

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

4/27/2017

Dan opened meeting at 7:30 PM

DRB Members present-Dan Nugent, Chair, Marjorie Dickstein, Jon Fenner, Rob Liotard and Rich Warren.

Others: Samantha Fenner, Kevin and Wanda Haskins, Peter Kreisel, Jason Barnard, and Dave Wetmore (ZA)

I. Review of Minutes:

4/06/2017- Rob moved minutes as presented, Rich 2nds, approved 4-yes, 0-no, Jon abstained. Dan signed.

II. Adjustments- none

III. Visitor Business- none

IV. Scheduled public hearing/ DRB Business

1. Kit and Karen Harris, application #2017DRB-02-SP/CU, request to hold up to 10 yearly outdoor recreational events, i.e. festivals and concerts

Dan opened the hearing at 7:45 PM by reading the public notice. Dan administered oath to the Haskin's, Jason and Dave. Jason Barnard, applicant's consultant informed the DRB that the Harris' are not able to attend tonight. This was unexpected and Jason does not have written authorization to represent the applicants. Dave recorded and took written minutes.

DRD decided that they would like to hear some general information regarding the Harris' plans. The information Jason would be presenting would likely need to be explained/acknowledged again when the Harris are in attendance.

Jason presented a general project overview. The Harris' are asking to hold up to 12 outdoor festival, concerts and wedding events during the months of May-October. The applicants are looking for feedback from the DRB and neighbors. Jason made the following comments;

1. Events may include up to 500 attendees.
2. No overnight camping is being proposed at this time. No two consecutive night events are being proposed
3. Parking will be primarily in the open grass meadow areas as presented on the ortho-site plan. No permanent parking will be established.
4. Program venues would be conducted in an area described as a natural amphitheater located northeast of the applicants home, behind an existing ridge.
5. The applicants would like to hold up to 12 events per year and would request a variance to the noise standard to 11PM.
6. Unlike events hosted last year attendees would be charged for events.
7. ACT 250, wastewater, wetlands and other State permits may apply.
8. Security would be provided. No alcohol would be served by the applicants.
9. The applicants understand noise will be a big concern.
10. Catering would be done by outside licensed contractors.

Jon- Would these be live bands and asked if the applicants were aware of the Towns noise standards. Jason stated yes and are asking for an exception to the noise standards.

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Marjorie- Application states venues would be for up to 500 participants. The applicants will need to address traffic, safety, trash, security concerns etc.

Rob- asked if these are not private parties how would the applicant's restrict attendance? How would it be assured that attendees are gone by 11 pm? Who are the bands?

Jason- Most recently, the Harris hosted 2 free events for close to 500 attendees. The applicants anticipate that all music genres will be sought out, hopefully some will be local The applicants will need to figure a way to control attendance.

DRB- noted that there would need to be a way to control attendees. Security is critical and accommodations for fire and rescue personnel must be provided. Also parking would need to be compliant with the Town's regulations. How many porta-lets would be required? Jason thought that 5 would be necessary for 500 attendees.

Kevin Haskins- How does this benefit Starksboro? They have experience with the noise associated with the last 2 events and that was very loud and very annoying. Maybe it's their location but the 2016 events were very loud. Traffic will be excessive and may cause congestion. Noise should not interfere with neighbors work and sleep. If all the noise ceased at 9:00 pm it would be more acceptable. Kevin stated that the applicants have never spoken with them regarding the 2016 events. Jason stated that he typically would let the Harris' speak with neighbors as they know most about their business plans and should develop a repore with the neighbors.

Dave W.- shared that most all of Starksboro's Zoning Districts are mixed use and uses should be compatible with the primary objective outlined for the district.

Marjorie- asked if the applicants would be agreeable to sound mitigation and a sound test demonstration for the DRB to observe and listen. She feels that there must be compelling reasons/hardships for the DRB to grant an exception to the Towns Zoning Regulations.

Peter Kriesel- asked if the Town has a public assembly permit? Dave responded no.

Rob- Asked if these activities would generate property tax revenue. Rob also expressed concern regarding the demands upon fire, rescue and police protection. How will these expenses/costs to the community be compensated? Rob also noted that the applicants have the burden to convince the DRB that the impacts from their proposed project and use comply with the Towns regulations.

