

**Town of Starksboro  
Planning Commission meeting  
September 20, 2018  
Unapproved**

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**Board members present:** Dennis Casey, Denny Barnard, Norm Cota, Dan Harris

**Unable to attend:** Hugh Johnson, Jeff Keeney, Dan Nugent

**Others present:** Rebecca Elder (ZA)

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The meeting was called to order at 7:05 p.m.

### Minutes of 9/6/18

**Motion:** Dan Harris made a motion to approve the minutes of 9/6/18. Denny Barnard seconded.

**Vote:** All in favor

The DRB and PC had a joint meeting in August to find out what wasn't working well for the DRB in the current Bylaws and what areas could use clarification or improvement. The current interim Bylaws were adopted 10/11/17. They can be made permanent.

- See Sec. 124. The Board resumed its conversation about abandonment and nonconformance. Rebecca provided excerpts from other local town's regulations for reference and consideration.
- Dan H. – A regulation worth thinking about is an existing house that never had a permit, and owner stops living in it/doesn't do anything with it. At what point can they live in it or the right is expires? Another example is a house that had a business in it, but that business use may or may not be allowed in today's regulations.
- Monkton's bylaws have a fairly thorough description.
- The group agreed that some new language for abandonment is needed and should be added.
- Norm expressed some concerns about how to define for land development purposes.
- Dan H.: If someone sells a structure as a business, but the district where it is located no longer allows that use, would the pre-existing business be allowed? Would it be grandfathered? Norm thinks it should be allowed.
- Denny noted that the conversation here is about nonconformity and how it relates to abandonment.
- There is only one current business in town that would be affected—VT Frames. What about old P&P Lumber site? Consider other potential examples.
- Dan H.: Do we want to open up this conversation to residential as well as commercial?
- Would the effective date be the date the Bylaws were adopted?
- Norm asked about examples like the old building at the north end of the village that is not in use—if an inspector went in and said it was not inhabitable, would that be the legal trigger? Is an inspection enough to declare a property unsafe?
- Dan asked if everything is effective as of the effective date of Bylaws, what would the status of structure be if someone wanted to live there? Does the town notify a landowner that a structure is no longer safe? Does the town want to be in the position of telling a landowner they cannot use a structure that they own?

The purpose is to try to make nonconforming structures conform or be more compliant. The owner of a nonconforming structure can't expand the structure.

ADD a definition of residential and non-residential.

The group discussed time limits in relation to abandonment. Other towns have a range from 6 months to 1 year in their definitions. Dan asked a question about residential uses. He gave the example of a seasonal camp up on a mountain side; years go by between visits/uses by the owners. Would they need a permit to use it again? What if it is owned by someone local who dies and the family is out of state, etc. Norm – How is this enforceable? How do we track it?

What about a house that has been on the market for years, not used, but then we deem it abandoned? The group agreed that the bylaws should exempt seasonal camps and conforming residential uses. Perhaps allow nonconforming uses for up to 1 year? What is the trigger? How would we notify people? Timeframe and lapse is the problem. The conversation continued about safety issues. The bylaws would need language about what would be considered "unsafe" to make this clear.

1. Eliminate "nonresidential" from 124.C
2. Add exception for seasonal camps and conforming residential uses.
3. Insert "from the adoption of these regulations"
4. 36 months "from the end of the use or from the start of these regulations"
5. Need a def of residential abandonment – Need 124.E for this
  - a. How would the use be proven....?
  - b. Basic improvements? Utilities?

What is Starksboro's authority to abate or remove public nuisances, damaged property, etc.?

Could the State issue a letter about the lack of safety about the house on 116? Nothing could be built there and still be safe. But our current bylaws would allow for improvement and/or use of this structure. Needs further discussion.

Season camp use in FC district and on Class 4 roads.

- Liability for the town?
- How do we enforce bylaws in these cases?
- How do other town's deal with similar remote areas?

Rounds Road – is there any way that a switchback could be established?

For the people who live there, could they cooperatively construct a road? Private road? Town not taking responsibility for the road or the area. That type of planning would require ROWs between landowners and road building planning and agreement. This could be an idea explored by landowners.

Definition of parcels and lots – Rebecca to gather examples from other towns.

EV charging stations – Norm raised the question about how electric vehicle charging stations should be addressed in the zoning regulations. Rebecca provided the group with a document from the State with some recommended language pertaining to placement and zoning approval of EV stations. Board members should review for next meeting.

Waiver is dimensional

Variance is about use (not possible for most part – very strict criteria)

Mobile home parks – Are these transforming to higher density housing? Permanent housing? Should they be treated as such? New issues are surfacing such as the "Vermont" style homes that are permanent and not on a chassis. What about tiny houses on wheels?

Look up the State definition for mobile home park and mobile homes. Consider what might need to be added to our definitions. Also look at "modular" and "mobile" and what needs to be added.

**Motion to adjourn:** Norm Cota made a motion to adjourn at 9:40 p.m. Dan Harris seconded.

**Vote:** All in favor

Respectfully submitted,

Rebecca Elder, ZA