

Town of Sharon, Vermont
Planning Commission

Minutes for November 14, 2017 (Draft)

Present: Peter Anderson, Ira Clark, Paul Kristensen, Joe Ronan, Sue Sellew

Staff Present: Margy Becker (taking minutes)

Public present: Applicant Richard Root, John & Janet Sears (abutters to Root property); Applicant Doris (Howe) Backus, Skip Nalette (Pathways Consulting, Lebanon, NH), Ted Kenyon dba Quimby Mtn. Stone; Robert Townsend, American Consulting Engineers; Keith & Jason Blackburn; Rubin Sotak (resident).

Ira Clark called the meeting to order at 7:00PM.

1. Public hearing and final review - Richard Root – Proposed 4-lot subdivision

Ira Clark convened the public hearing at 7:02PM.

Paul Kristensen announced he is an abutter to the application, hence an ‘interested party’. He asked the Planning Commission to determine if his status was a conflict of interest.

Sue Sellew made the motion to Paul Kristensen will recuse himself from a vote on the application, due to conflict of interest, yet will comment on the application during the public hearing with ‘interested party’ status. The motion was seconded and carried unanimously.

Richard Root submitted his certificate of public posting, which documents that he posted his property with the public hearing notice more than 15 days prior to the public hearing.

Richard Root presented a revised proposed subdivision plan, which illustrates 4 lots labeled as Parcel A=30.6 acres; Parcel B=43.1 acres; Parcel C=25.1 acres; Parcel D 42.6 acres. There is little change in proposed acreages from preliminary review. The total acreage involved is now depicted to be 141.4 acres.

Boundary lines between abutting properties: The revised survey reflects an agreed-upon southeastern boundary between applicant’s land (Parcel D) and property of Brock & Kristensen. Paul Kristensen stated his acceptance of the proposed boundary.

The revised survey reflects a straight-line boundary between the Sears property and land of applicant (Parcel B). John Sears, abutter, requested that the SPC’s final approval include approval of a boundary line adjustment between his property and lands of the applicant. The shared boundary is at the northwest corner of the Parcel B. The line that is now depicted on the survey will become the new boundary line. The involved acreage is approximately .3 acres.

Ownership of ‘parent parcel’: The proposed subdivision is of two separate parcels. The two parcels cannot be subdivided by Richard Root unless changes to ownership are made. Richard

Root has sole interest in only one parcel. The second parcel is owned by Richard and Rachel Root.

Richard Root noted he has acquired his interest in the land as a result of several conveyances. The revised proposed subdivision plan does not illustrate original lot lines.

Sue Sellew suggested the hearing be recessed until the ownership issue is settled.

Planning Commissioners advised Mr. Root that he needs to have ownership of both lots, either solely or jointly. Paul Kristensen advised Mr. Root, more specifically, that a Quitclaim Deed of Rachel Root's interest to Richard Root would be satisfactory. The objective is to be able to submit one deed to the Planning Commission for the 141.4 acres.

Creation of Irregularly-shaped lots: Peter Anderson commented that the subdivision regulations discourage creation of irregular lots, and he inquired as to the justification for the 'dog-legs' protruding from Parcel D. Richard Root testified his family wants to retain access to State land for hunting.

Access: Richard Root explained access easements and rights-of-ways exist to the 4 lots through property owned by either Pauline Barrett and Melvin Gore or by Henderson/Hagerman. There is a 50-foot ROW providing all 4 parcels with access. The access to all 4 lots is Town Highway 16 - Downer Road via State Forest Highway. A 35-foot easement also exists for the benefit of Richard Root over the existing driveway on the Henderson/Hagerman Property.

Septic/Water Supply Permits: Richard Root confirmed there are no building plans. The Agency of Natural Resources indicates no septic or wastewater permits are necessary at this time. Lots are being subdivided with a waiver of development rights. Richard Root will follow-up with the VT ANR to get the required deed language for future conveyance of the subdivided lots for development.

Peter Anderson made the motion to recess the public hearing until such time as ownership issue is settled, and that abutters be made aware of the hearing continuance and the date the hearing will resume. The motion was seconded and carried 4-0-1, with Paul Kristensen abstaining.

2. Public Hearing and final review of Doris Backus's proposed 3-lot subdivision on Dee Haven (Rte. 14 South).

Ira Clark convened the public hearing.

