

Town of Starksboro Development Review Board
NOTICE OF FINDINGS OF FACT AND CONCLUSIONS OF LAW - DECISION
In re: Application No. 22-501, site plan review and waiver request of parcel #TOWN 11

INTRODUCTION AND PROCEDURAL HISTORY

1. **Application #22-501** seeking site plan review and waiver request approval was submitted by the Town of Starksboro (applicant) pursuant to the Town of Starksboro Land Use and Development Regulations, adopted in 2020.
2. The site plan (SP) application and fee was received by the Town of Starksboro on May 9, 2022. A copy of the application and site plan are available at the Starksboro Municipal Office.
3. Public notice requirements for application **#22-501** were completed as required in chapter #400 and evidenced in exhibit D. This includes a warning in the Addison Independent, required postings, notice to abutting property owners, and owner/applicant.
4. The site plan and waiver review were considered by the Development Review Board (DRB) at a public hearing on January 26, 2023. The hearing closed on the same date.
5. The following members of the DRB attended the hearings:
 - a. Dan Nugent (chair), Ben Campbell, Arnell Paquette, Rich Warren, Robert Liotard, Evelyn Boardman, and Alexsys Thompson (via video)
6. Pursuant to 24 V.S.A. § 4465(b), a record of the name and address of persons participating at the hearing is part of the hearing record. The following persons are in that record:
Susan Klaiber, Luke McCarthy, Jeff Dunham, Tom Estey, Tabitha Hill/Jerusalem store owner (via video), Rebecca Elder (ZA), Dwyer Haney (DRB alternate)
7. During the hearing the following exhibits were submitted to the DRB in support of the application:
Exhibits A – F : These exhibits are available at: Starksboro Municipal Office, Zoning Records.

- A. Application
- B. Public Notice
- C. Waiver request responses
- D. Site plan review responses
- E. Architectural site plan
- F. Setback waiver request approval
- G. Sketch of building design (draft)

TOWN CLERK'S OFFICE
STARKSBORO, VERMONT
March 6 2023
at 9 o'clock 30 minutes A M
received this instrument for record
Vol 124 Page 611-613
Attest: Amy McCorack
Town Clerk

FINDINGS - Based on the application, testimony, exhibits, and other evidence presented, the DRB makes the following findings:

1. The Town of Starksboro requested a site plan review and waiver request for property located on Jerusalem Road. The property is more fully described in deeds in the Starksboro Land Records. Tax map ID and parcel ID Town 11.
2. The Town 11 property is in the High Density Residential and Commercial (HDRC) district as described on the Starksboro Land Use Map on record at the Town of Starksboro Municipal Office, and in Sec. 202 of the Starksboro Land Use and Development Regulations (SLUDR).
3. Prior to the hearing and pursuant to section 426.B, the applicant spoke with current Zoning Administrator Rebecca Elder to discuss application requirements, review process and site plan and waiver standards. The ZA determined that the site plan would be reviewed pursuant to Sec. 424 and the waiver request pursuant to Sec. 423.
4. Application #22-501 proposes land development on parcel Town 11 to construct a new fire station.
5. Based on the density factor (section 211) the proposed land development is allowed.
6. **Sec. 424** - The applicant shall demonstrate to the Development Review Board (DRB) that the project conforms to the review criteria listed in Section 424D. The following reflects the applicant's responses via testimony and exhibits:
 - (1) Siting and Design – 1874 Schoolhouse with 1970s addition for a fire truck to serve the South Starksboro/Jerusalem area. This addition needs to be replaced. The fire department anticipates the need for a second fire vehicle to meet expected housing increase in this area over the next

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50 years so a two-bay fire truck garage is proposed. With approval of the requested setback waivers, the proposed location and design can meet the needs of the Town without acquiring other land and the cost of new infrastructure (electric, septic, well, etc.) and other expenses.

