I'm curious how to resolve this. Our bylaws do not cover either term in the definitions.

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4	**Certificate of Occupancy and Compliance definitions**	**PC accepted 12-18-25; included in 12-29-25 draft**	Change title of 413 to: Certificates of Occupancy and Certificates of Compliance. Add 413.F:Certificate of Compliance: A certificate issued by the Zoning Administrator to show compliance with a regulatory condition where noted in the Bylaws, compliance with a Notice of Violation, or to indicate if there are any pending actions by the Town with respect to the Parcel for purposes of real estate transactions. Edit 413.E to replace "compliance" with "occupancy". See draft edits to Certificate of Occupancy to address other issues.	Sent: Tuesday, August 5, 2025 4:45 PM To: Planning Commission Cc: DRB Subject: Certificate of Occupancy and Certificate of Compliance These two forms are provided on the zoning website, but are not clearly defined for the public on the site or to staff as to when they are required and how they are used and implemented. Outside parties often get confused, as different Towns use these forms differently. **Cert of Compliance:** 1. This document has been used in the office when a home sale is pending and the lawyers wants assurance that there is no ongoing or pending violations associated with the property. This process is not discussed in the SLUDR, but is on our fee schedule. Currently I have been doing a quick inspection of the property upon this request to be sure there is nothing obviously non-compliant, but many Towns do nothing except check the violation records. Other references 1. 283.A(3) Flood Elevation Certificate, ZA to provide a Cert. of Comp. - stricken in the new bylaws. 2. 331.A (1)Stormwater Management, ZA to provide Cert of Comp. 3. 413.E uses both terms in the same paragraph *The ZA may issue a temporary certificate of occupancy that conditions use or occupancy on full completion of all required improvements within not more than 12 months. The applicant shall apply for a permanent certificate of compliance prior to the expiration of any temporary certificate.* 4. 416.F Violations, ZA to provide Cert. of Comp. once resolved. Cert of Occupancy: 1. This document is used in the office to fulfill requirements in Section 413 for new homes / principal structures or when a zoning permit requires it as a condition. The form currently says that ZA has inspected the Toilet facilities, Water Supply, Cooking Facilities, and the Heating System. As I'm not authorized, nor qualified, nor required by the bylaws to inspect any of the above systems, I'd suggest eliminating this section, and replacing it with a section that indicates denial if appropriate, granting of a temporary CoO per the bylaw, and a place for notes or conditions of granting the final CoO. 2. It would also be good to have a space to refernce and check off evidence of meeting any DRB or Zoning conditions (WW permits, easement agreements, etc.) Other references: 3. 283.D.(4) C of O required for any development in the Flood Hazard Zone. This is stricken in the new bylaws, but is mentioned in
5	**DRB decision notifications and voting procedure**	**PC accepted 12-18-25: included in the 12-29-25 draft**	Add to the beginning sentence of 401.A: Within 120 days of an application being deemed complete.... Add to the end of 401.I: The Decision and the Application shall be signed by the DRB Chairperson, and sent by certified mail to the Applicant, and Appellates in cases of appeal. Copies shall also be mailed to anyone attending and participating in the hearing. The Decision shall be recorded by the Town and filed with the Land Records for the Parcel. Strike the noted sentence from the end of the Decision Template.	Sent: Monday, August 18, 2025 3:26 PM To: Planning Commission; DRB Subject: DRB decision notifications I think this statute language is missing from the bylaws, I think it should be inserted between 401.I and 401.J. 24 V.S.A. §4464 (b)(3) Any decision shall be sent by certified mail within the period set forth in subdivision (1) of this subsection to the applicant and the appellant in matters on appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing and a copy of the decision shall be filed with the administrative officer and the clerk of the municipality as a part of the public records of the municipality. Decision procedure: Note that Statute does not require the DRB to hold a public vote. The hearing must be adjourned, then the DRB can deliberate, and a written decision issued. Currently our Decision template states the following after the signatures, which I think should be stricken: ***This decision was approved by the board during a warned hearing on 8/14/2025. The hearing was conducted in person at the Starksboro Municipal Office as well as via Virtual public meeting.*** 24 VSA § 4464 (b) Decisions. (1) Within 120 days of an application being deemed complete, the appropriate municipal panel shall notice and warn a hearing on the application. The appropriate municipal panel may recess the proceedings on any application pending submission of additional information. The panel should close the evidence promptly after all parties have submitted the requested information. The panel shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the panel to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. Decisions shall be issued in writing and shall include a statement of the factual bases on which the appropriate municipal panel has made its conclusions and a statement of the conclusions. The minutes of the meeting may suffice, provided the factual bases and conclusions relating to the review standards are provided in conformance with this

