

## **Sutton Development Review Board**

### **Minutes of Hearing, April 5, 2021**

Sutton Fire Station and via Zoom

Byron Savoy, Chair, called the hearing to order at 6:07 p.m

Present were Byron Savoy—Chair, Hank Parker, Darlene Ahrens (via Zoom) --Sutton Development Review Board; Michelle Engelmann—applicant. Zoning Administrator Joe Witt participated via Zoom as a member of the public.

Chair asked for additions/deletions to proposed agenda. Clerk asked that approval of minutes of past hearings be added to New Business—request granted.

Byron read the warning for the Hearing as it appeared in the Caledonian-Record on March 13 & 19, 2021. Byron confirmed that the warning had been posted in all required locations and that adjacent landowners had been duly notified. He asked if any Board member had a conflict of interest or had had an ex parte communication. He reminded attendees that only interested parties present at the hearing could appeal the Board's decision within 15 days of the decision. Paul disclosed communications with Michelle Engelmann of an administrative nature. Copies of the application were previously shared with Board members and it was available to share via Zoom with public participants but there were none other than Board members and the ZA.

Byron swore in applicant Michelle Engelmann and asked her to summarize the application. Mrs. Engelmann stated the desire to subdivide their 10-acre parcel at 3715 VT Rte. 5A into three lots for the future use of their children and referred members to the sketch in the application. In response to a question from Joe Witt she stated she was aware that any further development of the lots would require state water and wastewater permits and Town of Sutton building permits. Byron read a portion of the Board's Findings of Fact included in these minutes and asked that they be incorporated in the hearing record. Byron asked if there were further questions and, hearing none, Darlene moved to close the hearing and go into deliberative session. Hank seconded the motion which passed unanimously at 6:30 pm.

In deliberative session Byron again referenced the Findings of Fact and read the Conclusions of Law and permit conditions included in these minutes. Everyone agreed to them and that the proposed subdivision complies with Sutton's Zoning Bylaws. Hank moved to approve the application. Darlene seconded. The motion passed by unanimous voice vote.

#### **Findings of Fact:**

The 10-acre property (Parcel I.D. 501-3521; Span # 08-501-3715) is situated in the Town of Sutton at 3715 VT Rte. 5A.

The current zoning map shows the property as being in the Scenic District (Table 205.04 of Sutton Unified Development Bylaws), adopted March 7, 2017 & amended April 26, 2018. The purpose of this District is:

“The purpose of the Scenic District is to provide for limited residential, recreational, and other compatible development in areas that are rural in character with agriculture and forestry as their primary use. This area is generally served by adequate town roads and the soils and slopes are suitable for development at a moderate density. The main highway (U. S. Rte. 5A) serves as the gateway for the

south end of Willoughby Lake and, as such, may be an appropriate location for siting services for tourists.”

Minimum lot area and dimension requirements in the Scenic District is as follows:

Lot area	2 acres
Road Frontage	300 feet
Setback from center of road	75 feet
Setback from side and rear lot lines	25 feet

The Engelmans have notified abutting landowners in writing of plans including the date/time of the public hearing (April 5, 2021 @ 6 pm). The hearing notice was also published in the Caledonian-Record March 13 & 19, 2021 and the hearing notice was posted within view of the property from a public right of way and in three public places in Sutton as required by law.

The original application/sketch and the required fees were submitted to the Town Clerk’s Office by application dated February 23, 2021.

The original property is 10.03 acres. The applicants propose to create three lots of 2.04 acres, 3.85 acres, and 3.85 acres. The proposed lots contain sufficient acreage and road frontage to meet the area and dimension standards in the Scenic District

The warrantee deed may be found in the Sutton Land Records @ Book 78, Page 602.

**Conclusions of Law:**

Based on the Unified Development Bylaws of the Town of Sutton, prepared in accordance with 24 VSA, Section 4401, the proposed application conforms to these Bylaws and is therefore approved by the Sutton Development Review Board meeting in Sutton on April 5, 2021.

**Conditions:**

This approval is contingent on completion and submission to the Sutton Town Clerk of a survey conforming to the Sutton Mylar Checklist [http://suttonvt.org/wp-content/uploads/2014/02/MYLAR-CHECKLIST-2\\_25\\_19-Revision.docx.pdf](http://suttonvt.org/wp-content/uploads/2014/02/MYLAR-CHECKLIST-2_25_19-Revision.docx.pdf) within 180 days.

Any further development of these lots will require state water and wastewater permits and issuance of Town of Sutton building permits.

4. New Business

Hank moved approval of draft minutes of all past DRB hearings and Darlene seconded the motion—motion passed unanimously.

Review of Procedures for DRB Hearings (including member/voting status of Zoning Administrator at DRB and PC meetings—see 24 V.S.A., Section 4448). After briefly discussing with Joe Witt DRB member restrictions and, because of his impending August 1, 2021 retirement, determining he did not currently wish to serve on the Planning Commission, he left the meeting. Hank & Byron stated the Rules of Procedure should include meeting candidates before their names are advanced to the Selectboard but further discussion was tabled until the next regular meeting. Paul will amend the Rules of Procedure for review and will also amend the chartering Resolution adopted 1/30/14.

Hank moved to adjourn and Darlene seconded the motion which passed unanimously at 6:38 pm.

Respectfully submitted, Paul Brouha, Clerk