

Town of Sharon, Vermont  
**Planning Commission**  
Minutes  
**JULY 20, 2021 (DRAFT)**

The meeting was held in conformance with the Vermont Open Meeting law requirements for remote and/or telephonic meetings. The public was provided advanced notice of links for public participation by videoconference software or by conventional phone.

Attending via Zoom:

**From Sharon Town Offices:** SPC members Ira Clark and Paul Kristensen; Margy Becker (SB Assistant), Subdivision applicants Ginger Boardman (f/b/o Glendyne M. Piper Trust), Pauline Barrett, Al Miller. **Attending remotely:** Planning Commissioners Lee Simek, Sue Sellew, Robert Townsend (representing Doug Jones). **Planning Commissioners absent:** John Roe

Ira Clark convened the meeting at approximately 7:00PM. **Sue Sellew nominated Ira Clark as temporary chair. Lee seconded. The motion carried.**

**1. Initial Subdivision Review:**

**Applicant: Pauline Barrett**

**Location: 548 Drumheller Road**

**Proposed Subdivision of parcel F01050L1 into 2 lots**

Pauline Barrett and Al Miller appeared before the SPC to present Pauline's subdivision application for initial review. The intent is to subdivide a 10.7-acre house lot from the 45.6 ± acre parcel. Lot 2 will be comprised of the remaining 34.9 ± acres plus a cabin.

The SPC is in receipt of a survey by Holt Gilmour Survey Associates of the 10.7-acre lot. It shows access to Pauline's property is provided via a driveway from the extension of Drumheller Road (legal trail). The driveway continues across State Forest Highway. State Forest Highway crosses through Pauline's parcel. State Forest Highway is *not* being considered a subdivision boundary. The survey indicates access to the 10.7-acre lot will benefit from a 50-foot right-of-way (ROW) over the existing gravel drive. The remaining lands are subject to said 50-foot ROW.

Pauline Barrett indicated the prior access easement for the benefit of Richard Root across her property has been closed out.

Margy Becker reports the survey indicates the property is located outside any regulated flood hazard areas. Access is provided via a legal trail, and the Town highway policy does not indicate driveway permits are required to access a legal trail (a trail is *not* a town highway).

SPC members informed Pauline Barrett and Al Miller of the requirement stated in the subdivision regulations that the ‘parent’ parcel being subdivided must be surveyed, not just the 10.7-acre lot being created. This survey will need to be submitted prior to preliminary review. Additionally, Pauline must also submit evidence of State subdivision review and file necessary documentation with Sharon Town Clerk to clarify title to the property. Preliminary review is tentatively scheduled for August 10<sup>th</sup>.

## 2. **Initial Subdivision Review**

**Applicant: Glendyne M. Piper Trust; Agent: Ginger Boardman**

**Location: 2938 Allen Hill Road (via Pomfret)**

**Proposed subdivision of R04700L1 (100 acres ±) into 2 lots**

Ginger Boardman and SPC members reviewed a survey prepared by Northeast Surveys of Waterford, Vermont dated April 2021. This parcel is located in the extreme southwest corner of Sharon, where the boundaries of Royalton, Pomfret, and Sharon join. The survey shows the Sharon-Pomfret town line bisecting the larger parcel being subdivided and the new lot being created. Ginger Boardman clarified the town line is *not* being considered a subdivision boundary. **The new lot to be conveyed is comprised of 7.8± acres in Sharon and 5.1± acres in Pomfret for a total of 12.9± acres.**

The subdivision application indicates 7.8 ± acres (Lot 2) is being carved out of a total of 100± acres in Sharon. Lot 1 (Sharon) will total approximately 92 acres.

The Glendyne M. Piper Trust owns on both sides of Allen Hill Road in Pomfret. Allen Hill Road *is* proposed as the southern boundary of the 12.9-acre Lot 2 in Pomfret. A legal trail known in Sharon as the “Old Number Nine Road” (an extension from Moore Road into Pomfret) and known in Pomfret as “Amato Road” provides the eastern subdivision boundary to Lot 2.

Access to Lot 2 with the existing house, outbuildings, pond and driveway is via the existing driveway at 2938 Allen Hill Road (Class 3). Access to the remaining 92 acres in Sharon will be provided via a 50-foot right-of-way (ROW) from the legal trail (Old #9 road) across Lot 2.

Ginger Boardman stated the subdivision has been approved by the Town of Pomfret. SPC members inquired whether the Town of Sharon received notice of this subdivision. The subdivision has also received a Wastewater and Potable Water Supply Permit #WW-3-3180 from the State of Vermont, which has been submitted for recording in both towns.

Margy Becker reported the survey and location maps submitted with the application show the parcel being subdivided is outside any regulated flood hazard areas. Access to the legal trail to benefit the remaining 92 acres in Sharon will not require a driveway permit.

Ginger Boardman indicated the boundary survey of the 92-acre parcel is in progress. Margy Becker noted this was the only outstanding application submittal required for preliminary review. Preliminary review was tentatively scheduled for August 10<sup>th</sup>.

### 3. Preliminary Subdivision Review

**Applicant: Doug Jones; Agent: Robert Townsend, Surveyor**

**Location: 3600 Fay Brook Road**

**Proposed subdivision of R173425 ± 16.3 acres into 2 lots**

SPC members met with Robert Townsend, Surveyor, who updated application submittals required for preliminary review. These include the required boundary survey of R17342R (± 16.3 acres) and all information concerning proposed lot lines, abutters, the location of all improvements, natural features (Fay Brook), stone walls, etc. Additional site plans, maps, and deeds were referred to during review.

