

DRB meeting
June 27, 2019
Minutes – unapproved

Board members: Ben Campbell, Marjorie Dickstein, Rich Warren, Jon Fenner, Dan Nugent, Rob Liotard
Unable to attend: Arnell Paquette
Others Present: Rebecca Elder (ZA), Mathew Norris, Elmore Dickstein, Julia James, Mary Claire DeHaven, Len Denice, Raymond Marcotouillio, Peter Ryersbach, Bill and Ellen Bissonnette, Helen Camara, Nick Bissonnette, Timothy Morse

The meeting was called to order at 7:00 p.m. by Chair Dan Nugent.

The board reviewed the minutes and draft decisions prior to the start of the hearings.

Minutes of June 13, 2019

Motion: Rob Liotard made a motion to approve the minutes of 6/13/19 as corrected. Marjorie Dickstein 2nd

Motion carried. (Ben Campbell recused)

Review of decision 2019-DRB-05-SDA

The DRB requests a copy of the written agreement between Casey/Estey regarding private use of the right of way.

Motion: Ben Campbell made a motion to approve the decision to approve 2019-DRB-05-SDA with revisions as noted. Jon Fenner 2nd

Motion carried.

Hearing of Application 2019-DRB-07-SD

Applicant Mathew Norris presented his proposal for a minor subdivision project. He hopes to subdivide into 2 lots and build a duplex unit on each lot for a total of four dwelling units.

- (1) **Siting and Suitability** – The new developable parcels (Lots 1 and 2) will be located on a relatively flat site sloping mildly to the south and southwest. The soils associated with the property will support two (2) duplex apartment buildings. The property is not subject to periodic flooding or poor drainage. Further, the proposed subdivision has been designed in accordance with the density and dimensional standards presented in Sec. 211.
- (2) **Natural Features** – The two new duplex apartment buildings and their infrastructure (i.e. wastewater systems and shared drilled well) have been sited taking into consideration the natural landscape and existing topographic features. The proposed building locations are designed to minimize natural feature disturbance, including use of a shared driveway to minimize clearing and impervious surface area. Overall, the project area does not include any flood hazard areas, prime or statewide important soils, wetlands, or significant wildlife habitat.
- (3) **Character of the Area and Privacy** – The general character of the area associated with this part of Starksboro is high density single-family and multi-family residential homes. The construction of residential homes on the proposed lots using a shared driveway with a single curb cut is consistent with this general area of Starksboro and with the district purpose outlined for the High Density Residential and Commercial district Section 220.A.
- (4) **Energy Conservation and Access to Renewable Energy** – The new residential structures will be constructed to meet the most recent energy conservation standards, including the VT Residential Building Energy Standards. It is expected that LED lighting will be utilized along with

energy-efficient heating system(s) and appliances. The subdivision has ample space to take advantage of its south to south-westerly exposure, allowing for photovoltaic panels with landscaped screening.

- (5) **Access and Circulation** – Both lots will be accessed via a shared residential drive with a single curb cut onto Brookside Drive, the affected portion of which is on the subject parcel owned by Mr. Norris. The proposed drive will be constructed in accordance with Sec. 211 of the SLUDR regulations. The construction of two new duplex homes is not expected to have an undue adverse impact on the condition, capacity, safety and function of either Brookside Drive or VT Route 116. There is adequate space for pedestrian circulation within the site; no change is proposed to existing pedestrian circulation along Brookside Drive or VT Route 116.
- (6) **Infrastructure, Utilities, Facilities and Services** – Brookside Drive is a private road, and the portion to be affected by the proposed curb cut is located on the subject parcel owned by Mr. Norris. The shared drive that will serve the new residences will be maintained by the landowners. Starksboro provides first responder and fire service to its residents and the new drive will provide access and turn-around areas for these services. Utilities are easily accessible to the proposed subdivision via existing overhead wires; proposed utilities will drop from existing utility pole(s) and constructed subsurface interior to the subdivision.
- (7) **Lighting** – Any new lighting will be typical of rural residential homes and will be designed and constructed so that exterior lighting is down-shielded to mitigate light trespass off the proposed parcels. All new exterior lighting will be compliant with Section 314 and addressed under building permits.
- (8) **Recreation** – The two proposed lots provide ample outdoor space for private recreation.

J. Fenner asked what size the solar system is planned to be. M. Norris stated 15kW (on the ground). He has not yet calculated the roof production. The 3ft setback from edge of roof will limit/fire marshal

J. Fenner asked about the shared area of the drive. Would any easements be needed? Yes, Mat will have an access easement for Lot 2.

The board asked the applicant to speak with the Fire Chief and Road Foreman to ensure the driveway plan will accommodate room for a fire truck to enter and turn around as needed.

Exhibits presented:

- A – application
- B – public notice
- C – site plan map
- D – site description
- E – interested parties

Motion: Rob Liotard made a motion to close the hearing. Ben Campbell 2nd.

Motion carried.

Bissonnette Conditional Use Hearing continued

(See list of attendees at the beginning of these minutes.)

