

Town of Starksboro
Development Review Board
Minutes (APPROVED)
December 11, 2025

Members Present: Evelyn Boardman (Chair), Arnell Paquette, Rich Warren, Rob Liotard, Tom Perry, Luke McCarthy (via Zoom).

Members Not Present: Ben Campbell

Hearing 25-DRB-04CU/03WVR:

Applicants Present: Kevin Moyer

Visitors: None

Pre-Application Meeting, Boss-Kelly:

Visitors: Jason Barnard, Brad Boss, Crystal Kelly

Others Present: Stephen Rooney, Zoning Administrator

Meeting called to order by Chair E.Boardman at 6:32 pm

Public Comment: None

Agenda Changes: None

Hearing 25-DRB-04CU/03WVR Conditional Use and Waiver Review

Hearing opened at 6:37pm

Chair E.Boardman read the warning.

E.Boardman asked if there were any conflicts of interest or Ex parte communications – none were reported.

E.Boardman swore in the Applicant Kevin Moyer.

Testimony:

K.Moyer briefly described the purpose of the application, and outlined the (3) three sheds being proposed and the (2) two existing structures to be retroactively permitted.

K.Moyer and S.Rooney noted that permitting for the two existing structures noted on the plan is unclear and approval is being requested here to clear the record.

S.Rooney reviewed the site plan and the permitting history, and oriented the board members on the plan layout.

S.Rooney reviewed the waiver request for the new and existing structures on the southern boundary.

E.Boardman asked what was the information source for the property pins on the site plan. K.Moyer said the drawing predates his ownership of the company. S.Rooney noted that there was a recent boundary line adjustment / lot merger, and that there should be a plat associated with this approval, and that it may be worth referencing a plat on the site plan.

E.Boardman asked about the location of the Rt. 116 right-of-way. It appears that the existing sheds along Rt. 116 might be in the State ROW based on the digital information on the State AOT website. The group continued to discuss how to determine the actual location of the right-of-way really, and what the implication of the buildings being in the right-of-way might be.

T.Perry asked how the project fell under ACT 250 jurisdiction. K.Moyer noted that the project was under an existing ACT 250 permit due to the development being in the scenic corridor.

R.Warren asked if the DRB could give approval regardless, and let the State know that the Town approved. S.Rooney suggested the DRB might consider an approval conditioned on the State approval.

S.Rooney noted that the State may require a ROW Access Permit if they do allow the project to move forward in the ROW.

K.Moyer then read thru the applicant's responses to the Waiver and Conditional Use Review criteria 423.E and 425.D.

R.Warren asks about the 5ft. setback noted in response 423E.(3).

A.Paquette asked if the sheds had floors. K.Moyer noted they did not. A.Paquette asked if they met the definition of a building without a floor. S.Rooney noted that they did (ZA post-meeting note: "Building" definition in 510.B(2) only requires a roof, does not require a floor.)

E.Boardman read the Exhibit List.

Motion: A.Paquette made a motion to accept the application as meeting the criteria for a conditional use review and waiver request. R.Liotard seconded.

Vote: All were in favor.

T.Perry asked if all the issues noted in the ZA letter to the applicant in Exhibit I were addressed by the applicant. S.Rooney replied yes.

T.Perry noted that the only issue that is unresolved is the state right-of-way. S.Rooney also noted needing to determine the 5ft reference in 423.E(3), and then found the language referencing that dimension in section 423.E(3).

Motion: T.Perry motioned to close the public hearing at 7:29pm, A.Paquette seconded.
Vote: All in favor.

The applicant was dismissed.

Pre-Application Meeting, Boss-Kelly Major Subdivision, 793 VT Route 116, Parcel 10431
Chair noted this is an informal, non-binding pre-application meeting.

S.Rooney noted that he had a zoom meeting with J.Barnard to go over the application, and J.Barnard requested a meeting with the DRB to clarify issues.

J.Barnard noted the parcel was reviewed for subdivision earlier this year, and the applicants recently purchased Lot 1. Lot 6 is being created in Lot to subdivide the existing farmhouse, outbuildings and existing well and septic out from the larger parcel. Lot 6 is named to be consistent with the waste-water permit labelling.

A new residence is proposed for Lot 1, with new building envelope.
Applicant wants to continue with the agricultural use of the remaining land.

The existing farm building's future is unclear, the structures are in poor condition.

The application would be a major subdivision due to it being part of a previous subdivision approval within 5 years.

