

Starksboro Dev. Review Board

Minutes of 12/12/19

Unapproved

Board members present: Dan Nugent, Arnell Paquette, Marjorie Dickstein, Rob Liotard

Unable to attend: Jon Fenner, Ben Campbell, Rich Warren

Others present: Justin Houle, Kelsey Houle, Steve Walker, Benton Mitchell, Tim Mitchell, Lindsay Wheeler, Jason Barnard, Rebecca Elder (ZA)

Chair Dan Nugent opened the meeting at 7 p.m.

2019-DRB-11-CU

D. Nugent read the public notice warning and introductions were made. Applicants: Tim Mitchell and William Mitchell (owner) being represented by Jason Barnard, Barnard & Gervais.

D. Nugent performed the swearing in of the visitors present:

Justin Houle, Kelsey Houle, Steve Walker, Benton Mitchell, Tim Mitchell, Lindsay Wheeler, Jason Barnard, Rebecca Elder (ZA)

J. Barnard described the overview of the proposed project. The Mitchells own this 6.9-acre parcel on Tyler Bridge Road. The entire proposed project for a contractor's yard/construction-related facility is contained in the upper NW corner of the property near the home. The site plan is presented overlaid on a Google map image. The town line is approximate due to two existing databases of parcel information. William Mitchell owns the property and his son, Tim, lives in the house and operates his business from the parcel. They are currently finishing construction on a 28'x40' garage structure that was permitted separately last year.

The property uses a shared drive with 157 Tyler Bridge Road. The proposed parking area for the business is behind the existing garage. The property is readily accessible to Route 116. It provides an ideal setting for the shop since most truck traffic goes out to 116.

T. Mitchell has only one regular part-time contracted employee. Equipment leaves the yard each day. In the winter, Tim also operates a snow plowing business part-time resulting in traffic in and out of the drive late evening and early morning for plowing during storms.

A site visit was held just prior to this hearing so that board members could see the property and the proximity of buildings to the stream, neighboring houses, driveways, etc. The applicant, board members, and the zoning administrator were present for the site visit. The applicant showed where some screening would be placed and is planned for the spring.

Justin Houle (abutting neighbor) stated that he uses the shared driveway every day. He said that Tim keeps the driveway in good shape and has been respectful about he and his wife getting in/out of the drive as needed.

Steve Walker (neighbor directly across Tyler Bridge Road from the shared driveway) asked to read a statement. He read the statement on behalf of himself and his wife, Barbara Covington (not present). They have lived across the road from the Mitchells for 25 years. He stated that their main view from the driveway is of Tim Mitchell's excavating business and they is not acceptable for them. S. Walker stated the zoning application should have been applied for 8 months ago and that he and his wife have been watching the business operations expand. He stated the business generates noise and light that reaches

his home; lights from the driveway shine toward his house; equipment trailers create traffic and noise. He is concerned that there are materials being stored on the property improperly and possibly close to the creek that runs along the edge of the property, west of the driveway. The Walker/Covingtons do not support the project as proposed.

D. Nugent then invited the applicant to present the project proposal:

1. **Suitability of the Use:** The lot is significantly larger than the minimum lot size. The business is set off the edge of a Class 2 road. There is less impervious area than is required for a stormwater permit. The residence on site was built in 1989. Parking will be behind the shop and there will be screening planted to block the headlights to the extent possible.
2. **Character of the Area:** The applicants' goal is to minimize what is seen from the road. Screening will be planted with proposed landscaping. These improvements prevent the business elements from altering the character of the surrounding area.
 - M. Dickstein asked about the dirt pile the board saw at the site visit. T. Mitchell stated that was sand for snowplowing. He was asked if there are any other piles along the property. Applicant responded there is one other that is fill that was from the construction of the garage and will be moved in the spring.
3. **Safety and privacy:** The project has no effect on privacy and safety. Landscaping proposed will provide screening. There is a good line of sight coming in/out of the shared drive. The plow truck will be kept in the other garage so using the residential driveway and coming straight out of the shop. There are no changes—the shared drive has been there for 40 yrs. That will be the primary entrance/exit for the trucks.
 - S. Walker stated that they have already been exposed to all of this; we have already been living with this for months; screening will not do anything to stop the lights. The light travels down the road and towards their home.
 - Rob Liotard asked the applicant if he was operating a business before the shop/garage went in? Applicant stated he had a full-time job until 1 1/2 years ago. At that time, he had a pick-up truck and mini excavator. He acquired a trailer and an excavator since the spring. He bought a dump truck very recently. Applicant stated he believes his equipment is not much of the light traffic the neighbors experience.
 - Kelsey Houle: Her husband, Justin, leaves for work when it is dark and comes home in the dark. He drives a truck. They have their parents visiting frequently and friends who come and go. They use the driveway quite a bit.
4. **Natural setting:** The garage and parking area are clustered together. The applicant doesn't want to have the business spread out. He wants to avoid sprawl on the property.
5. **Public facilities and services:** There will be no impact on schools. The road is maintained by Hinesburg. This business produces no burden on the capacity of the road, which is very close to the state highway.
6. **Performance standards:**
 - 320: applicability – the applicant requests the DRB waive or modify some conditions during the construction phase, including site work, landscaping, and construction of the garage and associated utilities.
 - 321: noise – The applicant is not working at the site; empty equipment may come back to the house; ingress/egress is for limited uses; and he will not stock pile materials. Typical hours of operation during summer: 7am-7pm. Sometimes in the summer he needs to leave at 6 to start a job at 7.
 - R. Liotard asked the applicant to describe the number of pieces of equipment. There will be a big truck, a small truck, a mini excavator, a large excavator, and trailers.

