

**Starksboro Development Review Board  
Hearing/meeting minutes**

**10/22/2015**

Dan Nugent opened meeting at 7:30 PM

DRB Members present- Dan Nugent, Chair, Ben Campbell, Marjorie Dickstein, Rob Liotard, Arnell Paquette, and Rich Warren  
Others: Ron LaRose, Ronieta Downey, Ian McClain, Dede Valkyre and Dave Wetmore (ZA)

**Review of Minutes:**

9/10/2015- Rob moved to approve as corrected, Ben 2nds. No further discussion. Approved 6-yes and 0-no, Dave made corrections and Dan signed.

**DRB Business**

**Application #2015DRB-03-SD, 4-lot subdivision of parcel F363N6 by Ronald and Patricia Orvis, 7:45 PM**

Dan Nugent opened the hearing on application 2015DRB-03-SD by inviting those present to introduce themselves. Dan then read the warning, stating that this is a final plat public hearing and it is being recorded. Dan administered the oath to those who would be presenting information/testimony on the Orvis application. The following people took the oath: Ron LaRose, Ronieta Downey, Ian McClain, Dede Valkyre and Dave Wetmore (ZA)

Ronieta Downey- reminded the DRB that she has POA for her parents, Ron and Pat Orvis. She and Ron LaRose will be representing her parents.

Ron LaRose- Introduced the subdivision. The Orvis property is a 23 plus acre parcel located on the south side of Robert Young Road in the Low Density Residential and Commercial (LDRC) District. The property is largely open land (pasture and meadowland) including an old barn complex and pond. There is an existing 30-ft right-of-way that crosses lot #3 and provides access to the Gibson property along the south boundary. The subdivision proposal would widen the existing right-of-way to 50-ft. All septic systems will be mound systems. An easement for the septic system on lot # 2 will be required to be on lot #1. Further testing is to be conducted. Lot lines for the lots are shown on the proposed plat and 1 acre building envelopes(BE) have been sited. Development will be limited to the identified BE. The BE are sited so as conserve open agland, wetlands and stream crossing. Crossing the stream on lot #1 would require an ANR permit. Ron met with Tom Estey regarding driveway access and Tom indicated that all lots would comply with the Town access requirements and that he would draft a letter stating that. Dave confirmed that Tom had talked with him but Tom had not submitted a letter. Ron stated that the driveway to lot #2 will be given a right-of-way (ROW) across lot #3 from the existing ROW to Gibson property and lot #3 to avoid the wetland on lot #2. This may change when the final surveying is complete.

Ian McClain- expressed concern for the driveway access to lot #1. This access would be located at a point where Robert Young Road falls apart during spring conditions. This should be a concern for the Town as they routinely place gravel in this area and added traffic will require more Town maintenance. He also expressed concern about increased runoff into the stream that crosses lot #1 and then his property. He noted that in recent years the culvert is often maxed out during heavy rain events. He would like to see a vegetated buffer along the stream to reduce/mitigate stormwater. Ron noted that stormwater would be addressed by individual lot owners especially when the impervious area exceeds 1 acre. At this point the BE is located within 25-30-feet of the stream. Dave noted that the Town does require extra review for development located within 100-ft of perennial streams, wetlands and ponds.

Ian asked how far from the property line is the septic system on lot #1 sited. Ron stated approx. 65-feet from property line.

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Dede Valkyrie- asked where the BE will be located on lot #1? Ron scaled the BE at 200-ft from road.

Rob Liotard- asked what review is required for a new home/or structure once SD is approved. Dave noted that permitted uses would require zoning permit approval. Rob asked why the barns were located in lot #2. Ron noted that it has to do with required frontage and setback requirements.

Dan Nugent- asked if the driveway access to lot # 1 could be moved further east? Ronieta expressed that there is a road cut there now and that would be OK with them.

Dan –asked if the applicants had considered using the existing ROW that will serve lots 2 and 3 for lot #4 as well. Ron said that was possible. It’s all about cost, upgrading the existing ROW to private road might be cheaper than developing individual driveways. Ron thought it would be ideal if lots 3 and 4 were sold as one lot, but that remains to be seen.

Rich Warren- asked “does BE have to be a square”? Ron stated no, it depends on the Town. Sometimes it is depicted as the proposed lots boundaries less the required setbacks or it could be as they are depicted here, which is what the DRB had requested.

Rob- asked if lot #1 could be developed below the stream. Ron stated yes, but the development costs would be far greater due to stream crossing, length of driveway and power requirements. The applicants are not proposing that, but the buyers could and that would require them to comply with the Towns zoning at that time and amend the wastewater permit.

Ben- can the Town require lots 2, 3 and 4 be accessed from the existing ROW? Dave stated yes. This would be significantly less impact to the Town since the Town maintains access points. Dave expressed that if this was the case that new ROW extending from the existing ROW across lot #3 needs to be clearly depicted.

Marjorie- asked if lots #1 and #2 could share a driveway access? Ron stated no because of wetland issues.

Review of section 3.2-

3.2.1.1- Parcel # F363N6 is located on Robert Young Road, a residential area in the Low Density Residential and Commercial district (LDRC). The LDRC district is a 5 acre district. The soils and topography are suited for residential development. The property is not located in an identified flood hazard area. As proposed, all structures will conform to the minimum setbacks required in the LDRC district.

3.2.1.2- The proposed subdivision, existing and future structures can comply with the minimum specific standards outlined for the LDRC district. Subdivision will create 4 complying lots and will be supported by complying wastewater systems. There is ROW across lot #3 that accesses the property of Gibson. As proposed lots 2 and 3 will utilize the existing ROW. The applicants have presented a maintenance agreement for the road. Mr. Gibson did not attend the hearing but expressed in, exhibit # 11, concern about the condition of the ROW and hopes that improvements will be made to it if additional lots are served by the ROW. Additionally, Mr. Gibson asked for tree plantings between his property and lot #3. Subdivision has been planned to avoid the stream and wetlands located on the property.

