

Sutton Development Review Board Meeting

**Sutton Town Offices**

July 8, 2014

DRAFT

Attendance: Paul Brouha-Chair, Hank Parker, Byron Savoy, Joe Witt, Patricia & Amber Davis, Paul Riendeau, Lawrence & Cynthia Riendeau, Adam Colburn

Paul Brouha opened the meeting at 7:02 pm by introducing all present and then read the warning of the hearing as published in the Caledonian-Record and posted at the old fire station and Scott Spencer's Garage:

"A public hearing before the Development Review Board will be held on Tuesday July 8, 2014 at the Town Clerk's Office; 167 Underpass Road, Sutton, VT 05867 at 7:00 p.m. to hear the following permit:

1. Jerry and Patricia Davis, 2715 Vt. RT. 5A, West Burke, VT 05871, requesting a subdivision.
2. Review of Documentation for permit compliance by Sutton Sand and Gravel Inc.

A copy of the application and additional information may be obtained at the Sutton Town Clerk's Office.

Participation in this Hearing is a pre-requisite to the right to make any subsequent appeal."

The agenda was reviewed and disclosure of conflicts of interest and ex parte communications among parties was discussed as follows: Joe Witt is a neighbor to the Davises. The Chair ruled that being a neighbor was not a conflict of interest in this case as there is no financial relationship with the applicants.

The Davis's subdivision application was reviewed by the Board and found to be in order.

Findings of fact:

1. Interested parties present are Patricia and Amber Davis.
2. Patricia and Jerry Davis are the owners of the 27.66 acre parcel under consideration for subdivision.
3. The application will be considered under the Town of Sutton Zoning and Subdivision Regulations—revised and approved August 23, 2005.
4. Under those regulations the applicants' parcel is in the Rural District and their subdivision request is governed by Table 205.03 which lists single family dwelling as a Permitted Use and lists Minimum Lot Area and Dimension Requirements: Lot area in acres: 2, Road frontage in feet: 300.
5. The proposed subdivision area, "Parcel C" is 2.26 acres and has 300 feet road frontage on Vt. Rte. 5 A. It is to be developed with a 3-bedroom single family residence to be served by on-site water supply and an on-site wastewater disposal system.

### Conclusions of Law:

The application conforms to 24 V.S.A. Sections 4302 & subsequent sections and Sutton's subordinate Subdivision Regulations.

Members discussed water and wastewater requirements and Patricia Davis presented Board members the State of Vermont's wastewater permit already filed with the Sutton Town Clerk. Mrs. Davis agreed to provide the Board a copy of Engineer Tim Ruggles' wastewater treatment plan. As required, Mrs. Davis also provided the Board a mylar copy of the survey map of the parcel and proposed subdivision.

After all questions were answered the Chair closed the hearing and called the question to approve the application. Hank Parker moved approval; Byron Savoy seconded the motion; motion passed, conditioned on Board receipt of the wastewater treatment plan.

The Review of Documentation for permit compliance by Sutton Sand and Gravel Inc. was initiated by the Chair sharing with the Board and the Riendeaus a July 8, 2014 emailed message from Eric R. Benson, lawyer to the Vermont Railway System. That message included four attachments. Mr. Benson's conclusion was that the required track upgrade work has not been done and the Riendeaus have not made the arrangements to start the work with the railroad. Further, according to Mr. Benson, while the required liability insurance policy insures the Washington County Railroad, the policy does not list the State of Vermont as an "additional insured" as provided for in the crossing agreement. The Chair noted that, while the Scheidets, neighbors using the access road, have stated that their homeowner's insurance policy covers them and their clients/visitors, the Board has not received information about whether the Halls, other neighbors using the access road, have insurance coverage. He also informed the Riendeaus that Ann Ruot, Assistant Vice President for Victor O. Shinnerer & Co. the company which issued the policy, had stated the policy would not be renewed in October and the Riendeaus would have to seek insurance elsewhere.

Lawrence Riendeau stated that they had been working on the access road. He did not disagree with the Chair's statement that gravel had been hauled last fall but stated that no gravel hauling had occurred this year. He further stated that the Riendeaus had been waiting for the railroad to contact them about the required work. He and Paul Riendeau acknowledged the upgrade work was a condition of the Act 250 permit and Sutton's conditional use permit. They agreed to provide documentation to the Board of acceptable insurance coverage and the satisfactory completion of the crossing upgrade work prior to beginning hauling operations.

Under Old Business Board members received typed drafts of a proposed new zoning application form and a new subdivision application form prepared by Board Member Hank Parker. The Board agreed they will review the application forms and come to the July 23<sup>rd</sup> Planning Commission Meeting prepared to discuss concerns and suggestions for improvement. Zoning Administrator Ron Trembley will be provided a copy of the forms for review and comment.

Under New Business Adam Colburn, 135 Sheffield Rd. (1.47 acre lot in the Village Zone) informally approached to Board to assess his plan to put a trailer behind his three-bedroom ranch house for his in-laws. He provided a sketch showing where the trailer would be situated on the lot and said that he had explored building a second addition to the house but that it would be too expensive. Board Member Joe Witt asked about the current wastewater treatment system and was informed it was a septic system dating to the 1970s when the home was built. Adam did not know if plans for it had been prepared. The Board agreed that, while the existing water system could be shared, Adam should approach the District 7 Environment Commission about wastewater treatment requirements. The Chair noted that while the lot was too small to subdivide under present zoning regulations, there was a possibility it might be considered as an accessory structure. Adam agreed to contact the Commission.

With the Fire Department moving out of the Grange Hall, Joe Witt brought up the matter of repurposing it and noted grant money might be available from the state for such an activity. Members discussed what uses the structure could be put to—an extra town meeting room, a library, a cooperative farm market/store, were mentioned. Members agreed the next step would be to approach the Selectboard to learn what they might be interested in doing. A visit to the Grange Hall was tentatively scheduled for the August 27th Planning Commission meeting.

At 7:55 pm Joe Witt moved adjournment; Byron Savoy seconded his motion; by unanimous consent the meeting was adjourned.

Draft submitted by Paul Brouha

July 9, 2014