- 322: Odors, pollution – none other than regular use of trucks and diesel to operate machines. Parking and storage of vehicles does not generate odors or pollution.
- 323: Lights will be placed on the western side of building for the parking area behind the residential garage and screening. Another motion-sensor light will be on the front of the garage and it will be down-shielded and on a timer.
- 324: vibration – Use of the contractor's yard will be primarily parking and storage; no work is occurring there. Most activity is inside the building except for loading/unloading.
- 325: parking/number of vehicles: Up to 10 – depending on how far away job is
- 326: Junk and refuse – No trash will be stored on site. All refuse and materials will be disposed of regularly.
- 327: bulk storage – There is no bulk storage now but there could be a need in the future.
- 328: fueling station – n/a

7. Site plan review:

- Siting and design: garage and contractor's yard are clustered in the front of the property; applicant does not foresee expanding much on this property.
- Traffic and circulation: fewer than 10 truck trips per day
- Pedestrian traffic and circulation: none
- Parking: The parking area is adequate for the business. Equipment and trailers will be screened from view.
 - M. Dickstein asked how many vehicles would be parked when everything is home. Tim stated there would be 4 vehicles parked. Applicant stated he has subcontractors so occasionally there would be more vehicles than people.
- Stormwater and snow storage: small impervious area; adequate area for the proposed use. No additional permits from the State are required.
- Lighting: See performance standards above. There will be motion sensors and lights will be down-shielded. Applicant is only planning to light up the area in front of the corner and front of garage.
- Signs: n/a
- Landscaping: Screening planned as described above.
- Energy conservation: LED lighting used in shop.
- Town plan: The proposed project is compatible with the Town Plan by clustering the development on the property to one corner; encourages economic viability by supporting a local business and complies with Sec. 1250 which aims to avoid fragmentation of the parcel and locate development off the farmland in the area. The bulk of the parcel was left untouched.

Questions from the board:

Screening – what is the plan and what is the schedule?

- Top soil pile will go away and the area will be graded out. Cedars will be planted along the front and side as shown on site plan. Tim stated he is willing to buy mature sized cedars.

How many vehicles and/or pieces of equipment will be on site at one time? How many would drive out in the morning?

- 4 trucks, 2 subcontractors – worst case scenario. Tim says two on average.
- Examples average circumstances: Truck leaves shop, forgets a tool and has to go back. He also only has one large trailer that fits one piece of equipment. Depending on the job, he may need to go back and get another piece of equipment and that would require the trailer to be moved a second time.

Other statements:

Kelsey Houle stated that she and her husband are the ones who drive up and down the shared drive regularly. They have the cars and truck and regular visitors.

Benton Mitchell stated Tim is his cousin. He said he has lived on Tyler Bridge for 30 yrs. There are many local businesses in the immediate area including a quarry pit, a working dairy farm, a fence company, a tree nursery that uses tractors and equipment. All are part of the working landscape and viability of the area and so is this proposed business.

Exhibits:

- A – Application
- B – Site plan map S-1
- C – Evidence of public notice

Motion to close: Rob Liotard moved. Marjorie Dickstein 2nd

Motion carried.

Motion to enter deliberative session: Rob Liotard moved. Marjorie Dickstein 2nd

Motion carried.

Motion to exit deliberative session: Marjorie Dickstein moved and Arnell Paquette 2nd

Motion carried.

Motion: Rob Liotard made a motion to approve application **2019-DRB-11-CU** by Tim and William Mitchell for conditional use approval pending review of the written decision with conditions regarding screening and limits on future expansion. Dan Nugent 2nd.

Motion carried.

2019-DRB-10-CU-A

Due to a lack of quorum of DRB members who were present for the first hearing, the continued hearing for 2019-DRB-10-CU-A was postponed to Thursday, December 19, 2019 at 7 p.m. at the Town office.

Motion to adjourn at 8:37 p.m.: Marjorie Dickstein moved and Arnell Paquette 2nd

Respectfully submitted,

Rebecca Elder, ZA