Skip Nalette, Pathways Consulting, reviewed Doris Backus' final plan to subdivide 13 acres into is proposed as follows: Lot A with 2 existing buildings @ 37 Dee Haven – 1.08 acres; Lot B with 2 existing buildings @ 38 Dee Haven – 1.0 acres; and Lot C = House and remaining shoreline acreage of 10.5 ± acres.

It was noted the public hearing notice cites a ± 12-acre parcel for subdivision; Skip Nalette commented 13 acres are being subdivided, and Doris Backus (applicant) agreed.

Skip Nalette said Dee Haven, off Rte. 14 south, will serve as access to all 3 lots. No new buildings are proposed. One dwelling is being relocated. #36 Dee Haven has its own septic system. #37 & #38 will share the new septic system. The plans and permit for the new system are on file with the Town. There is a shared well.

Ira Clark reported site visit observations confirmed Mr. Nalette's testimony.

Sue Sellew made the motion to grant final approval of Doris Backus' subdivision application of 13 acres into 3-lots. Peter Anderson seconded. The motion carried unanimously. The application stands approved.

3. Initial Review – Park Forestry, LLC Subdivision of Parcel R11090R2 + 1,568 acres into 4 lots

Rob Townsend, Surveyor (American Consulting Engineers) described Park Forestry, LLC's intent to subdivide a large tract of forest lands for the benefit of continued operation of Quimby Mountain Stone, a quarry operation run by Ted Kenyon.

Ted Kenyon says he owns the quarry operation. There is no deed reflecting this.

The preliminary survey of the subdivision depicts creation of 4 lots as follows: 11.8 acres; 7.2 acres; 7.0 acres; and remaining approximately 1,542 acres.

The lots align themselves along the access road from Rte. 14, except for one parcel.

The quarry has been in operation for many years has an Act 250 permit, which was amended in May 2017. Ted Kenyon introduced the new owners of the quarry – Keith & Jason Blackburn.

Planning Commissioners are confused as to whether more than one parcel is being subdivided. The Large Tract Forestry Easement and Grant of Development Rights and Conservation Restrictions notes the subject property owned by Park Forestry NY, LLC is 1,700 acres. There is an approximately 200-acre differential between tract acreage in the Easement and lands proposed to be subdivided – according to Mr. Kenyon and Robert Townsend.

The Planning Commission requested the applicant address several issues to its satisfaction prior to moving forward with preliminary review as follows:

- Clarification of acreage discrepancy between R. Townsend subdivision proposal of 1568 acres and total acreage owned by Park Forestry NY, LLC.
- Confirmation that only one parcel is being subdivided
- Confirmation that there is one deed to the parcel
- Submittal by applicant of a location map that addresses all Initial Review criteria (relationship of parcel to abutting properties is needed)
- Depiction on plan of access to the 7.2-acre lot
- Depiction on plan of ROW's to Rte. 14 and High Pole (Brook?) Road so-called.

Planning Commissioners, Ted Kenyon, and Robert Townsend agreed to tentatively schedule preliminary review for Tuesday, December 12, 2017.

4. Landowner Inquiry – Rubin Sotak, Honey Brook Road (Legal Trail)

Rubin Sotak spoke briefly to the Planning Commission regarding his concerns with regards to a potential sale of abutting lands owned by Sheehan. No action was taken other than Planning Commissioners indicating to Mr. Sotak that his proposed solution to access and ownership concerns may be addressed through a combination of proposed subdivision(s) and/or annexation(s).

5. Minutes of October 24, 2017

Sue Sellew made the motion to approve the minutes of October 24, 2017 without further changes. Paul Kristensen seconded. The motion carried unanimously.

6. Adjournment:

A motion was made, seconded, and approved unanimously to adjourn the Planning Commission meeting at 8:20 PM.

7. Resumption of meeting:

The Planning Commission meeting was re-opened at 9:00 PM following the adjournment of the DRB's scheduled deliberative session.

8. Junkyard ordinance:

Planning Commissioners agreed to review the first draft of a junkyard ordinance prior to discussion at December's SPC meeting.

9. Town Plan:

Planning Commissioners discussed edits to Chapter 14 of the Town Plan. Ira is to incorporate language regarding wildlife habitat that is more congruent with the current Regional Plan and circulate a draft for review.

10. Adjournment:

A motion was made, seconded, and approved unanimously to adjourn the Planning Commission meeting at 9:45 PM.

Submitted by Margy Becker and Ira Clark