

**Town of Strafford
Development Review Board
August 7, 2024 6 P.M.
Minutes**

Attendee's: Bonnie Bergeron, Dan Ruml, Terry Garrison, Martha Walke and Kyle Katz

New business:

1. Discussion with Kyle Katz from Two Rivers-Ottauquechee Regional Commission (TRORC) to receive guidance on procedures and VT guidelines.

Terry asked Kyle if Kyle was part of the Strafford Planning commission helping to implement the new plan. Kyle noted that he did help a little with the process and in answering questions.

Review and discuss the Site Plan Review process. V.S.A. 24VSA 4416 was read by Kyle. Kyle noted that the town's criteria is usually very broad and it's up to the Board to determine what is necessary and how detailed they get. Typically, the criteria are a parking plan, access and pedestrian safety, landscaping, screening, and exterior lighting. The applicant will often include a brief narrative describing how each SP standard has been/will be met. One and two family dwellings are exempt from a site plan review. Site Plan and Conditional Use approvals are often combined into the same hearing (see section 6.1.2 of the Strafford Unified Bylaws).

Terry asked if a site visit is ok prior to a hearing? Kyle noted that it would be very unusual for an applicant to deny a board to view the property should the board request one.

Notice of a decision can be in the DRB meeting minutes but it is best to record in a standalone document to include the standards and criteria to issue, what zone it is in, access, wetlands or stream location, flood hazard, non-conforming lot, etc. The conclusion of law is to determine if all the standards have been met by noting the section referenced and then the determination if it has been met or not. In order for the applicant to be approved, the Board can establish reasonable conditions that satisfy the criteria.

The approval or denial letter should include the following:

- *Date
- *Applicant(s)
- *Landowner (if different from applicant)
- *Description of request
- *Evidence submitted by the applicant (Site Plan, WW Permit, etc.)
- *Evidence submitted by the Zoning Administrator if any available

*Finding of Facts (where it is located, description of project, water, wetlands, etc.)

*Review of law, go through all the criteria and determine if they met the standard. A sentence or two or more on how it was met or not met, then any reasonable conditions should be added.

The letter should be sent by certified mail within 45 days to the applicant and interested parties

Dan asked if interested parties can also submit evidence. Kyle said yes and it should be submitted into the hearing under 'Evidence Submitted'.

Terry asked once the hearing is closed should we go into executive session to deliberate? Kyle noted that the writing of the decision is after the hearing is closed and the criteria is often reviewed under executive session along with a discussion on the special conditions required. It is best to do it this way rather than having the discussion in the meeting minutes.

Bonnie asked Kyle if the two applications (SP & CU) should be done as individual applications or can they be done together within the same hearing? Site plan and CU can be discussed and done at the same time so no need to close one hearing then open the other. Decision letter should cover all criteria for both SP and CU criteria.

Evidence should be mailed to interested parties that inquire 10-14 days prior to a hearing. Evidence can also be logged in at the hearing if it is new.

Bonnie asked if there is there a difference between an Airbnb and a Bed and Breakfast? One is regulated and one is not in our zoning. Short term rental could be an Airbnb. A short-term rental is a house that is rented more than 14 days in a calendar year. A short-term rental can trigger state fire safety laws. A short-term rental would not be allowed to serve food such as a Bed & Breakfast. An Airbnb is where the home is just rented out with no services in place.

Accessory On Farm Business State Law, Bill 687 (Act 181) just changed. Qualified products produced on the farm and 50% of the sales are exempt. Qualified product(s) is defined in 24 VSA 4412. Is the principle use farm related or can it be something else? Bonnie asked if a ZA can request a site plan showing what they are doing and information related to the Farm. What is being produced and is it the principal activity.

Bonnie also asked if the ZA is allowed to defer the application to the DRB? Kyle noted it would seem appropriate to defer to the DRB to review and make the decision.

Terry noted on Page 43, 6.1.5, the Provision for Independent Consultants, and what exactly would that be used for. Kyle said it could be used to ask a wetlands expert to review a site to determine exactly where the boundaries of the wetland. Terry used the example of a traffic report that seemed to be inaccurate and could the town hire a consultant to give a second opinion. Kyle noted that would be a case where the town

could use this provision and it would seem a reasonable requirement. Terry noted that most applicants are going to file what is in their best interest, so sometimes a second opinion could be helpful. Kyle said it would be a good question for VLTC to answer.

Bonnie asked if a yurt or tiny house with say 4 bedrooms was asking to be permitted would it be classified as a guest house or an ADU. Kyle said that is considered an ADU and would fall under the criteria for such.

Martha asked Kyle if a certified letter was not received by an applicant, due to an incorrect address error, but the applicant was told in person at the meeting to file a Mylar within 180 days and the mylar did not get filed within the deadline, what should the board tell the applicant is the next step. Kyle's guess is the applicant may have to redo the subdivision but he would research it and get back to us or it could be a VLTC question.

The board determined they had no further questions for Kyle.

2. **Approval of minutes:** From April 17, 2024 meeting.
Martha made the motion that April meeting minutes be approved as written and Terry seconded, all approved.
3. Martha made the motion to add Keith Billian's lot line adjustment to tonight's agenda and Terry seconded.

Keith owns a total of 16.16 acres and he would like to take 2 acres from the vacant lot to increase the house lot. After review of the map it appears that Keith would like an annexation so the Board noted that we should meet with Keith in person at the next meeting. More information was needed to move forward.

Dan is away for the normally scheduled meeting in August so it was decided to add Keith's application to the September meeting. Bonnie will notify him.

4. Martha made a motion to adjourn and Dan seconded. Meeting adjourned at 8:03pm