

Town of Starksboro
Planning Commission meeting
May 16, 2019
Unapproved

Board members present: Dennis Casey, Dan Nugent, Rodney Orvis, Brad Boss, Dan Harris
Unable to attend: Jeff Keeney, Denny Barnard
Others present: Rebecca Elder (ZA)

The meeting was called to order at 7:00 p.m. by Chair Dennis Casey.

The ZA asked the PC for guidance on a zoning permit application for a duplex unit in the HDRC. The bylaws state that more than 2 residences on a lot requires site plan. After reviewing the applicant's questions, the ZA and PC agreed that the project needs a site plan review. There are too many factors that need review, which is beyond the scope of ZA. The ZA will refer the permit to the DRB.

Sec. 300.A – There shall not be more than one principal structure on a lot. If two residences are presented on the wastewater application, then that means two structures. Two buildings require subdivision approval. If it is one lot with two duplexes, then that is a multi-family project and requires site plan review.

The ZA also discussed a question from an owner of forestland that sits in two parcels – one is 120 acres and the other is 25 acres. The owner wants to sell off 5 acres. The 25-acre density zoning means the owner would first need to merge the parcels and then subdivide off the 5-acre parcel. Sec. 358.B states there can be no PUD in the FC district.

The board reviewed the density and dimensional standards table. Some changes are needed for clarity. The table reflects the goals of “density-based zoning”, however, it needs to be clearer the amount of acreage required even when a smaller building lot is allowed (e.g. FC district – 25 acre zoning; 1 acre lot) The board will revise the table to ensure the intent is clear and the set-aside information to support the zoning goals is also clear.

The intention was to not break up land. Density based zoning – not lot-based zoning.

There is an example of land at the end of Carp Cole Rd. Many years ago the owners sold all but 5 acres. However, keeping the 5 acres was illegal and created a nonconforming lot. The owners had to have a wastewater plan designed in order to sell the lot.

Recorded mylar must show land to be set aside. So, in the example of above, the two lots could be merged and then a 5-acre lot could be subdivided as long as there was also a set aside of the remaining acreage for the density-based zoning. 25 acres = 1 building right. Even if subdivided for 5-acre parcel, the remaining acres must be set aside with no remaining building right.

The board continued discussion of “abandonment of use” vs. “abandonment of structure”. B. Boss asked how the town could prove someone's intent to abandon a structure? What is the trigger? D. Casey continues to believe the issue is really about nonconforming structures. D. Nugent suggested that for nonconforming structures, the clock could start at the transfer of ownership. If someone dies, the property is given via a will or is sold. At that time, the clock could start with perhaps a 6 month window before town acts?

B. Boss suggested that the board needs to look at stronger language to add to the bylaws so they can be enforced. For example on junk cars and accumulated refuse, the bylaws state that such materials should be screened from view, etc. There are State laws regarding “junkyards” and “salvage yards.” Can the

local bylaws be enhanced to help address situations in town? There is no ordinance related to junk or refuse.

Minutes of 5/2/19

Motion: Dan Nugent made a motion to approve the minutes of 5/2/19. Rodney Orvis 2nd

Discussion: none

Motion carried.

New zoning forms:

The ZA distributed examples of zoning forms from other towns. She would like to update the current zoning application form and make some variations for specific purposes: building permit, sign permit, home business/occupation permit. She also suggests the addition of a guidance document for zoning permit applications and an FAQ handout.

For DRB purposes, Rebecca is creating a document to mail to adjoining landowners and interested parties about the public hearing process when a project comes before the DRB for review. Based on the recent feedback from residents who participated in a public hearing, the zoning office wants to provide more information for people to be informed about how the bylaws are implemented and enforced in the community.

The board agreed with the concept and Rebecca will bring draft forms back to the board for review before presenting them to the Selectboard.

Motion to adjourn at 9:15 p.m.: Dan Nugent made the motion. Brad Boss 2nd.

Motion carried.

Respectfully submitted,

Rebecca Elder
Zoning Administrator