3.2.1.3- All lots are proposed to be developed with a SFH and the lot size will support common residential uses. The lot provides sufficient open space for residential uses.

3.2.1.4- Impervious areas are less than 1 acre and will not require State erosion control or stormwater permits. Further land development, likely by the purchaser of each lot, will follow the guidelines outlined in the “VT

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Handbook on Soil Erosion and Sediment Control on Construction Sites”, including silt fence and other erosion control measures. Disturbed areas will be stabilized (seeded and mulched) after construction is complete. Additionally, changes to the BE or work within the wetland or stream crossing will require Zoning and State approval.

3.2.1.5- SD does comply with the minimum requirements of Starksboro Zoning and Subdivision. Compliance with minimum lot requirements- The LDRC district requires 5 acre minimum density. Additionally, section 3.2.1.5 requires ¼ of the lot depth for lots between 2 and 10 acres. As proposed all 4 lots comply with the minimum frontage to depth ratio as well as minimum density requirements.

3.2.1.6- All parcels are expected to be developed with SFH’s. Robert Young Road is a Town maintained highway. Robinson School has capacity beyond the current school population, exhibit #6. Police services are provided by the VT State Police and the Addison County Sheriff’s Department. The Town does not provide curb side solid waste pickup.

3.2.1.7- Ron and Pat Orvis plan to sell all the lots as residential lots. Any expanded use will likely require DRB approval. As proposed, the subdivision complies with the minimum requirements outlined in the LDRC district. Since the ROW exists for access to the Gibson property, a highway access permit is not required for homes accessed by this existing ROW.

3.2.1.8- As proposed the subdivision and future development does require compliance with Starksboro Zoning and allowed uses. The development of a residential SFH is not anticipated to cause any unreasonable air, noise and water pollution beyond that associated with residential uses.

3.2.1.9- All development will comply with the minimum standards required by the VT Energy Standard.

3.3- As proposed the SD complies with the minimum lot and density requirements for the LDRC district, exhibit # 2.

3.4- As proposed the SD can comply with VT wastewater system requirements, exhibit #7.

3.5- As proposed applicants seek to access lot # 2 and 3 via the Gibson ROW. Based on Starksboro Zoning a ROW that serves more than 2 single-family home’s is considered a private road and must be constructed to the A-76 road design standards. Dave noted that the DRB has relaxed the required top width to 16-18 feet rather than 22-feet required by the A-76 standard.

Discussion of Section 2.15- Development of open agricultural land-

Marjorie- expressed that the Board always wrestles with this standard. How far does the Board go back regarding establishing a precedent? She thought that it was useful to know that the land is hayed but the applicants do not know what it is being used for. Rich agreed, could be mulch, feed, banking around a home for winter or an archery target. Marjorie feels we have choices.

1. Recognize that the SD is separate from the future development and have each lot address section 2.15 upon proposed development.
2. Determine that the past agricultural use ceased with the removal of the cows, 3 years ago. The question is, is haying without profit for maintenance purposes an “open” agricultural use.
3. Try to conclude that the past agricultural use and future use is limited due to site existing agricultural limitations. This is always difficult.

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Dave- exhibit #5- shared that the Orvis property does not contain Prime ag soils. There are Statewide important soils. Lot #1, 2 and 3 have site limitations that limit agricultural potential, i.e. slopes, erodible soils, and wetland. Lot #4 does have the better soils and the evidence presented bears that out. Dave suggests that the Board could make a conclusion that the past agricultural use ceased with the cattle.

Rob- surveys the DRB, have we settled on the question of whether the profit from the agricultural use should be a factor in determining whether section 2.15 applies. As noted above it does effect the timeline that is established.

Rich- cited the work of the DRB on the self-store application near Brookside regarding agricultural land. Ben and Dan noted the DRB was able to conclude that the small parcel size, location within well protection zone and difficulty using large agricultural equipment, etc. were factors in the Board's decision.

Arnell- felt that Dave's evidence regarding agricultural use on lots 1, 2 and 3 is helpful.

Ian- expressed that he would like to see the BE on lot #1 shrunk and moved further north and east if possible. Relocate the driveway access point on lot #1, and restrict development along the stream to reduce stormwater concerns.

Rich- asked if reducing the BE would limit development potential. Ron thought that moving and reducing the BE would still make the parcel developable, citing that the actual buildings would be less than acre.

Dan- asked if there are more questions. He then asked Dave to read the exhibit list into the record.

- #1- Application and fee
- #2- Proposed final plat survey
- #3- POA for Ron and Pat Orvis
- #4- SD narrative to 3.2
- #5- Ag history and Ag soils map and classification
- #6- Letter from Robinson School
- #7- LaRose septic compliance letter dated 10/9/2015
- #8- LaRose email dated 10/13/2015- septic, wetlands, driveway easement
- #9- Revised road maintenance agreement
- #10- Public notice and abutter notification
- #11- Gibson e-mail dated 9/24/2015
- #12- Sketch Plan information

Rob moved to close hearing at 9:15 PM, Ben 2nds. No discussion. Motion carried, 6-yes and 0-no

Board deliberated till 10:00 PM, Board agreed to meet to review draft Orvis decision on November 12, 2015

**Adjournment**

Rich moved adjourn at 10:00PM, 2<sup>nd</sup> by Rob Moved 6-yes, 0-no.

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

Approved: \_\_\_\_\_