

Sutton Development Review Board Hearing

May 24, 2021

Byron Savoy, Chair called the hearing to order at 6:07 p.m. at the Sutton Fire Station and Zoom

Present were Byron Savoy, Hank Parker, Darlene Ahrens, Rob Simms and Kurt Nygren of the Development Review Board and Paul Brouha, Clerk. Mark and Karla Barrett, applicants; Joe Witt, Zoning Administrator; and interested parties Dennis Bouffard, Seth Carpenter, and Daniele Desrochers also present. As there were no Zoom participants, the online meeting was terminated after 15 minutes.

Chair asked the Clerk to read the notice which was published in the Caledonian-Record May 7 & 8, 2021, posted in three places in town, and at the West Burke Post Office. There were no additions/deletions to the proposed agenda.

Hearing was to consider application of Mark and Karla Barrett of 700 Simpson Hill Road Sutton, VT 05867 (as Don-Sim Farm) to subdivide a 45.3-acre parcel at 1501 Underpass Road Sutton, VT 05867 into two lots: 5.56 acres, and the remaining acres.

Chair read the Findings of Fact as follows:

Findings of Fact:

The 45.3-acre property is situated in the Town of Sutton at 1501 Underpass Road Sutton, VT 05867. 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 Bylaws (Bylaws), adopted March 7, 2017 & amended April 16, 2018). 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

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.

Applicants have notified abutting landowners in writing of plans including the date/time of the public hearing (May 24, 2021 @ 6 pm). The hearing notice was also published in the Caledonian-Record May 7 & 8 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 \$150 was submitted to the Town Clerk's Office by application dated April 15, 2021.

The original property is 45.3 acres. The applicants propose to create two lots—the original Lot with the remaining 40 +_ acres and the second lot of 5.56 acres. The lots contain sufficient acreage to meet the area and dimension standards and the original lot with remaining acreage qualifies for Current Use as required by the Bylaws. Access to 5.56-acre lot is provided by a 50 feet wide easement from Underpass Rd. in conformance with Section 302 of the Bylaws.

Chair asked if applicants had any additional information they wished to provide and they provided a survey of the proposed subdivision and a statement by Donald R. Simpson, third partner in the partnership agreeing to the subdivision. Also proffered by the applicants was the survey on mylar but the clerk directed them to submit it directly to the Town Clerk for inclusion in the Town of Sutton Land Records.

In response to questions Mark explained the right-of-way from Underpass Road to the lot was located to minimize loss of tillable land. It was clarified that the lots were in both the residential and working lands districts. Applicants confirmed to Zoning Administrator that a perk test had been conducted and that they were aware state water and wastewater permits were necessary prior to issuance of a building permit. Neighbor Dennis Bouffard detailed where natural drainages were that fed pond on his property. Motion to close hearing and enter into deliberative session was made by Hank and seconded by Kurt—motion passed unanimously.

Chair read the Conclusions of Law as follows:

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 May 24, 2021.

Darlene moved approval of the application and Hand seconded the motion—motion passed unanimously.

Under New Business Hank moved approval of the draft minutes of April 5, 2021 hearing. Kurt seconded the motion and it passed unanimously.

Hearing was adjourned at 6:26 pm.