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6	**define driveway permit process and purpose in bylaws. Add ZA at head end of process**	**PC accepted 12-18-25: included in 12-29-25 draft**	Revise 310.E as follows (may require subparagraphs): Driveway / Right-of-Way Access Permit. A permit is required for a new access onto a public road, and any other work in the Road or Highway Right-of-Way. If the access or work will be in the State Highway Right-of-Way, the landowner must file a VTrans Access Permit application. If the access or work will be in the Town Road Right-of-Way, the landowner must file a Driveway/Right-of-Way Access Permit with the Zoning Administrator. Note that these access permits, issued by either the State or the Town, allows for construction to occur within the Right-of-Way only. Further work to develop land on the Owner's property requires a Zoning Permit. The Zoning Administrator will schedule an access design review meeting on site with the Road Foreman and Fire Chief within 14 days of receipt of the complete application. For applications involving only work in the Right-of-Way, this preliminary review will be forwarded to the Selectboard for enactment at the next available time on their agenda. For projects that also require a Zoning Permit or referral to the DRB, the preliminary review will be forwarded to the Selectboard for enactment after a Zoning Permit is issued. For State Highway Access, the ZA shall have a copy of the State access permit or a letter of intent from VTrans before issuing a zoning permit for any land development that will be served by the new access. The Town permit expires 6 months after enactment by the Selectboard, and requires a site inspection by the Road Foreman and Zoning Administrator prior to acceptance. Amending a Driveway/R.O.W. Access Permit: If a subsequent development or subdivision results in additional lots and/or buildings utilizing the road access, an amended driveway/R.O.W. Access permit will	**From:** Steve Rooney **Sent:** Tuesday, July 1, 2025 2:45 PM **To:** Selectboard; Planning Commission; DRB; Josh Martell; Amy McCormick **Subject:** Draft revisions of Town Driveway Accessibility Permit **Attachments:** Driveway-Accessibility-Permit-SRooney Draft.pdf All, in the short time I've been here, there's been a far amount of confusion around when this permit is required, and what purpose it serves at what point in our processes. We require the access be reviewed to complete other applications and allow them to move forward to approval, but having the selectboard "enact" them sets off the construction clock of 4 months noted in the original version, which may not be appropriate if the permit is filed just for preliminary review. I've adjusted the form to allow it to be used in phases thru the initial review process, the actual start of construction (when the selectboard enacts the permit), and provides for the post construction inspection check before the driveway can be used. I also added some permit number / parcel references that were missing and made it difficult to associate permits with lots and other approvals. Submittals have also been clarified as we have been receiving little preliminary information along with these as to how the drives will be constructed. Not sure how new versions of these are adopted, but thought I would put it out there for comment and action by the appropriate party.
7	**Subdividing without a use. Need to be clear in the subdivision sections how the applicant might apply for a subdivision simply to sell land without placing a use designation on it (putting the burden of defining that on the buyer). I can construct a scenario out of the current regs by leaning on 426.C, but it should be be cleaner than that. How are building envelopes handled for undefined uses in large lots with multiple remaining building rights created in a subdivision**	**PC accepted 12-18-25: Do not add to Use Table, Define in Chapter 500 and discuss in Section 351.F. Add to beginning of 351.F as follows: Unless proposed as a Deferred Use Lot….. Add sentence at end of 351.F: The lot shall be identified on the Plat as a Deferred Use Lot Included in 12-29-25 draft**	Add a Use in Section 210 Table noted as a Deferred Use Lot. Define in Section 500 as: A Lot created by Subdivision or PUD to remain undeveloped and in its current state at the time of approval. Any future development on this lot must receive approvals required by the current bylaws in effect at that time. **PC did not adopt this:** Building envelopes on large lots with undefined uses should show the extent of buildable area at 2 acres per building right (per definition 510.B(3)), and take into account requirements of 351.F (no wetlands, steep slopes, stream buffers), and retain FC / Ag land per 354.C and 354.D.	To: Planning Commission Subject: Fw: Subdividing a property without a use designation Dan and others, topic for future discussion Steve From: Ron Rodjenski <ron@stoneshoremc.com> Sent: Monday, June 30, 2025 12:16 PM To: Steve Rooney <srooney@starksborovt.org> Subject: RE: Subdividing a property without a use designation Hi Steve, No it is often not obvious due to a bylaw's exact wording on the topic – some bylaws say "all new lots must be suitable for building" then a 100% wetland lot could not be created, for example, but the owner may want that to sell the conservation rights. Or the bylaw is silent or conflicting with itself. If silent, then the DRB has the ability to create "open space lots" or sometimes "Deferred Lots" in PUD applications. When deferred, the land development review / "buildability" is deferred to the next owner, and the survey plat can have wording adding "Not approved for land development, without prior town review" or similar. This way a buyer is aware of the risk