

Sutton Development Review Board
Minutes of meeting May 11, 2016
Location: Sutton Town Offices

In attendance: Sutton DRB: Paul Brouha (chair), Chip Devenger, Darlene Ahrens, Brandon Mazur (secretary); Mark and Karla Barrett, Katherine Frye, Rose Holloway

The meeting came to order at 7:01.

Brandon read the warning of the hearing as it appeared in *The Caledonian Record* on May 7 and 10 and as it was posted as required by law:

The Sutton Development Review Board will meet at the Sutton Town Office at 7 P.M. on May 11, 2016 to consider the application of Mark Barrett/Don-Sim Farm to subdivide 203 acres into two parcels of 2.14 acres and 201 acres off Simpson Hill Road.

There were no additions or deletions to the proposed agenda.

Before the hearing began Paul asked if there were any conflicts of interest or ex parte communications. None were noted.

Paul defined persons of interest. Only Karla and Mark Barrett were present.

Karla and Mark were sworn in. Mark and Karla presented the map accompanying their application.

Paul requested proof that Mark and Karla had authority to request a subdivision on behalf of Don-Sim Farm Partnership LLP. Mark and Karla constitute 2/3 of the partnership. A letter of agreement from Donald Simpson, the remaining partner was presented and will be attached to the minutes.

Applicants provided copies of letters as proof they have notified abutting landowners in writing of their plans.

Paul then reviewed the Findings of Fact.

Findings of Fact:

The property is situated in the Town of Sutton off Simpson Hill Rd. and accessed from Simpson Hill Rd.

The current zoning map shows the property as being zoned in the Residential District (Page 8, Table 205.02 of Sutton Zoning Bylaw and Subdivision Regulations, August 23, 2005 revision).

The purpose of the Residential District is to provide for residential and other compatible uses at a density consistent with the physical capability of the land, the availability of services and the need to provide sufficient opportunities for housing.

Minimum lot area and Dimension Requirement in the Residential District is as follows:

Lot area in acres	1
Road frontage in feet	200
Setback from center of road in feet	75
Setback from side lot lines in feet	25
Setback from rear lot line in feet	25

Single family dwellings are a permitted use in the Residential District.

Notice of the hearing was published in the *Caledonian Record* on May 7 and 10 and posted in three public places in the Town of Sutton as required by law.

All paperwork/maps and the required fee of \$50 was submitted to the Town Clerk's Office more than 21 days in advance of this DRB hearing.

The original lot is 203 acres and applicant proposes to create 2 lots of 201 acres and 2.14 acres (accessed from a 50 ft. right of way off Simpson Hill Rd., making the 200 feet of road frontage not applicable).

Conclusions of Law:

Based on Town of Sutton Zoning and Subdivision Regulations, prepared in accordance with 24 VSA, Section 4401, the proposed application conforms to subdivision standards and therefore Paul saw no reason to consider the application in a Deliberative Session. Chip moved to approve the application. Darlene seconded the motion and all members voted to approve the application.

New Business:

The meeting then moved on to new business. Katherine (Kathy) Frye and Rose Holloway of 2575 VT Route 5A were in attendance. Paul summarized his previous communications with Kathy and the VT ANR/DEC. An adjacent landowner, Robert and Carol Williams, own a 3.5 acre lot and a second 33 acre lot on Route 5A. They propose to build a new home and garage on the 33 acre lot accessed by a right of way off the existing driveway on their 3.5 acre lot. They propose to use an existing spring for drinking water and to install a septic system. On the engineering plans the proposed septic system is surrounded by a wastewater isolation area which extends onto Kathy's property. Paul was advised by Sue Cross, VT ANR/DEC that the Williams proposal is not prohibited by the State of Vermont. Kathy's options seem to be to reach an agreement with the Williams to relocate the septic system or to file a

complaint in civil court. Paul recommended Kathy contact the VT ANR/DEC's engineer Richard Wilson, who will be evaluating the application, and to request a meeting with him. Kathy then presented a letter of appeal (and the required \$30) to the Development Review Board in reference to Permit #4802 granted to Robert and Carol Williams 4/28/16. The letter stated Kathy is requesting the appeal to facilitate additional time to resolve the issue and is requesting a hearing on the matter. Paul agreed to schedule a hearing when all the facts are known.

Kathy stated she would contact the adjacent landowner and try to come to a resolution.

Chip moved to adjourn. Darlene seconded and members voted to adjourn at 7:51 PM.

These minutes prepared by Brandon Mazur, secretary.
DRV approved November 17, 2016