

Starksboro DRB meeting

May 30, 2019

Unapproved

Board members present: Ben Campbell, Rob Liotard, Jon Fenner, Rich Warren, Arnell Paquette, Dan Nugent, Marjorie Dickstein

Others present: Rebecca Elder (ZA), Kit Harris, Chris Child, Joanna Birbeck, Jody Higgs, Susan Wallis, Peter Ryersbach, Dennis Casey, Matt Estey

The meeting was called to order at 7:37 p.m.

Minutes of 4/11/19

M. Dickstein asked about the recording of vote count on the motions and votes. The board would prefer that the count not be reflected and simply that a motion is passed or not.

Motion: Rob Liotard made a motion to accept the minutes as corrected. Marjorie Dickstein 2nd
Motion carried.

Continuation of hearing on #2019-DRB-01-CU – Kit and Karen Harris

The warning from the agenda was read:

Continuation of hearing on Application #2019-DRB-01-CU –a request by Kit and Karen Harris (dba Shangri-La Farm) to hold up to SEVEN yearly outdoor recreational and entertainment events on their property located at 3556 VT Rte. 17, parcel #E51725E. As proposed, this is a commercial use of property that requires conditional use approval from the Town. The hearing review will be conducted pursuant to Section 425 of the Starksboro Land Use and Development Regulations. Parcel E51725E is a 76+/- acre parcel with frontage on VT Rte. 17 in the Agricultural Scenic and Rural Residential District. (previous hearings were held on 3/28/19 and 4/25/19)

D. Nugent explained that the applicants have responded to the criteria at the previous hearings. The hearing tonight is to allow an opportunity for any final responses to letters submitted and any new testimony for the board to consider.

Chris Child asked about the town's definition of conditional use permitted uses. R. Elder noted that the town's bylaws include a definition of conditional uses added in the interim bylaw amendments added in October 2016. C. Child stated that conditional use approval is something the board can grant but doesn't not have to grant. D. Nugent said there are a lot of things included under the definition.

Jody Higgs asked a clarifying question about the Harrises' Act 250 permit and the limits of the permit. She wanted clarification of what would trigger an amendment. R. Elder spoke with J. Higgs earlier in the day regarding the permit. R. Elder spoke with Act 250 District Coordinator to confirm an amendment would be needed IF the local permit is granted and allows events beyond the Memorial Day to Labor Day timeframe and to allow for events larger than 200 people. D. Nugent confirmed that the local permits and Act 250 permit need to work in tandem.

Peter Ryersbach stated he hopes the board will look at these requests for conditional use thoughtfully; that people want our community to be a viable community. He said Starksboro needs people here who are willing to invest, to have jobs in the community, and to work here. Living in the community means there will be disputes, but the community needs viable businesses and jobs to make it possible for our residents to live. He hopes this is in the scope of considerations.

D. Nugent asked if there were any further comments. None were offered.

D. Nugent then **entered the exhibits** into the records as follows:

Exhibit A. Original application

Exhibit B. Public notice evidence

Exhibit C. Amended application from Kit and Karen Harris

Exhibit D. ZA letters and the letters received 4/16 and 5/22

Exhibit E.

Exhibit F.

G. Act 250 permit and supporting materials.

Motion: Ben Campbell made a motion to close the hearing. Jon Fenner 2nd.

Motion carried.

Vistors departed.

[Hearing on Application #2019-DRB-05-SD-A – Dennis and Margaret Casey/Matt and Elizabeth Estey](#)

Chair Dan Nugent opened the hearing on the application, described in the warning as follows:

Application #2019-DRB-05-SD-A is a request by Dennis and Margaret Casey for an amendment to a previously approved subdivision (DRB-2018-08-SD) of parcel D211617E.1 (Book 35, pg 299). As proposed, this amendment would allow a change in access to “Lot 2” of the subdivided property. The request is to make use of a pre-existing access off of VT Route 116. This amendment requires site plan review and approval by the Town. The hearing review will be conducted pursuant to Sec. 424 of the Starksboro Land Use and Development Regulations. “Lot 2” is a 1.45-acre parcel in the High Density Residential & Commercial (HDRC) district.

Matt Estey read the description included in his application. They are asking for the board’s permission to use a pre-existing driveway and private ROW from Dennis Casey. The original access approved by the DRB in the 2018 decision will remain in place—on the mylar and for the bank/mortgage records.

The driveway access will be a private agreement, not recorded in the deed. There will be no changes to the mylar.

The pre-existing driveway cut off Route 116 was the former driveway of Fenwick and Paulita Estey. D. Nugent noted that using this driveway will actually be better for the neighbors and better for the wildlife corridor. It was an access to a former mobile home that was removed in 2007.

The Caseys/Estey will have an attorney write up the agreement for use of the driveway. The deeded ROW for the access approved in 2018 will stay with the land and remain on the mylar. If Matt and Elizabeth Estey sell the property in the future, the deeded ROW can be extinguished with the sale.

D. Nugent asked if there were additional questions from the board. None asked.

D. Nugent entered the exhibits as follows:

Exhibit A. Application

Exhibit B. Photos of access and proposed additional driveway access

Exhibit C. Evident of public notice

Motion: Jon Fenner made a motion to close the hearing. Rich Warren 2nd

Motion carried.

Deliberative Session for 2019-DRB-01-CU from Kit and Karen Harris

The board deliberated privately. The closed deliberation will be continued at a special meeting to be scheduled for Thursday, June 20, 2019.

Motion to adjourn: Rich Warren made a motion to adjourn. Ben Campbell 2nd.

Motion carried and the meeting adjourned at 9:52 p.m.

Respectfully submitted,

Rebecca Elder/ZA

Upcoming schedule:

6/13 – site plan hearing (M. Norris); continue conditional use hearing (Bissonnette)

6/20 – Deliberative session (Harris)

6/27 – Subdivision hearing (M. Norris)