they may not be able to get a use permit if they buy the lot. PUD provisions often have a requirement to create open space lots – no land development in lieu of concentrated density on other lots, and Starksboro PUD – 358.B addresses that – "Land within the Forest and Conservation District may be designated as open space ". And 358.G - "Delineate open space areas within which no land development may occur except for farm structures and DRB-approved walkways, driveways, roads, utilities and water-dependent structures." Conflicting with above is: 351.F Building Envelopes Required. The subdivision plan shall include at least one building envelope for each lot. All structures shall be located within an approved building envelope except for walkways, driveways, roads, utilities, water-dependent structures, farm structures, and exempt accessory structures. A building envelope shall not include any land that is unbuildable or within required setbacks. 351.F should add "except approved open space lots…or deferred lots." In a future amendment. The DRB can weigh what "suitable for use" is in 351.A – like the use as "Open Space lot for
8	**In-ground / above ground pools, ponds**	**PC accepted 12-18-25: List temporary or portable pools in Exclusions. Permanent in-ground or above ground pools of any size to be included in 510.A(2) Accessory Structures. Ponds: Any size permitted as an accessory structure. Require evidence of compliance with State and Federal regulations, or confirmation of non-jurisdiction. Included in 12-29-25 draft**	Add In-ground and above-ground pools to the 510.A(2) Accessory Structures definition (sim. to other towns). Marshfield Zoning Example for Ponds: **(PC did not adopt this 12-18-25)** Section 390 Construction of Ponds No construction of man-made ponds shall be allowed without site plan and conditional use approval by the Development Review Board in accordance with Section 245. The preparation of the plan shall take the site and the watershed into consideration. The Development Review Board may engage a professional engineer to review the plans, at the applicant's expense, to insure that it is designed adequately for flood conditions, other potential hazards and safety considerations. In addition to the conditional use review standards in Section 245, the Development Review Board shall also review and make findings on the affect the conditional use has on water quality and quantity, aquatic habitats, and landscape aesthetics. ADD: The Applicant must also provide a copy of any required State permits with any application.	Sent: Tuesday, August 5, 2025 3:45 PM To: Planning Commission Subject: In-ground and above ground pools, man-made ponds Currently these are not mentioned in the SLUDR, however in-ground pools appear on the zoning permit fee schedule. It would be good to clarify if these are permitted, exempt, or what type of conditions should be applied to them.

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9	Parking regs align with VT Statute	PC accepted 12-18-25: Included in 12-29-25 draft	Revise 313.A Parking, currently reads: Applicability. The provisions of this section apply to all land development subject to site plan or conditional use review. This misses anything in a regular Zoning Permit application, or a subdivision or PUD. Suggested edit: Applicability: The provisions of this section apply to all land development requiring parking per Figure 12, Parking Table. Edit Figure 12: Leave single family home at 2 spaces. Note two-family houses at 3 spaces (2 x 1.5). Add "Dwelling Unt" after Accessory. Revise 313.E(1) to: Parking spaces shall be 9 feet wide by 18 feet long. Add 313.E(7): Parking areas shall be provided with handicap spaces and aisles per the current edition of the Vermont Access Rules.	From: Steve Rooney Sent: Tuesday, August 5, 2025 10:19 AM To: Planning Commission <planning@starksborovt.org> Subject: Parking minimums in VSA 24 § 4414 PC members, FYI for future bylaw modification, below is current statute; I don't see this as a proposed modification to Chapter 310, Figure 12 in the proposed 2025 revisions. (4) Parking and loading facilities. A municipality may adopt provisions setting forth standards for permitted and required facilities for off-street parking and loading, which may vary by district and by uses within each district. In any district that is served by municipal sewer and water infrastructure that allows residential uses, a municipality shall not require more than one parking space per dwelling unit. However, a municipality may require 1.5 parking spaces for duplexes and multiunit dwellings in areas not served by sewer and water, and in areas that are located more than one-quarter mile away from
10	Waiving fees for town projects	PC accepted 12-18-25: Included in 12-29-25 draft	Add to the end of 400.A: Fees are not required for any application filed by the Town of Starksboro.	**Sent:** Thursday, September 4, 2025 11:40 AM **To:** Selectboard; Planning Commission **Cc:** DRB **Subject:** Permit fees for Town Projects **Attachments:** SB-minutes-8-19-25.pdf All, the Selectboard discussed permit fee structure adjustments, and waiving permit fees for Town Projects at the August 8, 2025 meeting. The minutes do not reflect adoption of the proposed revisions (I believe we missed making a motion here?). Also, I'd like to be clear how to convey the waiver of fees for Town Projects. This was not formally approved at the meeting, so that may need an official motion as well. Should I simply add a note to the Fee Schedule, or should something be added to the Bylaws? Permit fees are discussed in Section 400 of the Bylaws currently as noted below
