

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

7/14/2016

Dan opened meeting at 7:30 PM

DRB Members present-Dan Nugent, Chair, Ben Campbell, Marjorie Dickstein, Jon Fenner, Rob Liotard, Arnell Paquette and Rich Warren. Others: Kerry Kurt and Dave Wetmore (ZA)

I. Review of Minutes:

4/28/2016- Arnell moved as presented, Ben 2nds, approved 4-yes, 0-no, abstained Dan N. Rob and Marjorie. Dan N. signed

6/9/2016- Rich moved as corrected, Marjorie 2nds, approved 4-yes, 0-no, abstained Jon Rob and Arnel. Dave will correct and Dan will come into sign

II. Adjustments- none

III. Visitor Business- none

IV. Scheduled public hearing/ DRB Business

2016DRB-02-BLA- Boundary Line Adjustment (BLA) between Town of Starksboro and Kerry Kurt.

Dan re-opened the hearing at 7:45 PM. This hearing is continued from 6/9/2016

Dave recorded and took written minutes.

Dan read the warning notice and administered the oath to Kerry. Dan asked Dave to explain what had been completed from 6/9/2016.

Dave- reviewed that Donald Johnston has submitted the final plat before the Board tonight. The proposed plat includes;

1. DRB and Town Clerk signature block
2. The proposed final plat clearly states that this is a boundary line adjustment and that the land transferred to Kerry must merge into her remaining land and that no new parcel is being created from this action.
3. The proposed plat shows a very small scale depiction of the gravel pit area, the portion being adjusted and the residual acreage for both parcels.

Dave noted that with the exception of the restriction regarding the use, the plat contains all that the DRB had discussed. Mr. Johnson suggested that the restriction regarding use discussed last meeting should be included in the warranty deed as that is the legal document for the transfer, not the Plat.

Marjorie- agreed that the use restriction is a more appropriate condition for the deed. However she has personal experience with a client's property and an appeal to Supreme Court. The question before the Court hinged on DRB/ZBA condition language that never made it into the deed. Marjorie opined that she would like to see the draft deed language stating the land being adjusted shall restricted to the same uses as the residual and remaining Kurt land, effectively changing the use from Heavy Industrial to Agricultural Scenic and Rural Residential, before signing proposed plat.

Rich moved the following condition of approval;

The allowed uses of the land being boundary adjusted to Kurt shall be limited to the same uses as the remaining lands of Kurt, now considered the Agricultural Scenic and Rural Residential Corridor. Prior to approval of proposed plat (signatures by 2 DRB members), the DRB shall review deed for language restricting use. Arnell 2nds. DRB approved this condition of approval 7-yes and 0-no.

Date:_____

Approved:_____

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Ben- observed that the “Legend” does not show the roads or trails depicted on the proposed plat. He noted that the road/trail features should be in the “Legend”. Additionally, since Kerry will no longer have a right-of way to cross the Town’s property, the roads/trails that extend between the adjusted parcel and the remaining lands of the Town should be removed. Finally, Ben reminded the DRB that Thatcher Hurd has an easement to cross the Town’s property and that this right needs to be preserved now that the a small section of the presumed Hurd easement will be transferred to Kerry. Kerry felt this was not necessary. Dave noted that the deed of transfer should preserve that for Hurd.

DRB discussed;

1. Removing the road/trail shown between the property being adjusted and the remaining Town parcel.
2. Clearly reference in the legend the road shown on the plat.
3. Placing a note indicating the approximate location of the Hurd easement along the easterly boundary.
4. Prior to transfer all metal pipes that will mark the property to be adjusted must be set as noted in legend.

Ben moved to approve boundary adjustment 2016DRB-02-BLA (amending subdivision approval #98-107SD) pending written review of draft decision and subject to the following conditions;

1. Remove the road/trail shown between the property being adjusted and the remaining Town parcel.
2. Clearly reference in the legend the road shown on the plat.
3. Note the approximate location of the Hurd easement along the easterly boundary.
4. Prior to transfer all metal pipes that will mark the property to be adjusted must be set as noted in legend.
5. Condition regarding future use of the property to be adjusted will become ASSR as is the balance of the Kurt property.

Rich 2nds, approved 7-yes and 0-no.

Ben moved to close hearing 2016DRB-02-BLA, Jon 2nds. Approved 7-yes and 0-no

Other Business-

Dave- noted that there are 2 appeals pending. One is on Rounds Road and the other is on Brown Hill East. Both are in the Forest and Conservation District and are related to year around occupancy. Site visits are suggested. Dave reminded DRB that these appeals are of his actions and that he will not be able to provide administrative assistance to the DRB. Arnell is the Clerk and Dave will assist her to see that notice requirements are complete.

Adjournment

Next meeting- July 28, 2016- 3-lot Sketch Plan review proposed by Dave and Mabel Brown on Mason Hill North

Adjourn at 8:45 PM

Date:_____

Approved:_____