

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

6/1/2017

Dan opened meeting at 7:30 PM

DRB Members present-Dan Nugent, Chair, Ben Campbell, Marjorie Dickstein, Jon Fenner, and Rob Liotard (8:20PM). Rich Warren recused himself due to a conflict.

Others: Peg Kamens and Jim Mendell, Ken Weston, Dave Marshall, Jake Mendell and Taylor Hutchinson, and Dave Wetmore (ZA)

I. Review of Minutes:

5/25/2017- Jon moved minutes as corrected, Marjorie 2nds, approved 4-yes, 0-no. Dave will correct and Dan will sign on Monday.

II. Adjustments- none

III. Visitor Business- none

IV. Scheduled public hearing/ DRB Business

2017DRB-05-SD/PP- major 3-lot SD request by Hogback Heaven Farm, Peg Kamens and Jim Mendell. This is the preliminary plat hearing.

Dan- read the public notice/warning and asked for DRB and guest/interested persons introductions. Dan administered the oath to all guests/interested persons and then asked the applicant to present their application.

Dave Marshall- applicant's consultant presented the application. Hogback Heaven Farm, LLC (HHF) owns 230 acres in Starksboro which is part of a larger parcel (700 acres) of land most of which is in Monkton. As proposed this is either a 3 or 4 lot SD. It depends on whether Tatro Road subdivides the property. HHF property is bounded on the west by the Monkton Town line and on the east by Lewis Creek. The public portion of Tatro Road ends just over the bridge before the Common Ground Center. Dave shared color maps that clearly show the mapped wetland, open agricultural lands, zoning district boundaries, proposed subdivision boundaries and topography

A portion of the HHF (45 acres) is leased to Common Grounds Center (CGC). The CGC lease includes use of the pond on lot #1. The proposed subdivision would create;

1. Lot #1 is 134+/- acres located entirely in the Forest Conservation district (FC) and includes the significant mapped wetlands and pond. The land is quite steep and access is largely limited to a road that crosses the mapped wetland. The VLT has an open space agreement on most of lot # 1. Any future development on lot #1 will require DRB approval.
2. Lot #2 is a 32+/- acres bounded on the east by the private portion of Tatro Road and westerly by the mapped wetland. It includes a large portion of open agricultural land presently being operated by Jake Mendell and Taylor Hutchinson as Footprint Farm. It is their desire to make their home on this property and that is the reason for the proposed subdivision of HHF. As proposed lot #2 is located almost entirely in the FC district. A building envelope (BE) is proposed on the south end of the farm operation which reduces the impacts upon the agricultural resources. Further the BE is setback 100-ft from wetland boundary. Lot #2 will have frontage along the private portion of Tatro Road. A complying 4-bedroom SFH wastewater has been developed.
3. Lots 3 and 3A together are 62+/- acres separated by the private portion of Tatro Road and include the lands leased to CGC. Lot #3 and 3A include property in the Agricultural Scenic and Rural Residential district (ASRR) and FC district.
4. The reason this is a major subdivision is because of section 426.D(4).

Date: _____

Approved: _____

Dave M. concluded his presentation.

DRB- asked whether this SD should be considered a major 3 or 4 lot SD. Dave explained that pursuant to the definition of "subdivision" a private road does not by its presence subdivide the property. Further based on the survey it would appear that both 3 and 3A have the minimum acreage requirements for the ASRR district. Still further, one would conclude that the configuration of lots 3 and 3A if separate would change little because of the way the private portion of Tatro Road extends through the property. Therefore, it is his opinion that this should be considered a 3-lot subdivision. DRB members expressed general agreement.

Ben- asked about the 50-ft. sliver of land on the south end of lot #2. Is it necessary with the proposed 60-ft easement midway across lot #2? Dave M. explained that it is to ensure frontage for lot #1 should future zoning require frontage. Ben acknowledged that he has worked on this property and that this area could never be developed for access to lot #1. Dave M. agreed, it is all about frontage.

Private portion of Tatro Road discussion- Dave M. explained that currently this private road is a deeded 16-ft right-of-way. Ken W. explained that when the boundary adjustment was completed the right-of-way was established and surveyed as 50-ft. wide through the Breen property.

