

Sutton Planning Commission
Minutes of Meeting of November 10, 2015
Sutton Town Offices

MEETING OF THE DEVELOPMENT REVIEW BOARD

Meeting convened at 7:02 pm. Attendees: Sutton Planning Commission (Paul Brouha, Hank Parker, Chip Devenger, Joe Witt [by phone]); Alison Low from NVDA, Darlene Ahrens, Ron Trembly, Mary Lou Lamont, Lucien Belanger, Susan Brill, Danica Rolfe

1. Subdivision Application Hearing.

- a. After introductions of all persons in attendance, Paul Brouha read the duly published and posted warning of the hearing to consider the application by Susan Brill to subdivide “the Sam Rossier estate” for which she is executor at Four Corners and Morey Roads. He confirmed that Susan Brill had properly notified all adjoining landowners of the application and the hearing.
- b. He reminded the gathering that only persons attending this hearing would have standing to appeal the subdivision application. He then requested disclosure of any conflicts of interest among persons attending the hearing. Hank Parker advised that he had been aware of the pending application since communicating with Danica Rolfe in early August about the listing for sale of the main house on the property. This communication was not deemed to be a conflict of interest.
- c. After a brief description by Susan Brill of the proposed subdivision, and confirmation that there were no plans as yet for any construction on the land in question, Paul asked for questions from attendees. There were no significant issues or questions. Paul then read the Findings of Fact & Conclusions of Law, a draft of which he had prepared before the meeting:

Findings of Fact:

Property is situated in the Town of Sutton on Morey and Four Corners Roads.

The current zoning map shows the property as being zoned in the Rural District (Table 205.03 of Sutton Zoning Bylaw and Subdivision Regulations, August 23, 2005 revision).

The purpose of the Rural District is to provide for limited residential and compatible development in areas that are rural in character with agriculture and forestry as their primary use. These areas are generally served by adequate town roads and the soils and slopes are suitable for development at a moderate density.

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

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

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

Applicant has notified abutting landowners in writing of her plans but did not apprise them of the date/time of the public hearing. Note, however, that notice was published in the Caledonian-Record on October 27 & 28, 2015 and posted 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 49 acres and applicant proposes to create three lots of 9.1 acres (with 625.5 feet road frontage), 6.2 acres (with 493 feet road frontage), and 35 acres (with 515 feet of road frontage).

Conclusions of Law:

Susan Brill, as executor of the Sam Rossier Estate, has authority to subdivide the property.

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 is therefore approved by the Sutton Development Review Board meeting in Sutton on November 10, 2015.

- d. There being no further discussion, the Development Review Board unanimously voted to approve the proposed subdivision. Paul reminded the group that the decision would be posted for 15 days, during which time any person with standing could appeal the decision. He also reminded Susan Brill of the requirement for a Mylar to be submitted in a timely fashion.

2. Proposed Carport

- a. Ron Trembly, Sutton Interim Zoning Administrator sought a decision from the DRB as to whether a variance was required for a proposed carport to be attached to an existing house in town.. To be in conformance with the Zoning Bylaw a setback of 75 feet is required; the carport is proposed to be set back 51.5 feet from the road (in line with the house which is a “non-conforming structure.” Paul had researched this issue before the meeting by seeking opinions from Alison Low of NVDA and Gwen Zachof, an attorney with the Municipal Assistance Center, Vermont League of Cities and Towns. The conclusion of these experts was that the proposed carport “does not increase the degree of nonconformance and the existing building on the site may therefore be expanded without limitation.”
- b. Paul advised Ron that, based on this interpretation, no variance was required.

3. There being no further business, Chip made a motion to adjourn the meeting of the DRB. Hank seconded and the motion was unanimously approved. The DRB meeting was adjourned at approximately 8:00 pm.