R.Liotard asked if the agricultural use would continue on the cultivated land. B.Boss said yes.

J.Barnard noted that the house site would be tucked into a less visible section of the site.

S.Rooney asked about the sand pit.

J.Barnard noted that Dennis Casey does draw from this pit. The pit has been considered as grandfathered and pre-dating zoning.

S.Rooney questioned whether adding a new residence next to the pit constitutes a new "mixed use".

J.Barnard noted that the property has always been a mixed use, and doesn't constitute a "change in use", so shouldn't need a conditional use.

R.Warren asked about the camping trailers on site. The applicant's noted that those have been removed.

S.Rooney noted that if this was a new application with no history of these uses, and a commercial pit and a residence were proposed on the same lot, a mixed use application would probably be deemed appropriate.

J.Barnard noted that this is not a formal commercial pit, with spec grade materials for sale, it's just an informal "burrough" pit with material being used "as is".

R.Liotard asked what implications would arise out of considering this a "mixed use" application.

S.Rooney noted that it might just be procedural, and could be reviewed concurrently with the subdivision, but depended on how the DRB viewed it.

T.Perry asked about any change in use planned for the pit. J.Barnard and B.Boss noted that they did not want to trigger additional regulatory review by changing the pit use.

A.Paquette asked if the uses were grandfathered why was a mixed use review required?

S.Rooney noted that the new residential development was not grandfathered, and the new land subdivision created a new development, so it raised the review question in his mind, and that a straw poll of the board might help in setting a procedural path.

J. Barnard suggested the pit could be included in the project description of the subdivision application, but that he did not see value in applying a conditional use review to this existing use on owner-occupied property.

T.Perry asked if there really was any change of use. R.Warren asked if it met the definition of mixed use if the pit was not new development. S.Rooney noted that Sect. 300 only allows multiple principal uses if approved by the DRB as a mixed use. J.Barnard questioned whether the pit could be considered a principal use.

T.Perry discussed what the board might consider if an interested party was to inquire or object about the pit operation. He noted that continued use of the pit at it's current level will still result in future landscape change, and asked at what point would the board be asked to review this activity further. S.Rooney noted that there are bylaws regarding earth extraction, but these would not apply to a grandfathered pit.

R.Liotard asked what information would be provided about the pit with either a mixed use review or just a subdivision review. J.Barnard noted that the pit was not discussed as part of the previous subdivision as the farm was not separated from the pit in that application.

B.Boss said he thought the new house location provided better isolation from the pit operation than the current farmhouse location.

R.Liotard again asked what information about the pit would be reviewed either way. S.Rooney noted that it might be just acknowledging that the use exists, and the approval might just be to acknowledge that it can continue for the record.

J.Barnard proposed describing a history extraction amount that would be acknowledged in the application.

The group discussed whether the pit would be considered a principal use. The group seemed to agree that the pit should really be considered an accessory use to the farm.

S.Rooney asked if the board would share which direction they consider this application under. L.McCarthy did not comment, but the remaining members felt the application could be reviewed under the subdivision bylaws without the mixed use review, but with some historical information on use of the pit provided for the record.

E.Boardman noted that Section 252.B limits the size of subdivision parcels to larger than ½ acre or less than 2 acres, or larger than 25 acres, and asked if a waiver was necessary for the +/-4acre farm building parcel. S.Rooney noted that this section did apply to this application, but that the applicant could ask for a waiver.

T.Perry asked about whether the pit size would appear to grow from the road. B.Boss thought that Dennis Casey's use would continue, but it would not increase beyond that.

The group discussed that the waiver appeared to be appropriate in this situation where the subdivision was trying to isolate an existing group of buildings and maintain the larger parcel.

Minutes Review:

Minutes from 11-6-25 DRB Meeting were reviewed.

The following corrections were noted:

“R.Perry” should be corrected to “T.Perry” in two locations.

Motion: T.Perry moved to accept the 11/6/25 minutes with corrections noted. R.Liotard seconded.

Vote: L.McCarthy, A.Paquette, E.Boardman abstained as they were not in attendance. All others in attendance voted in favor (B.Campbell not at this meeting).

Hearing 25-DRB-04CU/03WVR, Deliberative Session:

Motion: R.Liotard moved to go into Deliberative Session at 8:28pm. A.Paquette seconded.

Vote: All in favor.

Motion: R.Liotard moved to adjourn at 8:50pm. A.Paquette seconded.

Vote: All in favor.