11	ROD definition in new bylaw	PC deferred pending further study 12-18-25: refer to current clean bylaw draft (10-29-25 or later) for current ROD proposed language.	The ROD is noted as a distinct District in Section 200, and in the Use Table, not an overlay district. If it is an overlay district, it should be noted under Section 201 instead. However, it is noted as an overlay district in 2033.A (see below). As it is intended to modify the FC district (and maybe any district that needs to be crossed to access it), it should be an overlay district and noted as such in Section 201. It could be taken off the Use table and its definition and allowed uses could be confined to it's own section (sim. to the Flood Hazard overlay). As it currently does not have a column in Section 211, leave that off and discuss setbacks and dimensional standards in Section 2033 instead. Suggested edit to Section 2033: The ROD is an overlay district that extends 600' into the FC (Forestry C Conservation) District, measured from the location of the current FC boundary. The intent of this district is to open this land to planned and intentional growth and lite private enterprise to support town, school, and all members. Eliminate this sentence: See other Density and Dimensional Standards specified in Section 211	Sent: Tuesday, August 26, 2025 1:17 PM To: Planning Commission Subject: ROD section Aside from the section titles and numbering issues, this boundary description in the second sentence is a bit confusing? Section 2033. Density and Dimensional Standards 2033.A The ROD is an overlay district that extends 600' into the FC boundary. The physical boundary of the FC (Forestry C Conservation district) extends 600 feet from the current FCC boundary with the intention of opening the community to planned and intentional growth and lite private enterprise to support town, school, and all members. See standards specified in Section 211. There is no column for Density and Dimensional Standards for the ROD in the proposed Figure 4.
12	Define procedures for special fees and impact fees	Needs Selectboard approval PC deferred 12-18-25 pending further study.	Eliminate 400.C, and Revise 400.B as follows: (Stowe ordinance language) 400.B Legal & Professional Expenses: 1. When legal or engineering services are needed to assist with the review of a development application or are needed to develop legal documents related to an approved development, the costs shall be billed to the Applicant, subject to the following guidelines: a. With regard to legal services, the Town will not bill the Applicant for charges resulting from consultation with the Town Attorney regarding issues involving interpretations or Town Bylaws, formal appeals of Town decisions, or routine questions concerning the legal authority of the respective Town boards to act in various circumstances. However, the Town may bill the Applicant in instances requiring consultation with the Town Attorney for drafting legal documents relative to a specific development proposal, including development agreements, easements, etc., or where the Applicant specifically requests consultation with the Town's Attorney. b. With regard to engineering services, the Town will not bill the Applicant for routine review of development proposals by Town employees and representatives. However, the Town may bill the Applicant in instances where special studies are required for unique or complex development proposals. Examples of such studies may include but are not limited to traffic impact reports where the potential for high traffic volumes exists and hydro-geological studies in cases where community groundwater resources may be impacted. The Town may also bill the Applicant in cases where frequent on-site inspection and monitoring by an independent third-party is required by the DRB as a condition of approval. c. In all instances, the Town will consult with the Applicant prior to securing professional services, and will clearly define the scope of work to be performed and the approximate cost to be billed to the Applicant for those services.	**From:** Steve Rooney **Sent:** Monday, June 30, 2025 6:26 PM **Subject:** Re: Bylaws Need to define procedures and standards for 400.B and 400.C. and how to levy impact fees if applied under 400.D.

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13	Pre-application ZA meeting for all permits	PC accepted 12-18-25: Change language to: The Applicant is strongly encouraged to contact the Zoning Administrator…. Included in 12-29-25 draft	Revise 411.B, 422.B., 423.B. 424.B 425.B. to add this at the beginning of the paragraph: The Applicant should first contact the Zoning Administrator and schedule a Pre-Application meeting to review the proposed project and confirm the permitting process and fees.	Require a pre-application meeting with the ZA for all application types (add 411.B, 422, 424, 425 to the pre-app meetings required in subdivision chapters) .The ZA reviews the scope, confirms which application to use, and sets a preliminary fee, which is not paid until the application is fully submitted and signed off on. This would avoid someone partially filling out an app, paying a fee on the wrong process, and then leaving thinking the time clock has started. The ZA can also refer the applicant to the DRB for a pre-app meeting (not a hearing) for any development if appropriate.
14	Process checklists and flow diagrams for website	No PC action for bylaws required	ZA to work on both checklist and diagrams and submit for feedback.	Need to develop some application and drawing checklists that give everyone something to confirm when preparing or receiving materials for an application Need a simple outline diagram / decision tree that graphically depicts the process and timeline for each type of review/application that we can post on the website and include at the beginning or end of the SLUDR.
