

**Town of Starksboro  
Development Review Board  
March 8, 2018  
Unapproved Minutes**

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**DRB Members present:** Ben Campbell, Marjorie Dickstein, Rob Liotard, Arnell Paquette, Rich Warren  
(Unable to attend: Jon Fenner, Dan Nugent)

**Others present:** Rebecca Elder (Zoning Administrator), Kelly Norris, Kathleen Norris, Bob Lang

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Vice chair Marjorie Dickstein opened the meeting at 7:30 p.m. She will serve as acting chair in Dan Nugent's absence.

**1. Review of Minutes:**

Adjustments and edits noted for clarification.

**Motion:** Rob Liotard moved and Ben Campbell seconded the motion to approve the minutes of 2/8/18 with corrections as noted. **Vote:** All in favor. Marjorie Dickstein abstained.

**2. Adjustments –** Rebecca RE: Thatcher Hurd easement/ROW

**3. Visitor Business –** none

**4. Scheduled public hearing/ DRB Business**

**2018-DRB-05-SD**

Marjorie opened the hearing at 7:45 pm. She read the Notice of Public Hearing.

Ben Campbell disclosed that he has worked for the Norris' in the past. He did not work on this lot that is under review/discussion.

Marjorie read aloud the oath. Kelly and Kathleen Norris both accepted the oath. Kelly Norris then presented the information to the Board.

**Summary:**

The proposal is for a 2-lot subdivision on the Norris' property located at 1619 VT Route 17, parcel #F41712W. The current proposed minor subdivision is for Lot 2 (5.05 acres) of Parcel #F41712W in the Medium Density Residential & Commercial District. Lot 2 is to be divided into two separate parcels to be known as Lot #2A and #2B and will be 2.525 acres each with access via private road known as Hallock Brook Drive. The location is approximately 800 feet west of the Jerusalem Store on the north side of Route 17.

The hearing review will be conducted pursuant to the sections #350 and #426 of the Starksboro Land Use and Development Regulations.

The Norris' propose to subdivide the current lot known as "Lot 2" with 337± feet of frontage on the private road. The proposed Lot 2A would have 150 feet of road frontage and Lot 2B would have 187 feet of road frontage.

The were two previous subdivisions that pertain to the history of this parcel.

- The first decision was in 2006 - 06-193-SD/FPH, subdivision of [insert exact language]
- The second decision was in 2008 - 08-102-SD/FPH, 2-lot subdivision of parcel # F41712W

When this lot was divided the first time, a mound system was there. With present regulations, if you have a mound system, you are not required to have a replacement site. Kelly plans to apply for a wastewater permit amendment to change the assignment of primary and replacement systems to the existing and proposed new houses. There is another septic mound system easement in the southeast corner of the property that was for the original pre-1984 house (lower right on the map).

#### **Questions from the DRB:**

R. Liotard asked what structures exist on the property. The only structure currently is the house on Lot 1.

B. Campbell asked where the septic is for Lot B. Kelly Norris: Lot 1 still needs a replacement site – will not be a mound system.

R. Warren inquired about the condition of the road now. Kelly said it is very rough now and would be improved if subdivision is approved. The Norris' currently own Lots 3 and 4 with no development planned at this time.

R. Liotard asked if these lots were formed as part of the subdivision of 2008. Yes, 08-102-SD/FPH.

R. Liotard asked about the outline of building envelopes for the future. Kelly said he indicated on the current sketch map. An easement for septic and well will be needed for Lot 2B.

A. Paquette asked if there is a precedent on subdividing a subdivision.

The current bylaws allow for subdivision if more than 5 years after the initial subdivision. There has also been a change in zoning districts since the earlier decisions.

R. Liotard: At this point, the Norris' are not proposed to do anything other than create the two lots

Kelly: Lot 2 is already its own parcel, that has been legally subdivided. Now the they are looking at the other lot and would like to split it into 2.

R. Liotard: To clarify, all the rest on the sketch plan (i.e. building, road improvements) is for the future; there is wastewater for that lot, there is access. We are only considering the subdivision itself.

R. Warren: Who did the map work? Kelly stated that South Mountain did most of the map work. Kelly did some himself for the purposes of planning and these specs are estimated for the sketch plan review.

R. Warren: Is the 337' boundary line between Lot 2 and Lot 3 set? Kelly confirmed that all the pins are set. Yes, the boundary distance is correct.

This property is down the hill from Jefferies and Daniels properties and across Route 17 from the Jerusalem Store.

#### **Kelly Norris then reviewed the site criteria pertaining to Lots 2A and 2B.**

#### **Description:**

1. Siting and suitability – The site has already been deemed suitable in previous subdivision decisions. This proposed subdivision simply divides Lot 2 into two equal parcels.
2. Natural features – There are no wetland area to cause concern. Natural protection has been considered in the proposed site plan.
3. Character of the area – The proposed subdivision is consistent with the character and goals of the zoning district. Clustered residential development is acceptable. Design of the building and envelope will be consistent with the area.
4. Energy conservation/Access to renewable – The proposed subdivision will include standard energy conservation measures where feasible.