Dan Nugent reopened the hearing on application 2019-DRB-04-CU from Nickolas Bissonnette. D. Nugent asked if the board had any questions. He then asked for any remaining comments from interested parties or any new information for the Board to consider.

N. Bissonnette asked about the process of submitting written testimony. He asked for clarification about whether written submissions were sworn testimony in the same way verbal testimony is taken at the hearings.

D. Nugent stated that the Board looks for information to help inform their decision. The board reads all the letters, some are voicing opinion and others provide more factual information for consideration.

P. Ryersbach asked if the board verifies that information is correct. For example, if someone says there is a drop in value, do they need to prove it? D. Nugent noted that just because something is said, offered as verbal or written testimony, does not mean it is proven fact. The board regards written and verbal testimony in the same way and with the same weight when considering information about an application.

W. Bissonnette said there was mentioned of the view of the wood processing operation from a neighbor's house. He submitted written testimony and a photo countering that assertion. He is concerned about information being fact-checked.

D. Nugent stated that is the reason for the site visit. The board went to see for themselves and to observe the natural environment surround the proposed project site.

M. DeHaven stated that she did not believe anything untrue was said. She and her husband Jim Scheid cannot see the operation from their house. The sound is the main issue. The sight of the trailer is bothersome. She stated it is hard for her to see it and it changes the character of the area. She wishes that it would be painted or screened. However, sound is more of an issue for us.

J. Fenner asked the applicant if it would be a hinderance if the operation were limited to 160 hrs. N. Bissonnette said, yes, it would hurt and such limitations would dictate the rest of the business. He requests an 8 a.m. start time, to be respectful of neighborhood. He has made that clear to neighbors. Most of his work occurs from 8-10 a.m. The bylaws say 7 am to 9 pm are "day" hours with certain noise levels. If he were working elsewhere, he would start earlier. Occasional log drop offs may occur earlier at this site but rarely.

Julie James is a sound technician who performed testing of the sound levels of the equipment while being operated. She explained that the device is calibrated each time it is used. She resets it every time. It happens automatically when the measurements are taken. She showed her professional testing device.

The applicant stated that they ran multiple tests on different devices and the numbers were comparable.

M. DeHaven stated that she is concerned about a start time of 8 a.m. She and her husband work from home in the mornings and request a 9:30 start of business. She also asked why the bylaws only reference decibels and not pitch. D. Nugent explained that the drop of the wood into the bed and the clunking of the tractor, saw blade, 30-45 sec. may be spikes;

J. Fenner asked how long the test periods were. They ran tests of less than 10 min. sections of work on various machines. J. James said she reflected the maximum of the averages – settings of fast and slow noise movements and ranges. B. Campbell asked if there way a test of large chunks of wood vs. small. There was not. He then asked the applicant if different types of wood produce different sounds. N. Bissonnette stated yes, due to the weight of various types of wood, some will produce a louder thud sound. For example, ash is loud, cherry is not; different trees will produce a variety of sounds.

B. Campbell asked if the wood that was cut for the sound test was a good sampling of what he normally cuts. Applicant stated yes.

D. Nugent explained the bylaws address sound in the best way they knew. The PC didn't see language other than decibels in other towns' bylaws. Planning involves ongoing education and revisions to incorporate new learning.

J. James said she has done research on this over time—the effects of sounds. Different sounds are objectionable to different people; low frequencies can make people feel more fatigued, higher pitched ones are stimulating. How to set a fair level in something like town bylaws is very difficult. It is hard to quantify sound other than how loud is something is, but sound is more complex. Sounds from machinery vs. nature can have the same decibel level but affect people differently.

Len Denice stated that it would be an undue financial burden for a wood processor to continually change blades when someone complains about sound. It is a working lands use.

Regarding the box trailer, the applicant asked what screening was necessary. The board will specify screening requirements in the decision.

W. Bissonnette asked if the applicant would have the opportunity to remedy a complaint, if one is filed after the conditional use permit is in place. The board explained that yes, as long as the applicant is in compliance with the conditional use, then a complaint can be remedied.

P. Ryersbach stated that discussion about screening of the box trailer opens up a "Pandora's box" of issues related to aesthetics.

The applicant also stated that whatever hours he is permitted for his business, he also does other things around his house, which is across the road from the operation. Those activities are personal, not business related, but he is concerned that there will be complaints that are not related to the business.

The applicant requested clarification about what the hours of operation encompass. B. Campbell stated that it is important for people to realize that during different times of the year they will have to happen earlier; heavy trucks on the road.

Exhibits presented:

- A. Application and payment
- B. Criteria response for site plan
- C. Site map
- D. Locator map
- E. Public notices
- F. Letters received to/from public/neighbors/interested parties
- G. Additional responses and information from applicant including sound testing report

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

Motion carried.

Application 2019-DRB-01-CU – Kit and Karen Harris

The board deliberated privately on application 2019-DRB-01-CU on June 20, 2019. The board reviewed the draft decision and proceeded to vote.

Motion: Arnell Paquette made a motion to approve application 2019-DRB-01-CU with conditions. Ben Campbell 2nd.

Motion carried.

The next board meeting will be held on Thursday, July 11, 2019.

Respectfully submitted,

Rebecca Elder, ZA