- (2) The existing property is in the "center" of South Starksboro so a good site for a fire station, close to residential and commercial structures and access to the Route 17 corridor. The lot is sufficient for constructing a new fire truck garage, provides adequate space between the two structures to accommodate a paved walkway to the entrance of the new addition to the Schoolhouse as well as an attractive grassy area between the two buildings. The location in the High Density zoning district means two important facilities will be accessible for anticipated future development and will contribute to the town's goal of concentrating development in and around the town's existing villages and neighborhoods.
- (3) **Vehicular Traffic and Circulation.** No change in vehicular traffic anticipated. Average of 1 fire call per week for Starksboro. One pumper truck is housed in the South Starksboro garage. When a fire call comes in, one volunteer arrives to take the truck to the location where it is needed. Gravel access to the station will be of sufficient size to allow washing trucks while fully parked off the road, a major improvement from current conditions. Other exterior circulation will include paved parking and walkways for ADA access to the new entrances in the schoolhouse addition and fire station.
- (4) **Pedestrian Traffic and Circulation.** No changes to pedestrian traffic and circulation anticipated. There is minimal pedestrian traffic anticipated as there are no sidewalks in the area and only one nearby residence. The only pedestrians likely to be in the area are those attending a function at the Schoolhouse. Adequate access is provided from the designated accessible parking on the east side of the Schoolhouse and the adjacent paved walkway to an accessible entrance to the Schoolhouse. The topography at the proposed side entrance will provide access without constructing a ramp.
- (5) **Parking.** Designated parking is provided for 11 vehicles, with two of those spaces designated as accessible. An additional three spaces, located directly adjacent to the East side of the Fire Station, will be reserved for Fire Department personnel. The maximum expected number of persons to attend any event at the Schoolhouse is 48. It is estimated that this maximum number of people attending an event might occur three or four times per year. Most events +/- 15-20 people. The number and variety of events to be held at the Schoolhouse is expected to increase following renovations however the number of participants per event won't increase much.
- (6) **Stormwater and Snow Storage.** Stormwater run-off will be managed with grading as part of the construction process and run-off will be directed away from the new fire station and the Schoolhouse. Low-impact development techniques that minimize the amount of run-off generated will be used to the extent that is physically and economically feasible. Most snow removal needed will be in the driveway in front of the fire station and the designated fire department parking spaces near the building. There is space to the east of the fire station and north of accessible spaces for snow storage.
- (7) **Lighting.** One light over the entrance door on the East side of the building; one light on the southeast corner of the building to provide lighting for the accessible parking spaces. At the Fire Station there will be a single light over the West entry door(s) as well as a downward facing flood light over the truck entry doors. None of this lighting should have impact beyond the Schoolhouse and Fire Station property.
- (8) **Signs.** All signs will be designed and located to minimize adverse effects on the historic nature of the Schoolhouse while providing needed information related to parking, no parking, and entrances. Each building will have a simple sign with name.
- (9) **Landscaping.** Landscaping is expected to be minimal and will be designed to enhance the appearance of the property. Screening of any utilities will be provided. Any trees, shrubs or garden

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areas will be situated to not interfere with the access needed for entry and exit of fire department vehicles from the fire truck garage.

- (10) **Energy Conservation.** The new Fire Station, the addition to the Schoolhouse, and renovations will include energy efficient features and will meet or exceed the current energy code. Plumbing will be low flow. High efficiency LED lighting will be used. Insulation will be added to the existing Schoolhouse building. New building areas will include cavity insulation with continuous insulation on exterior or stud walls. Insulated metal panel siding will be used on the fire truck garage.
- (11) **Compatibility with the Town Plan and Other Regulations.** The proposed project of co-locating a new fire truck garage (aka Fire Station #2) on Town owned property adjacent to the historic Jerusalem Schoolhouse is compatible with the *Starksboro Town Plan 2018-2026* including serving increasing housing community, providing essential services to South Starksboro and uses an existing area of development in the South Starksboro planning area.

Waiver Review per 423.E

1. The waiver request is for continued existing use of Town 11, 397 Jerusalem Road for Fire Station #2. The proposed new Fire Station #2 provides adequate space in front of the building for a fire truck to be washed down outside the building while fully parked off the road, a major improvement from current conditions, and also accounts for sufficient turning radius for a truck to pull out onto Jerusalem Road and to subsequently back in to the building upon return from a fire call.
2. The requested waiver will not change the character of the area since the proposed new building is replacing an attachment to the Schoolhouse that is located on the same lot rather than being attached to it. The adjacent rear property, the Jerusalem Corners Country Store, is of a size that subdivision would not be possible and any anticipated reasonable use would not be impaired. The owners of the Jerusalem Corners Country Store, Tabitha Hill and John Penuel, have provided written support for this waiver request (see attached). The front setback waiver along town-owned Jerusalem Road has been approved by the Starksboro Selectboard (see attached).
3. The waiver requested will not be detrimental to the public health, safety or welfare and, in fact, will contribute greatly to the public health, safety and welfare of the area by providing a safe, adequate location for the fire truck(s) needing to be housed in South Starksboro to serve the needs of the area of Starksboro located 8.9 miles from the center of Town and 10 miles from Fire Station #1.
4. The location of the proposed structure is situated to provide the necessary driveway space and turning radius for truck exit and entrance. The location of existing septic and well and proposed new septic and driveway is shown on the provided site plan and site survey.
 - a. The building design proposes the minimum square footage needed to house the truck currently housed with a second bay for a future vehicle as the population increases over the next 50 years in this high-density district.
 - b. Windows will be minimal in number and size.
 - c. There is no expected impact on or hazards to neighboring property related to construction, future maintenance, fire, flooding, or similar nuisances or dangers.
 - d. Fencing will be installed along the property lines with the two abutting properties (North and West). Screening plantings could be added in the future.