15	Be definite about abutter notification process and align with state req.		Revise 401.B(3) last sentence as follows: The ZA may provide applicants with notification forms and require they be mailed to the last known address supported by a sworn Certificate of Service or hand delivered with proof of delivery submitted before or at the start of the hearing.	Need to clarify the notification of abutters process, who compiles and verifies the list, who pays, who mails, and whether the mailing needs to be certified or just group mailed with certificate of services (less $). Typically we handle this, which is helps folks who don't have all the office equipment, but we can delegate if it's a big project with lots of abutters. VSA 24 § 4464.(2) allows for notification to be by certificate of service, rather than certified mail. I think our fees cover us doing this work and mailing, so I don't know if we want to reduce fees if the Applicant does the
16	align zoning enforcement with case law			Sent: Thursday, July 10, 2025 11:21 AM To: Ron Rodjenski; Amanda Vincent Cc: Amanda Vincent Subject: Re: Case law Thanks for the heads up Ron - I've already noted this issue with the ZP application and have that on my list to correct. Steve From: Ron Rodjenski <ron@stoneshoremc.com> Sent: Thursday, July 10, 2025 11:06 AM To: Steve Rooney <srooney@starksborovt.org> Cc: Amanda Vincent <amanda@starksborovt.org> Subject: Case law Morning Steve! Attached are Reading materials – no immediate action, just provided for when there is time. Some of the information is applicable to your "incomplete" letters to applicants which are great as Ben noted. The process of zoning enforcement C Court review on an appeal comes down to words in the Bylaw. Attached are two court opinions on words and how they impact zoning administration and enforcement process (I'm hoping enforcement is light duty and infrequent in Starksboro) but these cases give some procedural insights if you encounter the need for enforcement – basically go slow before writing any letters or advising landowners in any way. Enforcement letters should be done with town attorney assistance and may need to include the statutory 15-day appeal notice, even in an email. In the Berlin case, I think the Bylaw created the misdirection for the ZA (reconstructed vs repair from flood damage). Sometimes a planning commission benefits from these types of Court decisions if there see similar wording in your bylaw that should be clarified.

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17	**Eliminate getting approval of affected abutters prior to applying for a waiver**		Eliminate this sentence from Section 423.E (2): The waiver request shall have the support of the property owner(s) of record abutting the boundary from which the dimensional waiver is requested.	To: Ron Rodjenski; Planning Commission; DRB Subject: Re: Waiver Thanks Ron, As I see it, the checking off process on abutters happens before the waiver application is deemed complete, not at the hearing. Yes, it does appear that one abutter can stop the process as written. I'm forwarding this to the PC and DRB to allow them to review the issue and see if they want to make any revisions to this section. Steve From: Ron Rodjenski <ron@stoneshoremc.com> Sent: Monday, August 11, 2025 9:04 AM To: Steve Rooney <srooney@starksborovt.org> Subject: RE: Waiver Thanks for the clarification. Yes they would only have two options to meet the "shall" requirement, in writing or at the hearing. But in practice, does the DRB really have a checklist of all names on every deed abutting the subject parcel to check of during the hearing to make sure all X number are documented as in favor – which is the technical requirement of Section 423.E(2)? If one person on a 3-person deed is not reachable then the application would be denied or hearing continued until someone gets in touch with that person. Sorry to belabor but a perfectly fine project could technically get held up by 423.E. Whether the bylaw is appropriate is one issue and asking for more than is literally in the bylaw is a related a concern, even though it does sound logical to request approval letters, approval letters are not in the bylaw as a requirement for a deemed complete application. Section 423.E (2) is not in state law, nor would I call it a best practice to create veto power for abutting property owners. Maybe it should be rewritten to "The complete application may include support letters or letters of concern which will be considered by the DRB during their review". Otherwise, the normal process is notice and then abutters decide to participate or not to provide information to the DRB and gain appeal rights. Note: It is not only abutting property owner(s) of record that require minimum 7-day notice under 24 VSA 4464(a)(2)(B) for waivers but if on a state highway, VTrans is added to the certificate of service for the hearing notices with other abutters. I see that Section 401.A(2) requires 15-day notice for all DRB hearings, which is a good way to be consistent in your notice **From:** Ron Rodjenski <ron@stoneshoremc.com> **Sent:** Thursday, August 7, 2025 8:44 PM **To:** Steve Rooney <srooney@starksborovt.org> **Subject:** Waiver Curious question – not being critical, just see an unfamiliar process. Why did the applicant for the front yard waiver submit three neighbor signed letters ? I don't see it in the regulations as an application requirement. The applicant may have done this on their own, but I think it should be discouraged. Asking for items not in the regulations could lead to confusion and inconsistency in other application reviews. Asking for the letters also implies to the neighbor that an objection letter could "deny" a request or help approve a request without presenting factual issues at the hearing - when the review process the DRB follows is through the public hearing process. Would a neighbor saying "no support" for a project, then not participate at the hearing and then risk gaining appeal rights? One other issue, there may be two or more owners (like in a Trust, for example), so having only one owner sign a letter of support doesn't mean all owners support a project. This creates the potential appearance of approval or no objection from all owners of a parcel C would not preclude other owners with a deed interest objecting at the hearing. I haven't seen any towns ask for support letters or make it a requirement in zoning bylaws. Instead, the DRB relies on the statutory hearing notice process and local regulations like your Section 401.A (3) – Notice C Section 423.B (application requirements). All adjoining landowners receiving a copy of the hearing notice C DRB staff packet can elevate the notice (i.e., the same information the DRB has). After the abutters receive waiver hearing notices, then their silence is the same as a letter of support. It could also lead to situations where a neighbor asks for something in consideration of a signing a letter of support. Understand letters of support may help the DRB weigh a project's impacts but the best way to hear concerns is at the public hearing. No need to respond, just wanted to share this concern/observation. However, if "letters of support" are in the town regs and I missed it, please let me know.