Acreage being subdivided: The boundary survey indicates 16.3 acres is being subdivided into 2 lots – Lot 1 (15.3 acres) and Lot 2 (1.0 acres). The 16.3-acre parcel lies easterly of, and adjacent to, Fay Brook Road and north of Powell Farm Road. Lands now or formerly owned by Camp Curtis border the parcel to the east. Lot 1 (15.3 acres) includes Doug Jones' house and outbuildings. Access to this lot is via an existing driveway and bridge over Fay Brook, with an E911 address of 3600 Fay Brook Road.

Boundaries of proposed Lot 2 (1-acre ±): Doug Jones proposes to convey a portion of this property comprised of a sliver of land along Fay Brook Road, which was the prior location of a mobile home dismantled last October-November 2020. Fay Brook Road is the proposed subdivision boundary to the west, which is consistent with the subdivision regulations. (Robert Townsend indicated the Town has the right-of-way to Fay Brook Road (TH17). It does not own the road in fee.) The centerline of Fay Brook comprises most of the proposed boundary of the 1-acre parcel to the east. Fay Brook “pinches” the northerly end of the 1-acre lot but does not intersect Fay Brook Road. The acreage of Lot 2 is calculated by Mr. Townsend to include acreage to the centerline of Fay Brook. As shown presently on the survey, Lot 2 is approximately 1-acre and just meets the minimum lot size requirement stated in the subdivision regulations.

The deeds to the property indicate the centerline of Fay Brook is referred to as a partial boundary. Robert Townsend indicated the wastewater rules allow a stream to be a subdivision boundary if the watershed is greater than 10 square miles. ???

Flood Hazard Bylaw Review: Robert Townsend discussed plans submitted to Geo Honigford and Terry Shearer of VT DEC which illustrate the location of the fluvial erosion area boundary on Lot 2, the revised house site location proposed for Lot 2 outside the FEH zone, and proposed locations for leach field set-aside areas for both lots. Robert Townsend reports Geo Honigford would request Conditional Use Review for the existing house-site but not for the revised location on the other side of the well and closer to Fay Brook Road. Ira Clark indicated he would be willing support the revised house site outside the fluvial erosion area and closer to the road. SPC members concurred.

Wastewater and Potable Water Supply Permit: Robert Townsend reports Lot 2 is improved with an on-site septic system and drilled well. The VT DEC issued a 301-2 exemption in September 2020 to Doug Jones to replace the mobile home at its current

location, provided he could meet certain conditions. He met with Terry Shearer (VT DEC) and Doug Jones on-site earlier in the spring.

Robert Townsend further indicates he has submitted revised plans to Terry Shearer which illustrate the alternative location for the proposed 3-bedroom dwelling (outside the FEH zone) and reserve leach field set aside areas. Terry Shearer's wastewater and potable water supply permit will carry forward some of the 301-2 exemption language and take precedence. Doug Jones will have 4 years, and until 2024, to connect to the existing in-ground septic system. If the current system fails, or if he does not connect prior to 2024, he will have to construct the expensive proposed alternative mound system for the benefit of Lot 2.

Fay Brook as proposed subdivision boundary: Ira Clark expressed concerns about how to define the boundaries to the new lot. Robert Townsend indicated that his measurements calculated to be 1.03 acres, inclusive of the area to the center of the brook.

Sue Sellew drew attention to public trust doctrines for non-navigable waters (as published by the VT Society of Land Surveyors) which recommend streams *not* be relied upon as subdivision boundaries. Robert Townsend pointed out the deeds rely upon Fay Brook as a boundary. He also stated he is comfortable with the stability of Fay Brook as the eastern boundary. Sue Sellew reported Fay Brook has been straightened since the 1930's. Robert Townsend responded that nowadays no further straightening is occurring.

After further deliberations, Robert Townsend agreed to ask Doug Jones if he would consider adding pins for a new easterly lot line in order to avoid using the brook as a boundary. This would result in creation of a lot greater than the one-acre minimum lot size.

Planning Commissioners discussed a continuation of preliminary review, in order to (a) provide time for Doug Jones to be consulted regarding additional survey work to set pins for a new easterly lot line to Lot 2 and, (b) to procure the wastewater and potable water supply permit from Terry Shearer. Robert Townsend consented to the continuance. **Sue Sellew made the motion to continue Preliminary Review to August 10<sup>th</sup>. Lee Simek seconded. The motion carried unanimously.**

Administrative business: Approval of minutes was postponed to August 10<sup>th</sup>. It was agreed Lee Simek would follow-up with the Old Home Day Committee (Doris Backus) to further discuss the possibility of holding a town plan forum during Old Home Day. The August 10<sup>th</sup> meeting will commence with a DRB 7PM Conditional Use Hearing (Rice); the site visit is scheduled for 9AM Sunday August 8<sup>th</sup>. SPC subdivision reviews will begin on August 10<sup>th</sup> at approximately 7:30PM.

Paul Kristensen made the motion to adjourn at 9:25PM. The motion was seconded and carried unanimously. Submitted by, Margy Becker