Dave W.- acknowledged that development of a new SFH on lot #2 will require conditional use approval. It was his plan to get through the preliminary plat and identify any potential issues/concerns and warn the application for the single family home (SFH) along with the final plat subdivision. Dave noted that the SFH development request does not leapfrog or extend development further into the FC district. Currently there are 5 homes beyond the location of this proposed SFH. Coupled with the communities support for agricultural enterprises and that topography and access to the property can easily support land development.

Dan- asked Dave M. to go over the application narrative and responses to the criteria. Dave read and summarized the points outlined in the narratives.

Rob-attended at 8:20 PM.

Summary of narrative points-

1. BE is sited as outlined in section 263. Minimum required setback for all structures is 75-ft from centerline of road and 20-ft from all other boundaries. The location of the BE will support development of roof top and small solar for the benefit of the SFH and farm operations.
2. The design and width of the private portion of Tatro Road as proposed complies with the minimum requirements outlined in chapter 310. The traffic generated from the SD may decrease as the owners of Footprint Farm will reside on the property. Currently they live on Big Hollow Road.
3. There is not a road maintenance agreement currently in place. State statute requires that all properties share costs if owners can't agree.
4. BE and proposed house site reduce impacts to the open agricultural space used currently by the farm operation.
5. Ken W. noted that the formal access to the balance of the HHF land (lot #1 and Monkton land) is via the 60-ft right-of-way across lot #2. There is no access to Monkton property from Monkton. Ben re-iterated that the 50-ft. strip at the south end cannot serve as access to lot #1. Both are equally difficult but at least the existing access across lot #2 is developed. Dave M. agreed that the 50-ft strip would likely never be developed due to the location of wetlands. Ken noted that the mapped wetland extends south across the Breen parcel.

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6. Presently, CGC has exclusive use of the pond. Lot #2 will not likely have deeded access to pond. The 60-ft. right-of-way across lot #2 will provide for the open space easement held by the VLT. As proposed, there is more than adequate open recreational space with lot #2 for uses common to residential uses.

Jan M.- stated that from the Conservation Commission’s perspective, this proposal seeks to conserve the agricultural resources. Jan also acknowledged that this right-of way has been used by themselves for access to the back portion of their own property.

Dave M.- noted that he will work to beef up the 60-ft right-of-way across lot #2 for the benefit of lot #1. It is important to support the forest and agricultural practices currently on-going.

DRB and Applicants- discussed non-conformity that exists with the dining hall/barn structure at CGC. All agree that the subdivision does not affect the function or non-conformity that currently exists and that a variance would not change anything. Marjorie asked and DRB agreed, that the dining hall structure should not be in the 50-ft right-of-way. Applicant will make sure that the right-of-way is offset, but the road location will remain the same.

DRB- asked Applicant to provide a written explanation why the 50-ft strip should be left. Ben noted that removing this strip would make the surveyors (Ken) job easier.

Dan- asked if there are any other questions- none heard.

Jon moved to close preliminary review of 2017DRB-05-SD, Ben 2nds. Motion to close approved 5-yes and 0-no.

Dave- explained for those present that the DRB will draft a decision for DRB approval. After that, a new hearing will be warned for the final plat review and also development in the FC district.

Public left at 9:00 PM

General HHF deliberation- Dave will draft preliminary decision. DRB agreed to the following;

1. Eliminate the 50-ft strip for the reason that the frontage that is being created does not comply with the minimum frontage requirements.
2. Seems to be a difference between the VT Significant Wetlands Inventory and the wetland you show. The Town Regulations section 333, references VT Significant Wetlands Inventory. The Board wants to make sure this is the data set being shown and that BE and any future agricultural structures does not conflict with the wetlands boundary. DRB suggested that Applicant should get the State out there and identify the wetlands on the ground, to make sure it’s right.

Other Business-

Jon- stated that he has not observed the “P” notice on the Harris property. Dave stated that he had sent a new one on May 31, 2017. DRB stated that they will not continue to hear the Harris application until the notice has been in place 15 days. Dave will contact Kit on Monday.

Review of duPont/Spring subdivision decision #2017DRB-04-SD, 2-lot subdivision plat. DRB suggested that Dave discuss w/LaRose the need to make sure that parcel #2 merges with lot #1.

Adjournment

Marjorie moved to adjourn at 9:35 PM, Rob 2nds. So moved 5-yes, 0-no.

Date: _____

Approved: _____