18	**Section 118 Essential Services issues**		Add 103.A(6): A Zoning Permitt and Site Plan Review per Section 424 is required for Essential Services as defined in 510.E(5), unless the work will be occurring entirely within the right-of-way of a public road. In that case, see Section 310.E for Right-of-Way Access permitting. Replace the definition of Essential Services in 510.E(5) with the wording in 118.B. Eliminate Section 118.	**From:** Steve Rooney **Sent:** Tuesday, August 5, 2025 5:02 PM **To:** Planning Commission **Cc:** DRB **Subject:** Section 118 Essential Services I've mentioned this section to both boards previously, but wanted to formalize my comments here: 1. Section 118 notes that a zoning permit and a site plan review are required for essential services. This section is located at the end of Chapter 110 Exceptions, which is contradictory as it does not explain an exception. It would be better located earlier under work that does require a permit. It should also be clear if this type of work is Permitted, requires Site Plan Review, or is a Conditional Use, under Fig. 3 Chapter 210 Use Table. 2. Essential services are defined in detail in 118.B and include "public or private utilities". Essential services are also defined in detail in 510.E.(5), but do not include "private utilities". It would be good to clarify the definition and eliminate one or the other paragraph. Private utilities could involve shared wastewater and or water facilities, or solar farms run by an HOA or Mobile Home Park.

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19	FC PUD requirement confusion		Needs discussion to resolve	Clarify if these two sections conflict? FC Subdivisions: 263.A The subdivision of a parcel in this district into more than 2 lots shall be designed and reviewed as a PUD under Section 427. PUD Section 358.B Applicability. PUDs are allowed in all zoning districts. **However, land development associated with a PUD shall not be located within the Forest and Conservation District.** Density may be transferred from the Forest and Conservation District to another district as part of a PUD. Land within the Forest and Conservation District may be designated as open space for a PUD.
20	Zoning Bylaw Reference		Revise 100.A as follows: These are the Town of Starksboro Land Use and Development Regulations, also referenced as "zoning bylaws" or "bylaws".	Zoning Bylaws is a subtitle on the front cover, but the terms are not linked to the rest of the document where they are used.
21	Mobile Home Regs for MH not in a Mobile Home Park		Needs discussion to clarify	Currently MH's are only regulated if they ocurr inside a Mobile Home Park. Clarify if the abandonment or discontinuance rules of the mobile home park lots can apply to stand-alone MH on their own lots outside of MHP for instance, if someone wants to swap out an old non-conforming moble home when it has not been in use for some time.
22	Section 409 Proposed		This section should not be eliminated, it will unnecessarily burden the DRB with small technical changes.	
23	River Corridor Boundary Section Confusion		See suggestions at right.	This section is misplaced into the middle of the Flood Hazard Bylaw. I believe it is an Overlay District, but it's not listed in Section 200 or Section 201. It should be discribed as an Overlay District and given its own chapter.
24	Phasing of Development- Zoning Permit Limits per Year		Eliminate this?	From: Steve Rooney Sent: Thursday, September 11, 2025 5:58 PM To: Planning Commission; DRB Subject: Section 426.H Phasing Curious how this gets enforced...If someone subdivides 4 lots and gets approval, then submits 4 zoning permits, they can only build 3 of them the first year? Sounds like the DRB needs to waive this each time it happens on a case by case basis? 426.H Phasing of Development. Unless otherwise specified in the DRB's written decision, development within an approved subdivision shall be phased in accordance with the following: (1) The ZA shall not issue more than 3 zoning permits for construction of new principal buildings (including principal dwellings) within the subdivision in any calendar year.
