

Sutton Development Review Board Hearing

July 12, 2021

Byron Savoy, Chair called the hearing to order at 6:05 p.m. at the Sutton Fire Station.

Present were Byron Savoy, Hank Parker, and Rob Simms of the Development Review Board. Paul Brouha, Clerk; Elizabeth McClure, applicant; Joe Witt, Zoning Administrator; and interested parties Don and Wanda Prince were also present.

Chair asked the Clerk to read the notice which was published in the Caledonian-Record June 23rd and June 26/27, 2021, posted in three places in town, and at the West Burke Post Office. There were no additions/deletions to the proposed agenda.

Chair asked the Clerk to summarize the draft minutes of the May 24th DRB hearing. Hank moved acceptance as written and Rob seconded the motion—motion passed.

Chair reviewed order of events and requested disclosure of conflicts of interest and ex parte communications. Clerk discussed informing applicant about the Table 205.05 requirement that subdivision of property in the Working Lands District requires that the original lot retain sufficient acreage to remain eligible for tax abatement programs such as Current Use. This land is to be so designated on the final plat in accordance with Section 705 of the Bylaws and a final plat is to be submitted within 180 days of DRB's approval of the application. Chair then reviewed the definition of "interested persons" and hearing participation requirement to have standing to appeal.

Hearing was to consider application of Elizabeth McClure of 169 Taft Brook Road, Westfield, VT 05874 to subdivide a 60.3-acre parcel at 1412 Sheffield Road Sutton, VT 05867 into four lots: the original lot with remaining 24.5 acres, a second lot with 8.5 acres, a third lot with 10 acres, and the fourth lot with 17 acres.

Chair swore in the applicant and interested persons. He asked applicant to summarize the application history and documentation. Applicant submitted a large format copy of the property survey and a divorce decree awarding her all interest in the property. She asked to modify her application to a three-lot subdivision by combining lots three and four to create a 27-acre lot and thus comply with the Table 205.05 Current Use requirement.

Chair and members reviewed the Findings of Fact as follows:

Findings of Fact:

The 60.3-acre property is situated in the Town of Sutton at 1412 Sheffield Road Sutton, VT 05867. The warrantee deed is in the Town of Sutton Land Records, book 82, pages 179-180 and the mortgage deed is in the same book on pages 617-622. Owners are listed as Randy and Elizabeth McClure. The parcel I.D. is 300-1412.

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.

Applicant has notified abutting landowners in writing of plans including the date/time of the public hearing (July 12, 2021 @ 6 pm). The hearing notice was also published in the Caledonian-Record June 23rd and 26th/27th 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/sketch signed by Elizabeth McClure and the required fee of \$250 was submitted to the Town Clerk’s Office by application dated June 17, 2021.

The original property is 60.3 acres. The applicant proposes to create four lots—the original Lot with 24.5 acres, a second lot with 8.5 acres, a third lot with 10 acres, and a fourth lot with 17 acres. As detailed in Table 205.05 and the subsequent text (pages 11 & 12), the original lot does not retain sufficient acreage to meet the Current Use eligibility requirement of 25 contiguous acres as required by the Bylaws. In other respects, the lots meet the area and dimension standards of the zoning districts. Despite the deeds being in both Randy and Elizabeth McClure’s names, a settlement agreement and divorce decree filed with the application makes clear that the property has been awarded to Elizabeth McClure and Randy McClure retains no interest in it.

A discussion ensued regarding applicant’s request to modify application during which Joe stated the existing survey already documents the three requested lots. It was agreed applicant should be refunded \$50 of her application fee to reflect the reduction from a four-lot to a three-lot subdivision. There was also general agreement that the survey should be updated and that a final plat should be submitted clearly showing the three lots and the resulting Current Use eligibility as required by the Bylaws.

A motion to close the hearing and enter into public deliberative session was made by Rob and seconded by Hank—motion passed unanimously.

Chair stated 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 July 12, 2021.

Based on Conclusions of Law Hank moved approval of the application and Rob seconded the motion—motion passed unanimously.

Hearing was adjourned at 6:28 pm.