5. Access and circulation – Both Lots 2A and 2B will have access via the private road, Hallock Brook Drive. The proposed driveway for Lot 2A is highlighted in green on the exhibit map. Lot 2A will have 150 ft of frontage and Lot 2B will have 187 ft of frontage.
6. Infrastructure, utilities, facilities and services – Wastewater and septic will be amended as discussed. Power is already available. The area is serviced by Starksboro Fire and Rescue.
7. Lighting – Future residential design will adhere to lighting specs per the current Bylaws.
8. Recreation access – Private land parcels and no public access trails to be included.

M. Dickstein asked the Board if there were any further questions. There were none.

M. Dickstein asked if there were questions from visitors. Yes – one visitor arrived after the discussion began. Visitor Bob Lang was sworn in and accepted the oath.

B. Lang asked about the red line delineations on the sketch map and what they signify. Kelly Norris explained the lines note the well protection areas.

B. Lang asked if the neighbors had signed off on the protection area boundaries. K. Norris responded that at the time of the 2008 subdivision, approval from neighbors was not needed.

B. Lang stated that approval from the neighbors is now required.

M. Dickstein clarified that the well protection areas were already approved as part of the past decision.

The decision before the DRB now pertains only to Lot 2 and the subdivision of it into two parcels.

B. Lang stated that the lines on the sketch map do not look like what was approved in 2008. K. Norris stated that some lines moved but none touch the Langs' land. The lines now go onto the Daniels' land.

The Board discussed whether the well protection delineation was germane to the current discussion.

M. Dickstein stated the DRB wants to see the documents recorded in the overlay from both prior decisions. Information to be verified prior to site plan or final plat review.

K. Norris noted that the sketch plan map provided was simply a draft for the purpose of this proposal conversation. They put in a new septic system for the house, then the red lines were drawn (lower left corner of map). The well protection area doesn't limit activity—the only limitation is that the Daniels would not be permitted to put a septic system in the easement area.

B. Campbell asked if they expected any issues with neighboring property owners pertaining to Lot 2A. No issues are currently anticipated. R. Liotard noted that a similar easement area would be needed, in theory, for any future development.

M. Dickstein asked for any further comments from the board and interested parties. No further comments were offered.

The Board then discussed considerations to determine if this project is a major or minor subdivision.

M. Dickstein said the application is only looking at Lot 2 and dividing it into 2 parcels. The board can consider the access and private road conditions.

R. Warren: With 4 lots currently and this proposal making 5, is the private road suitable for the amount of traffic? K. Norris said the road is rough and passable, but it is not currently built to road standards.

M. Dickstein: The previous major subdivision decision already considered 4 houses. This discussion is only with regard to Lot 2. The current Starksboro Bylaws allow for further subdivision of a parcel after a 5-year period. Thus this proposal is allowed and meets the criteria.

**Motion:** Ben Campbell made a motion to move the Norris proposed project forward as a minor subdivision, Rob Liotard seconded. **Vote:** All in favor.

**Motion:** Arnell Paquette moved and Rob Liotard seconded the motion to close the Norris subdivision hearing. **Vote:** All in favor

Additional requests from the DRB for information from Kathy and Kelly Norris:

- A complete survey that shows the full project – need a mylar that can be recorded. Mylar will be of Lot 2A. Kelly would only have survey done of the lot that is under consideration. M. Dickstein stated that the DRB needs to ensure the mylar matches what was previously approved.
- Ensure the red line is correct for septic area(s) – to be part of the due diligence on the survey.
- Need the final '06 decision and '09 decisions
- Confirm the road frontage requirements are being met
- Letter re: wastewater – Kelly will submit that amendment prior to the final plat hearing.
- Need accurate, updated survey and wastewater permit
- Written responses to the criteria points.

There is a state permit showing the mound and the replacement mound. The Norris' will file for an amendment on that permit to identify the mounds go with the appropriate lots.

**Discussion:**

The Planning Commission has invited the DRB members to attend a future meeting to discuss any issues, questions, or concerns about the current Bylaws. The group discussed when to schedule this conversation. The board members agreed they would prefer to delay the conversation to early summer. The current Bylaws have only been in effect since late 2016 and the DRB will have more input after conducting several other hearings over the next couple months.

Possible topics to discuss with the PC:

- Timelines on conditional uses
- Signs – what holds up the sign, restricted by sq ft of the sign or the structure. Examine how the new regulations addressed past concerns and if any further revisions are needed.

ZA Rebecca Elder informed the DRB of an upcoming review of a request for a powerline easement crossing Town-owned land. The request is from Thatcher Hurd and has been reviewed by the Selectboard and the Road Crew foreman. R. Liotard: Can it be clarified if there are any specific examples to rely on and refer to regarding the power line easement. How do they review this? B. Campbell stated that Thatcher or his representative will need to explain the criteria for consideration.

**Next Meeting:** March 22, 2018 – Shepard Final Plat and Conditional Use hearing

**Motion:** Rob Liotard moved and Ben Campbell seconded the motion to adjourn the meeting.

**Vote:** All in favor.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Rebecca Elder  
Zoning Administrator

Approved: \_\_\_\_/\_\_\_\_/\_\_\_\_

DRB Chair: \_\_\_\_\_