25	Plat Filing paper copies		eliminate paper copies	426 and 427.I require one mylar and two paper copies 27 V.S.A. § 1401 Plat Filing does not require any paper copies what are the paper copies for
26	Short Term Rental		Add definition and criteria in 340, add to use table, or clarify in Rental Cottages and Camps	See email from 9/16 on this, home occupations, and BB/Inns
27	Existing Interior Lot Frontage		Change to read: Interior Lots with no frontage shall have a setback from the boundary which the right-of-way required in 310.B crosses equal to the setback from the road distance noted Section 211, minus 1 1/2 Rods. All other setbacks are to be located per Section 211.	See 301.C. Why is the setback for a lot with no frontage the same as a frontage setback around the entire perimeter? If it is to be developed it will need to have a deeded easement or r.o.w. across another parcel per 310.B, so shouldn't the boundary that the access crosses be considered the frontage side, with normal setbacks elsewhere?
28	Section 204 Density Transfer process and Transfer of development Rights in general		How is the density transfer noted in this section made official in the new development application and filings? Do we need to use the process noted in VSA 24 § 4423? Is 355.A intended to show compliance with this statute? Do we need more detail or do we need to directly reference this statute's requirements?	See VSA 24 § 4423. Transfer of development rights
29	reserved			

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30	401.A abutter mailings vs state statute (also see item 15)		Our bylaw requires certifed mail to everyone. change language to meet state statute, less expensive and easier.	Zoning Bylaw Section 401.A (3): (3) Owners of all properties adjoining the property subject to land development (including those across the road) shall be notified in writing. The notification shall include a description of the proposed project and shall clearly explain to the recipient where to obtain additional information and that he/she shall participate in the hearing in order to have the right to appeal the DRB's decision. The ZA may provide applicants with notification forms and require they be sent by certified mail return receipt requested or hand delivered with proof of delivery submitted before or at the start of the hearing. 24 VSA 4464, a(3): (3) The applicant may be required to bear the cost of the public warning and the cost and responsibility of notification of adjoining landowners. The applicant may be required to demonstrate proof of delivery to adjoining landowners either by certified mail, return receipt requested, or by written notice hand delivered or mailed to the last known address supported by a sworn certificate of service.
31	Combined review process, statute languge vs bylaw		Add Section 420.D: Per VSA 24 § 4462, If more than one type of review process noted in this Chapter is required for a project, the reviews, to the extent feasible, shall be conducted concurrently. Where a combined review process is proposed by the Applicant, a non-binding Pre-Application Meeting shall be held with the Applicant, the ZA, and the DRB to define the sequence of review and issuance of decisions.	The process noted below is missing from the bylaws as far as I can tell, or are we just relying on Section 102.A for any statute language missing or in conflict in the bylaws? : State statute VSA 24 § 4462 allows for a combined review process : If more than one type of review is required for a project, the reviews, to the extent feasible, shall be conducted concurrently. A process defining the sequence of review and issuance of decisions shall be defined in the bylaw.
32	Column headings on use	done	Add column headings to use tables that fall after the first page.	These only appear on first page now.
33	Building rights recorded on plats and deeds			351.D(1) requires a condition that the deeds be reviewed by the ZA prior to zoning permit?
34	110.D, 341.I Temp structures & 113.A(1) Multiple storage containers under 100sf		341.I should be added to 110.D in Chapter 100, as it gets lost here, and covers a lot of misc. issues that get overlooked.	113.A(1): At what point is a permit required for exempt storage under 100sf/10ft tall? Example: home with 5 steel storage containers in back yard at 100sf each.
35	Decks		Clarify if decks need a permit	Currently an at grade patio "or sim. Structure" is exempt, as are stairs, ramps and walkways. This leads me to believe a raised deck, even just a foot above grade, needs a permit, whether it has a roof or not.
36	223.D / 243.C Arch standards in bylaws		Propsed Language: 243.C Architectural Characteristics: To the extent possible, buildings shall incorporate the features of and be compatible with the historic vernacular New England homes and farm buildings found throughout the district. This requirement may be overidden where necessary to comply with federal and state requirements such as accessibility or building code, to allow for a higher standard of energy efficiency, to protect important natural resources, or to address specific concerns of neighboring property owners.	Current Language: 243.C Architectural Standards. To achieve the purposes of this district, applicants shall demonstrate that they have incorporated the following design principles into their projects to the maximum extent feasible. The DRB during site plan or conditional use review shall consider these standards to determine whether proposed land development furthers the purposes of this district and the applicable goals of the Town Plan. (1) Buildings shall incorporate the features of and be compatible with the historic vernacular New England homes and farm buildings found throughout the district. 243.D Modification. The DRB may waive or modify some or all of the architectural standards above upon the applicant requesting and demonstrating that a deviation is necessary to: (1) Comply with federal and state requirements such as accessibility or building code; (2) Allow for a higher standard of energy efficiency; (3) Adequately protect important natural resources; (4) Appropriately preserve or rehabilitate a historic structure; or (5) Address specific concerns of neighboring property owners.