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CONCLUSIONS- the DRB concludes the following:

1. Section 211 - This proposed land development complies with the required minimum density and dimensional standards.
2. Prior to any further land development or change of use, the owner(s) of the lot shall have received an approved zoning permit or development review board approval as required by the SLUDR.
3. Access and parking is appropriately addressed in the proposed plan and as described in the findings in response to 424.D.
4. Sec. 423E.2 – The character of the area will see some changes based on the construction of a new building. These are minor changes and are mitigated with the district architectural standards as described in Sec. 223.

DECISION AND CONDITIONS

Based on the standards and criteria referenced in the Starksboro Land Use Development Regulations, applicant, Town of Starksboro, demonstrated that the site plan for Fire Station #2 on parcel # Town 11 complies with the review criteria outlined 426.E. Therefore, the **Starksboro DRB APPROVES the Site Plan and Waiver request on application #22-501 for Fire Station to be developed on said parcel subject to the conditions outlined below.**

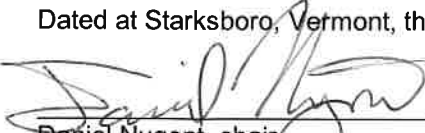
The Site Plan and Waiver approval shall be subject to the following conditions:

1. Prior to any land development, the owner of the lot shall have received an approved zoning permit associated with this Development Review Board approval.
2. Prior to commencement of the siting and construction of Fire Station #2, the permittee shall obtain all other state or local permits and. Copies of all permits (as determined by State Permit Specialist and other state agencies) shall be filed with the zoning administrator pursuant to Sec. 413.
3. All land development will comply with the standards for the High Density Residential & Commercial district as outlined in Sec. 223.
4. Per Sec. 331, in order to minimize the impact and ensure there is not undue impact on neighboring property(ies), a catch basin or similar stormwater management practice shall be implemented to prevent flow onto lower neighboring yard(s).
5. Per Sec. 401.J if the approved use or land development is not substantially completed before the zoning permit expires (see 411.H), the DRB approval will expire with the zoning permit. If the approved use or land development is substantially completed before the zoning permit expires, the DRB approval will remain in effect unless the use or land development is discontinued (see Sec. 124). DRB approvals and any related conditions run with the land, remaining in effect even if property is sold or transferred to another owner.
6. Per Sec. 412.A, the ZA shall require a site visit to ensure compliance with setbacks and waiver prior to any permanent infrastructure being installed.
7. Per Sec. 413.D, before the ZA may issue a certificate of occupancy or use, the landowner shall provide the ZA with copies of a certificate from an engineer or site tech documenting compliance with the state wastewater rules, public building codes, and a certificate documenting compliance with the state energy code requirements.
8. All signage installed must comply with Sec. 317.
9. The final Mylar shall be submitted for DRB signature and recording within 180 days of this decision. The final plat should be revised to show Town 11 to include the required set back dimensions from abutting properties per Sec. 211 and the waiver of setback dimension granted in this decision.
10. All future lighting shall be typical of rural residential communities and shall be designed and constructed so that exterior lighting is down-shielded and compliant with Sec. 314.

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11. All land development and use of Town 11 parcel shall be in accordance with the application, plans, exhibits on file, and the findings of fact which are incorporated herein.

Dated at Starksboro, Vermont, this 27th day of February, 2023.



Daniel Nugent, chair



Edward "Ben" Campbell


Alexsys Thompson

Evelyn Boardman

Arnell Paquette



A. Robert Liotard



Richard Warren

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.