

Board of Adjustment
Meeting Minutes
September 25, 2012

Board Members: Carol Clauss, Peter Grant, Ron Kowalski, Brenda Tillberg, Paul Jackman, Kevin Brown

Kevin called the meeting to order at 7:35

Consider the appeal of an interested abutting property of zoning permit #12-42, David and Susan Folino (parcel #060232), for an addition to an existing barn.

Kevin Swore in David & Susan Folino.

Kevin asked some questions regarding the property on Rounds Road. The barn is currently used for storing maple syrup, the addition would be used for pasteurizing and packaging the maple syrup that is made in Starksboro. It was determined that this parcel of property was a part of the Conservation Zone. After deciding which side of the property was the rear yard the Folino's stated that the addition would be 35 feet from the rear property line. Kevin asked Susan and David where they placed the permit poster. They said they had placed the permit poster on the barn because that was the building where the addition was going, this was approximately 200 feet from the property line.

Kevin swore in Jim Lathrop and Jason Lathrop.

Jason felt un-informed because the poster was not posted in a visible space for him to know that there was construction was going on. It wasn't until a cement truck went through that he realized something was being built. Jason agreed that the setback was 30-35 feet from his property. Line, but is concerned about what is going on in the barn because his septic is about 40 feet from that building.

Jim stated that he owned the right of way for Rounds Road and their easement was conveyed to the Folino's through their deed. Jim specified that this was a Conservation lot, where minimum acreage is 25 acres and they have 5.7 acres, therefore this would make this lot a non-conforming lot and he could not have an addition to the barn. Jim thought that by allowing the addition to the barn it would increase production and as a result increase the traffic. Kevin didn't think that based on the previous testimony from the Folino's that this would increase the amount of traffic on Rounds Road.

David and Sue Folino returned to the table.

David and Sue have owned their property since 1998, and there was already a barn and a house. The use of the structure has changed, it was a horse barn and was changed to a packaging place for maple syrup. They have been packaging the syrup in there since 2000, and created the packaging facility 2003. David explained the process of what they do once the syrup is in the barn. David and Sue assured the board that there would be the

same amount of syrup being made, and there would be no increase in syrup production with the addition.

The Folino's discussed their rinsing process and their use of hot water, but other than that they weren't using a bathroom or any other septic. They pointed out where their septic system was on their property, this was based on having their septic pumped in 2003. Throughout the year they pasteurize 3,000-4,000 gallons of syrup that they deliver themselves to the wholesaler's (Shaw's, Mountain Greens, etc). The packaging facility they created was already happening prior to Jodi and Jason Lathrop moving to the neighboring lot. They couldn't put the addition anywhere else, do to the topography of the property and the location of the driveway.

Jason was still concerned about their septic flows, which Kevin reminded him this was not something the Board of Adjustment dealt with.

Kevin Motioned to go into deliberative session at 8:25, Ron seconded, all were in favor (6-0), so voted.

Kevin moved that the board say the posting was not posted properly therefore the board accepts the appeal of application 12-42. Ron seconded, all were in favor (6-0), so voted.

Ron moved to deny permit 12-42 because it doesn't meet the setback requirements in the Conservation District. Paul seconded, there was no further discussion (5-1, Klaus opposed).

Peter moved to accept meeting minutes from September 11, 2012. Ron seconded to approve the minutes as amended. The board approved the minutes as amended (5-0, Jackman abstained as he was not present at the previous meeting), so voted.

Peter moved to adjourn the meeting at 9:30, Ron seconded, all were in favor (6-0).