37	River Corridor Bylaw vs Riparian Buffers Sect. 332		Need to check for conflicts or overlaps	
38	311.C Driveway limit vs 911			311.C says driveway serves 4 or less homes. 911 says private road if 3 houses or more.
39	Single Family Home-attached definition		Remove the SFH-attached use, and group it by definition under the Mult-family category	The use table note says "also referred to as a condo or townhouse" There is no further definition in Chapter 500. As there is already a duplex defined, this would have to be a multi-family dwelling (more than 2 du), which also has it's own category. Where a SFH-attached is allowed by conditional use contradicts where the MFH is allowed in the use table.
40	Principal Building - duplicate definitions		Delete 510.B(2)(a). Add to the end of 510.B(2): See Principal Building.	defined in both 510.B.(2)(a) and 510.P(5). Should delete one and agree on what to include in the remaining definition.

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41	Wetlands 333.C DRB review		Not sure if (1) and (2) were intended to be exceptions, or this is the only type of development allowed under DRB review? What does it mean "town permit may be conditional", is this a zoning permit or a CU review? Does every wetlands project go to the DRB?	333.C Land development shall not occur within a wetland or required buffer unless approved by the DRB: (1) For road, driveway or utility crossings and associated infrastructure needed to serve development outside the wetland; or (2) For a project that has received a state wetland permit. The town permit may be conditional upon the applicant receiving a state permit. No work shall commence until the applicant provides the ZA with a copy of the state permit.
42	Density calulation		See if there is a way to increase density in HDRC / MDRC zones for multi-family, outside the PUD	See 10/7/25 email from Srooney and Ron Rodjenski and attachement
43	Home Occupation vs Home Industry		Add Home Industry to use Table, with S designations or C.	Section 342 defines both as a type of "Home-Based Business". A home occupation is just a Permit, a home industry is a Site Plan Review. Home occupantion shows up on the Sect. 210 Use table, but Home industry does not.
44	Add Sect. or Definition References to Use Tables		Add a column to reference the definition / or further requirements section. Be sure the Use label is consistent with Chapter 300 or Chapter 500. (e.i. "On-Farm Business" in Section 342 vs "Farm Business"	Some uses are further defined in Chapter 300, others only in Chapter 500. Need to sync the Use labels with both reference location language.
45	Abandonment or Discontinuance Section 124		Add residential uses to 124.B,	currently this section only describes abandonment and discontinuance of non-residential uses.
46	Site Plan Review-application note		Add "and a site plan review application"	424.B does not note that a complete DRB application is required (sim. to CU section 425.B)
47	When can the ZA require a professional site plan?			There's no requirement for most projects that a site plan be prepared by a trustworthy source. It's also not always warranted, so is it the ZA's discretion when to require a professional prepare a plan?
48	Section 114, 303, 302.A and Section 3410 Telecommunications Towers		Change Title of Section 114 to "Non-Commercial Communications Antennas". Change 114.A to read "A zoning permit is not required for non-commercial....." Use extra space in Chapter 300 to move telecom towers from 340 to Section 304, next to 303 Renewable Energy Systems, to resolve numbering issues. Reference Section 304 in the height exemption in 302.A. Remove the telecom reporting requirement. Change 304.A to read: Applicability: Except as specifically exempted in Chapter 110, this section.....(moves the exemption discussion from the end to the front of the paragraph.)	Chapter 340 now has too many sections after Landing strips and cannibis establishments were added, so telecom. towers nows numbers 3410? Also there is an annual reporting requirement (3410.H), does this actually occur and does the ZA have to track these down? 302.A exempts telecom towers from district height standards, but then 3410 sets heights standards. Section 303 Small Renewable Energy Systems seems like a specific use, but is in Chapter 300, not Chapter 340.
49	202.C Zoning Map		Is it possible to note that there is a copy of the official version on the website as well as in the Town office? Do we have an updated one with the ROD on it?	
50	Bylaw Steep Slopes C334.D(5)		Change words in parentheses to (horizontal : vertical)	Currently, this bylaw reads: "No cut and fill resulting from re-grading the natural topography shall exceed a 2:1 (vertical : horizontal) ratio." I believe the intent is for max grading not to exceed a 2 (horz) to 1(vertical) ratio (50% slope), but the above wording in parentheses is backwards to this?
51	Exterior wood fired boilers			These are smaller than the exemption for woodsheds (100sf x 10ft high), but are not noted in the exemptions. Do we need to permit them?