MEETING OF SUTTON PLANNING COMMISSION

Immediately after the adjournment of the DRB, Paul convened the meeting of the Sutton Planning Commission to continue discussion of the marked up draft of the unified development bylaws and to decide future steps. Attendees were as follows: Paul Brouha, Hank Parker, Chip Devenger, and Joe Witt (by phone) of the Planning Commission; Alison Low from NVDA, Darlene Ahrens, Ron Trembly, Mary Lou Lamont, and Lucien Belanger.

1. Alison distributed copies of the latest complete marked up draft.
2. Paul reviewed the rationale behind the bylaws revision and potential complications, drawing attention to the following:
 - a. The approved Sutton Town Plan addresses the townspeople's desire to maintain "the pretty and the practical" in any future town development, and their desire to maintain working landscapes as well as beauty. Paul expressed the concern that the current zoning bylaw, including its requirement for 10-acre zoning in working landscapes areas, has contributed to "rural sprawl."
 - b. As previously pointed out by Joe Witt, the revised subdivision process proposed in the latest draft of the bylaws, does not distinguish between major and minor subdivisions. This could result in unnecessarily complex and expensive requirements for parties proposing minor subdivisions.
3. The Planning Commission (PC) considered the threshold level between "minor" and "major" subdivisions. Alison pointed out that Act 250 considers that any subdivision that called for development of five or more lots within 10 years would be considered a major subdivision with special restrictions and requirements. She added that other issues might also factor into the definition for our purposes, including proposed creation of new roads with necessary drainages and culverts. After some discussion it was proposed to treat any development that meets Act 250 threshold as a major subdivision under Sutton's local regulations. Alison also suggested that we may want to look at other towns to see how they have handled this. She suggested two possible approaches that we might take regarding minor subdivisions or minor changes to subdivisions:
 - a. Spell out reduced requirements for minor subdivisions;
 - b. Provide for exemptions from the subdivision requirements in the bylaws for proposed minor changes to properties such as boundary adjustments.
4. Alison also raised the issue of river corridors and the national flood regulations. She reminded the Commission that Sutton would not be eligible for the National Flood Insurance Program (NFIP) if the zoning bylaws did not address Flood Hazard Mitigation to the

satisfaction of FEMA. She said that Wheelock and Burke had been grappling with this issue for some time.

5. Lucien Belanger raised the issue of subdivision of his property on Calendar Brook Rd. He was assured that he would not have to be concerned about a subdivision application if his intent is to simply sell his land without subdividing it in advance. The subdivision application burden would fall on the buyer if they subsequently decided to subdivide.
6. The discussion then turned to next steps for the revised unified development bylaws. The following was agreed to:
 - a. Alison will draft a “Guide to the Zoning Bylaws” that will help town residents understand, in laypersons’ language, why the bylaws are needed and what to expect as the process moves forward to hearings. A brief FAQ (Frequently Asked Questions) sheet should accompany the guide.
 - b. Alison will also work up a draft of a brief report that explains how and where the bylaws will conform to the town plan.
 - c. Because of the complicated nature of the Flood Hazard Mitigation issue and the need to do more work to both research the issue (including through meeting with the Vermont Agency of Natural Resources) and to communicate it to townspeople, the Commission decided that it would not include this (currently contained in Article V) in the revised bylaws at this time (but see subsequent Paul Brouha e-mail of November 13).
 - d. We will endeavor to schedule timely hearings with the goal of presenting the final draft of the revised bylaws for vote at the town meeting on March 1.
 - e. We will propose that the vote on the revised bylaws at the town meeting be by Australian ballot.
 - f. Paul will prepare and send to the Commission a proposed schedule of activities leading up to the town meeting (note: Paul has done this; see his e-mail of November 13).
7. The next meeting is scheduled for Monday, December 7. Commission members should come prepared to discuss the revised bylaws draft and to communicate impressions and concerns. They are also asked to start formulating FAQs (see above).

By unanimous vote the meeting was adjourned at approximately 8:45 pm.

Respectfully submitted,

Hank Parker

Minutes approved December 7th 2015