

**Public hearing on draft Unified Bylaw  
7:00 PM Robinson School**

**Starksboro Planning Commission**

**Minutes 11/5/2015**

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**I - Call to Order**

PC Members attending- Dennis Casey, Chair, Norm Cota, Dan Harris, Hugh Johnson, and Dan Nugent.

Others attending- See attached sign in sheet, Dave Wetmore.

7:00 PM –Dennis called the PC meeting to order. Made introductions and announced the purpose of the hearing.

Hugh Johnson- Stated that the Bylaw reports summarizes the major changes to the Bylaws. The report was available on the Towns website and there are a few copies available tonight. Hugh then outlined for the public the reasons for the changes being proposed by the PC in drafting the Bylaw being discussed tonight.

1. These Bylaws unify the zoning, subdivision and flood hazard regulations into one document, incorporating common definitions and standards that will apply to all land development.
2. This document eliminates a lot of gray that exists with the presently adopted regulations.
3. Amendments to the zoning district boundaries, largely reflect existing settlement patterns that existed prior to the adoption of zoning in 1993.

Dennis opened the hearing for questions, comments and discussion. Dennis stated that the PC is hear to listen.

Susan Jefferies- asked to have the changes to the ZD boundaries explained? Hugh provided a general summary of the amendments to the zoning districts. The report dated 10/1/2015, submitted with the Bylaw amendment included the following more specific description;

Zoning districts-Specific areas changed from one district to another can also be seen by comparing the existing zoning map with the proposed map attached to the proposed regulations. Changes to the existing zoning districts include;

- a. High density Residential and Commercial district (HDRC)-
  - i. In the Village the district will extend south to Tatro Road, this includes Freedom Acres, Hayden gravel pit and Brookside Mobile Home Park. This change reduces the major transition from 1-25 acres in an area that is already developed. The change to HDRC would allow for infill without leapfrogging into undeveloped areas. This change reflects uses and development that existed before Zoning was adopted. This area is currently designated Agricultural Scenic and Rural Residential (ASRR).
  - ii. The HDRC district has been reduced in South Starksboro in an attempt to address resident concerns over the years. The balance of this former district will become Low Density Residential and Commercial (LDRC).
- b. Medium Density Residential and Commercial district (MDRC)- This is an entirely new district.

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- i. One area is located on the north end of the Village along the east side of Rte. 116 to the Town owned gravel pit area. This area is currently designated ASRR.
  - ii. The other area is located west of the existing HDRC in South Starksboro.
  - iii. Both of these areas recognize the denser uses and land development that existed before Zoning was adopted and allows for infill without leapfrogging into undeveloped areas. Both MDRC districts are located along State highways and seek to reduce impacts from development on Town class 3 roads.
- c. Low Density Residential and Commercial district (LDRC)- This area has been amended as follows:
- i. Ben Roberts Road- recognize and accurately reflect the terminus of the Road and extend 800-ft radius.
  - ii. Gully Hill Road is changed reflecting that the terminus of the Road was changed due to discontinuance.
  - iii. LDRC was expanded along Rte. 17 and the Gore Road to reflect the uses and development that existed prior to adoption of Zoning. This area is currently ASRR and a very small area of Forest and Conservation.
- d. Agricultural Scenic and Rural Residential (ASRR)-
- i. As noted above portions of the ASRR district are proposed to become HDRC, MDRC and LDRC. The Planning Commission recognizes that these areas were developed prior to the adoption of Zoning and this change only acknowledges the previous development patterns and by doing so allows for potential land development infill that may help to reduce development pressures on the balance of the ASRR.
- e. Forest and Conservation district (FC)-
- i. A portion of the area currently zoned ASRR east of the Huntington River in South Starksboro and along the Gore Road was changed to FCD.
- f. Heavy Industrial and Commercial district (HIC)-
- i. This area is entirely owned by the Town and is deed restricted to municipal type uses. This district is being changed to ASRR, since the deed restrictions eliminate the possibility of any future industrial uses. The existing gravel pit operation will continue until the gravel resources are exhausted and reclamation of the area is required. Future municipal uses will require site plan review.

Dan Baker- Asked procedurally how the hearing will be conducted? He has a lot of questions and comments for the PC to consider. PC stated that they are there to hear comments and concerns from Starksboro residents.

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Dan Baker- asked how much have the zoning districts been expanded? PC explained that they don't have percentage figures but they will provide that information. PC noted that as proposed the HDRC district has been shrunk in the South Starksboro area and the HDRC district has expanded to include an area south to Tatro Road in the Village area where 75 homes including Brookside mobile home park exists.. Additionally, the PC is proposing to add a MDRC district area in both South Starksboro and north of the Village.

Donna Lescoe- stated that she had attended the PC meeting in the summer that was set aside for public review and discussion. She asked if the zoning district map amendments included her request? PC explained that the HDRC was reduced in South Starksboro to reflect resident requests. The zoning district was changed to recognize that the 800-ft boundary would originate from Sam Stokes Road and not Rte. 17. This change does positively affect Donna's property.

