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Sutton Development Review Board

Minutes of hearing

6:00 P.M., 12-7-2018

Sutton Town Office'

In attendance: Paul Brouha (chair), Hank Parker, Darlene Ahrens, Lucien Belanger, Byron Savoy (Sutton DRB), Brandon Mazur (clerk), Pete Carleton, Robert Caggiano, Bobby Mann, Susan Parker, Scott Palzer, Bonnie Richardson, Shane Clark, Garret Keizer, Scott Spencer

The meeting was called to order at 6:00 P.M.

Paul began by explaining the purpose of the hearing.

Brandon then read the warning of the hearing as published in the *Caledonian Record* newspaper November 23-25, 2018 and posted in three locations in Sutton 15 days in advance of the hearing: the public notice board at the town offices, Scott Spencer's automotive repair shop, and the public notice board West Burke Post Office In addition the notice was posted at the property in a place visible from the public right-of-way (T. H. #23).

Board members introduced themselves, followed by members of the public present.

Paul requested any conflicts of interest and/or *ex parte* communications be disclosed. There were none. Paul explained that only interested persons present at the hearing may appeal the DRB's decision. He then defined "interested person" for all present.

Paul presented the Guzman's letter authorizing Shane Clark to represent them at the hearing. Shane was then sworn in. Paul examined the subdivision application and amendment filed by Shane on behalf of the Guzmans. Paul stated the application appears complete. Paul asked if Shane had anything additional to add. Shane stated there were no additions.

Paul asked members of Board if they had any questions for Shane. The Board had no questions. Paul then asked members of the audience if they had any questions. Bonnie Richardson had a question about the proposed lots relative to the present lots owned by the Guzmans on both sides of the road. Paul read the findings of fact to clarify for the audience.

Findings of Fact:

The 337-acre property (Parcel ID 023-1389 & SPAN 636-200-10329) is situated in the Town of Sutton at 1389 King George Farm Road.

The current zoning map shows the property as being in the Residential and Working Lands Districts (Tables 205.03 & 205.05 of Sutton Unified Development Bylaw, March 7, 2017 revision). The purpose of these Districts is:

“The purpose of the Residential District is to provide for neat and orderly development at a density consistent with the physical capability of the land, the availability of services, and the need to provide sufficient opportunities for housing, balanced with the non-residential uses that are appropriately sited, screened, and of a scale that is compatible with residential uses.”

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

Lot area	1 acre
Road Frontage	150 feet
Setback from center of road	75 feet
Setback from side and rear lot lines	25 feet

“The purpose of the Working Land District is to preserve Sutton’s unfragmented tracts of land with agricultural and silvicultural value that can provide a sustainable economic return and contribute to the local economy. This district allows for some limited residential development, while stabilizing Sutton’s remaining agricultural and silvicultural lands by protecting them from fragmentations that would impair their continued viability as working lands. The lands in this district have restricted access to public roads, are important for wildlife habitat, have one or more physical space limitations to development, and include significant natural, recreational, agricultural, and scenic resources. Planned unit development based on the lot’s overall yield is encouraged in this district in order to preserve and protect Sutton’s working lands. All other forms of development shall be done in accordance with Sutton’s density-based standards.”

Minimum lot area and dimension requirement in the Working Lands District is as follows:

Lot area	1 acre
Road frontage	200 feet
Setback from center of road	75 feet
Setback from side and rear lot lines	25 feet

In the Working Lands District, the density standard provides that new lots may be any size greater than one acre, however, the original lot must retain sufficient acreage to remain eligible for tax abatement programs, such as Current Use enrollment. Lots ineligible for Current Use enrollment may be developed in accordance with the maximum density of one new lot for every 10 acres of land in single and separate ownership.

Applicant has notified abutting landowners in writing of plans including the date/time of the public hearing (December 7, 2018 @ 6 pm). The hearing notice was also published in the Caledonian-Record November 23, 24-25, 2018 and the hearing 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/maps and the required fee of \$50 was submitted to the Town Clerk’s Office by application dated November 13, 2018 (received November 15, 2018) and amended November 21, 2018.

The original property is 337 acres and the applicants propose to create two lots—A 62.8-acre parcel with 2750 feet of frontage on King George Farm Road and a second parcel which is the remaining 274.2 acres (surveyed @ 274.1 acres) with 3955 feet of road frontage on King George Farm Road. Both lots contain sufficient acreage to meet the density standard and to qualify for Current Use as required by the Bylaws.

The property is currently enrolled in Current Use as recorded in UVA Appraisal in Book 66, page 315 of the Town of Sutton Land Records.

The property is subject to two mortgage deeds recorded in Book 58, pages 208-227 and Book 68, pages 273-280. Neither of these deeds restricts subdivision of the property.

The warrantee deed for the property is recorded in Book 58, page 206-207.

No new construction is contemplated in the application so state water and wastewater requirements are not an issue.

In response to a question, Paul explained that he cannot predict the Guzman's intended use for either lot. One of the planned purchasers of the property in the audience, Bobby Mann, stated that there was no intent to subdivide the property. Since there were no further questions, Byron moved to close the hearing. Lucien seconded and after a vote the hearing formally closed at 6:22 P.M.

Paul explained that interested parties have 15 days to appeal the approval and also that the approval is pending the delivery of a Mylar map from applicants.

Conclusions of Law:

Paul stated there was no need to deliberate in private. Paul explained that based on the Unified Development Bylaw of the Town of Sutton, prepared in accordance with 24 VSA, Section 4401, the proposed application conforms to this Bylaw and is therefore approved by the Sutton Development Review Board hearing in Sutton on December 7, 2018 and entertained a motion to approve. Darlene moved to approve. Byron seconded. After a vote, the subdivision application was approved.

Paul stated there was no further business related to the hearing, but he did have administrative business to further discuss with DRB members. At this point the members of the audience, with the exception of Sue Parker, took their leave.

Gail Weed had asked the DRB to provide her their term end dates to be published in the Town Report. The Board reviewed those dates. The Board discussed membership and bringing on an alternate member. Paul will invite Patrick Seymour to become an alternate.

Paul also stated he received a call from Gail asking that Joe Witt and Brandon Mazur decide their preference for how their ZA and Alternate ZA stipends be allocated between them. Brandon stated that he will call Joe to discuss.

Paul then presented communication from Evan Carlson explaining that Lyndon's Economic Development Committee is conducting a survey as part of a feasibility study for a community fiber cooperative. Their goal is to provide high speed internet to the unserved areas of Lyndon, Wheelock, Sheffield, Sutton, Burke, Newark and Kirby. This survey will help them determine which areas have the highest demand for high speed internet and will guide development of a

more effective plan to reach the broadest number of households. Brandon emailed Paul a link to the survey as well as a file to print a hardcopy version of the survey.

The meeting adjourned at 6:50 P.M.

These minutes prepared by Brandon Mazur