Dave expressed that as proposed there are no structures to tax. Mr. Haskin also felt that traffic congestion would be a problem as well as drugs and alcohol.

Rich- wondered if the applicant had explored ways to comply with the noise standards, i.e. wireless headsets. Jason did not think this had been considered.

Points the DRB feel the applicant needs to address;

1. Noise- applicants should consider conducting a sound study and ways to mitigate sound disbursement.
2. Benefits and accommodations for the Town, fire and rescue. How will the Town be notified of all events. All site plans need to be presented to fire and rescue for their review. Exact location of identified and established parking, location of sanitary facilities on stable site foundation, dumpsters, etc.
3. Compliance with all site engineering, performance and resource standards as well as site plan and conditional use review standards.
4. Harris' property is enrolled in current use and these acres need to be withdrawn.

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5. Project review sheet from State Permit Specialist. Likely requires ACT 250, evidence of wastewater compliance, public safety, wetlands delineation, flood hazard, etc.
6. Operations plan, i.e. how to control/limit # of attendees, police or security, temporary workers, caterers, notification to Town, alcohol permits, site cleanup and trash disposal, etc.
7. Vtrans- improvements to access entrance and driveway to accommodate large influx of vehicle traffic.
8. The applicants property is located in the Agricultural Scenic Rural Residential District and land development must address section 254.E (District Standards).

DRB- Jon moved to continue review of application 2017DRB-02-SP/CU on 5/25/2017 at 7:45 PM. Rob 2nds. So moved 5-yes and 0-no. Jason asked Dave to send a copy of the minutes to him. Jason and the Haskin's left at 8:30 PM.

2. Jon and Samantha Fenner, application #2017DRB-03-W, waiver request for barn on parcel #F466S- 2nd item of business

Dan opened the hearing at 8:35 PM by reading the public notice. Jon stepped back and recused himself from the DRB for this application. Dan administered oath to the Jon, Samantha, Peter and Dave. Dan asked Jon to give an over view of their waiver request.

Jon- Read directly from the prepared site plan project narrative and responses to section 423.E review standards (exhibit #3). The request if approved would allow the Fenner's to construct a new barn structure within 5-ft of the Kreisel's boundary. The signed acknowledgement from Peter and Ann Kreisel is submitted as exhibit # 2. Jon reviewed exhibit 3 and the reasons they are requesting the waiver. Both their SFH and other barn is non-complying due to setbacks. The property is quite steep farther south on their property, in addition to the pond, well, septic locations make siting a new barn difficult.

Marjorie- what is the other barn for? Currently houses hay and tractor. The new barn will house the llamas the Fenner's raise. The closest home other than the Fenner's is over 500-ft away.

Rob- will the property around the barn be cleared to the line? Yes.

Rich- asked about the reason for a new wastewater permit. It was done to accommodate the new barn. Siting the barn where the septic is proposed would have required a great deal of fill to site the barn.

Marjorie- what will the overall height of the barn be? Jon stated approx. 16-ft.

Dan- can the barn be accessed by a vehicle? Yes

Peter- noted that 5-ft does not give much room to get around the barn. Jon felt that it will likely be more like 10-ft.

DRB and All- discussed the character and nature or llamas. They are very social and the common area in the barn is very important.

Dan- asked if the DRB had any other questions of the applicants. None expressed

Dave- read the exhibit list into the record.

Ex. 1- application and fee

Ex. 2- acknowledgement from the Kreisels

Ex. 3- general project narrative and responses to 423.E

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Ex. 4- Site plan and google map

Ex.5- compliance w/public notice requirements

Rich moved to approve exhibits, 2nd Marjorie, so moved, 4-yes, 0-no

Rich moved to close the hearing on application 2017DRB-03-W at 8:55 PM, 2nd Rob. So moved 4-yes and 0-no.

DRB instructed Dave to draft a decision of approval for DRB review on 5/11/2017 of the Fenner application based on the facts, testimony and exhibits presented.

Other Business- Dave reminded DRB that they are scheduled to hear and review duPont/Spring subdivision.

Adjournment

Rob moved to adjourn at 9:00 PM, Rich 2nds. So moved 5-yes, 0-no,

DRAFT

Date:_____

Approved:_____