Jeff Keeney- asked if the Village Water Cooperative has any more capacity. Can they provide water to for new development? PC stated no. The Coop can only serve the existing connections. Currently, there is no ability to expand.

Linda Saunders- asked about the density requirements for the proposed MDRC district? PC stated that as proposed it is 2.5 acres/dwelling unit, see section 212.A.

Peter Ryersbach- stated that it appears that his property will be bisected by the MDRC and LDRC district, how does this effect his property? and what about bylaws that address energy structures?  
PC- many properties are bisected by a zoning district boundary, if future land development was proposed then density requirements for each district would be factored in. PC explained that they had looked closely at adjusting zoning districts to property boundaries, but this would be a huge change and did not feel the Town would support it.

Renewable energy structure bylaw provisions- PC noted that the Town Plan is very supported of renewables and that the Town Plan would need to be amended before a zoning bylaw could be drafted.

Dan Baker- How much agricultural land is being converted to HDRC and MDRC? How does this Bylaw protect agricultural land resources? PC stated that they will have to calculate the actual amount of land that is being changed. Dennis did state that none of the land being changed is currently under agricultural production. Additionally, the change to the HDRC district in the Village will bring many homes into compliance. Linda Saunders stated that her land is currently hayed to keep it open but they are poor soils and need a great deal of soil amendment to maintain fertility. She also noted that there are several homes that are located in the area.

Lynn Parker- asked what is the largest parcel in the extended HDRC district. PC expressed that it was likely the Hayden parcel on the east side of Rte. 116. The Hayden property includes the gravel pit and the open area seen from the road.

Donna Lescoe- suggests the PC seriously consider the comments made by James Dumont, which make the zoning language stronger. Donna also express concern for agricultural resource loss and light trespass.

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Jim Runcie- will the PC consider written comments? PC stated absolutely but need them soon. Jim then spoke to a technical concerns;

- Jim shared that words like “encourage” and “should” cannot be measured where words like “shall” is.
- Jim expressed concerns about conditional use standards, especially for uses in the ASRR district. The standards need to be enforceable.
- Jim asked about density bonus section # 359.E- should there be a minimum requirement to get the bonus?
- What is to keep future subdivisions from taking place once the property has been totally developed. Dave Wetmore stated that it would be part of the DRB decision and mylar would track building rights and once they are used up it would be noted as such on the mylar.

Alan Quitner- expressed that acres from abutting zoning districts should be able to be used to meet density requirements. He stated Starksboro is not an elite community and people need to maximize there assets. Will the zoning district map have a written description? PC stated no, the map will prevail and pointed to section 203 for more explanation.

Calab Elder- expressed concern about requirement that all development be in character with the VT vernacular. He expressed support and flexibility for other constructive alternatives and practices that might be more efficient and more affordable. PC noted that the Town Plan outlines what character is and that he felt the Bylaws allow for flexible designs.

Dave Thompson- expressed concern that the change from ASRR to LDRC will negatively effect his property, especially commercial. PC noted that all zoning districts in Starksboro are mixed use and allow for commercial and light industrial uses that are compatible with objectives outlined for the district. Further, most all commercial uses including home business uses require conditional use review.

Jody Higgs- asked about the zoning district changes proposed.

Brian Duerr- asked what precipitated the changes to the zoning districts? PC stated they were guided by the Town Plan.

Nancy Carroll- asked about the conflict between agricultural vision and development. PC stated that density requirements have not changed. Nancy asked why the HDRC district is proposed to be expanded. PC stated that it was outlined in the Town Plan to change, largely due to the existing development that predated zoning.

Jim Dumont- spoke on the deBaise behalf. Extending the HDRC will change the area from ag commercial uses to commercial uses outlined in the HDRC district. Expressed that standards must be enforceable and refers to his letter to the PC. PC stated they will look closely at Mr. Dumont’s comments. The PC shared that they worked with a planning consultant on this Bylaw draft and it was reviewed by ACRPC with favorable comments.

Dan Baker- expressed that the existing and proposed Bylaws are not at all similar. Proposed Bylaw is very different and spoke to expanded uses and lighting standards. Lighting standard allows for a maximum of 50,000 lumes/acre. Dan is very concerned about light trespass, especially when side by side

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commercial projects could create excessive light trespass. Dan suggests that light standards should be similar to what we experience now. PC expressed that the Bylaws do not have a lighting standard and that having one is important. PC will explore where the 50,000 lumens/acre maximum comes from. An example of typical lighting is in a table, which is part of the Bylaw.

Jamie Deacon- asked how these questions will be answered. The PC expressed that the minutes of this hearing and answers to questions will be posted on the website.

Jim Runcie- shared that he thought that including a noise standard is good, but that it is averaged over 15 minutes. This could be a problem, especially with a kennel or shooting range where an average dBA may comply with the Bylaws but would very disruptive. PC will look at this point closer. As presently proposed the Bylaws would prohibit commercial outdoor shooting ranges.

Peter Marsh- what tools are available to enforce these regulations. PC stated that Bylaws provide to a ticketing system as well as the provision for notice of enforcement.

Peter Ryersbach- asks whether outside boilers are considered pursuant to section 323.B? PC expressed that the State regulates the use of new outdoor boilers although there are still a lot of old ones in use.

Carin McCarthy- asked why some uses require site plan and others are conditional? PC stated that it has to do with the intensity on the use. Linda Sanders asked what the difference is? Dave Wetmore shared that site plan review is an internal review of the use, i.e parking, landscaping, lighting. Conditional use review is a review of how the project would impact the surrounding uses. CU review would also include site plan review.

Jeff Keeney-noted that section 312.D cites that a driveway shall not exceed an average 12% grade, is there a maximum grade? PC stated yes, section 335 states 25%.

Bed and Breakfast- where did this description come from? PC stated from the planning consultant and other Towns.

Commercial setbacks- are they less than residential? PC stated no they are the same or greater, see section 212.

Jody Higgs- will existing business and residential uses need to comply with the standards. PC stated only as they request changes. No change then the use and practices are grandfathered. Jody asked more about enforcement. Dave Wetmore explained that enforcement is a ZA thing and governed by VT Law and section 417.

Dan Baker- spoke of the growth experienced by Hinesburg and what even a small percentage of the growth would do to Starksboro. Asked why the growth management limit was not included in this Bylaw? Without that limit Starksboro cannot control growth. Dan sited that over 73% of responders the 2008 survey supports growth restrictions/limits. PC noted that the surveys also supported growth in the right areas specifically the HDRC district. Dave mentioned that it might have been an oversight. PC noted they will consider this. It was also noted that our present growth cap is likely not enforceable and would not hold up in court as it is a static number.

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Linda Saunders- agreed that growth should be encouraged along the State Roads, in the HDRC and proposed MDRC where more concentrated development currently exists. 30 years ago it was clear to them that Hinesburg was a growth center. A permit is a form of a cap. Responsible and controlled growth is a personal responsibility as well.

Peter Ketchum- not as concerned about growth in the outlying areas. Concerned about growth of the village and along Rte. 116. Concerned about changing the growth cap that would effect Starksboro. Chose to live in Starksboro not Hinesburg.

Donna Lescoe- supports landowners need to develop. Doesn't want Village to look like Hinesburg or Bristol. Able to secure her needs within 10 minutes of Starksboro. Cites storage unit setbacks. Expressed she attended summer meeting and the PC's thoughtful consideration of her concerns/request. Donna thanked the PC for that opportunity and experience.

Jeff Keeney- Hinesburg has sewer and water. Water and sewer needs will severely restrict the potential for development and use of 1 acre lot size.

Linda Saunders- asked what type of development could be sited in Starksboro Village. PC stated that the HDRC is mixed use district, which are all of our districts. The allowed uses are outlined in section 212.

Peter Ryersbach- would extending the HDRC district allow for a gas/convenience store? PC stated that based on section 211 and 329, both uses would be a conditional use.

Dave Thompson- asked how a site plan and conditional use work? Both are reviewed by the DRB. The DRB is a quasi-judicial board that would review an application pursuant to section 425 or 426 and then approve or deny an application with possible conditions.

Alan Quittner- expressed that he did not feel the surveys were relevant due to the low rate of responses.

Dale Hoffman- asked when will the PC conduct another survey. PC noted that the Town Plan is up for re-adoption next year (2016) and a new survey will likely be completed as part of that amendment.

Dan Baker- expressed that 7 years between surveys is too much! Dan asked about water extraction, section 337. How does this section apply to businesses that use water in the course of their business and where does the 30,000 gals/day come from? PC cannot speak to the 30,000 gals/day figure, but will find out. As for water use in the course of one business, the State regulates water use. Further, business use would likely require conditional use review.

Tom Perry- asked how the MDRC district serves the Towns interest. PC stated that both these areas are located on State roads and include developed uses. Serves as a buffer and transition to areas where higher density uses already exists. This district would allow for more infill, and hopefully take the development pressure off the outlying and HDRC district.

Donna- express concern also about water extraction, but from a subdivision or development perspective. Is there any way to protect adjacent uses? PC noted that we don't have any regulation currently, but this type of use is regulated by the State and would be considered as part of the water and wastewater permit.

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Adoption process questions- Susan Jefferies shared the pros and cons of administratively adopting and putting out there for a vote. Both have their merits. The Bylaws were originally voted in, but at least the 2006 amendments were adopted administratively. Town plans have been adopted administratively. Selectboard has yet to make any decisions.

**VII- Adjournment**

Dennis thanked residents for coming out and declared the public hearing closed at 9:15 PM.

DRAFT

Date approved: \_\_\_\_\_

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Signed: \_\_\_\_\_