

Town of Sharon, Vermont
Planning Commission
Minutes
SEPTEMBER 14, 2021 (Approved)

The meeting was publicly warned in conformance with the Vermont Open Meeting law requirements for remote and/or telephonic meetings. The public was provided advanced notice of its right to attend in-person at Sharon Town Offices, and links for remote participation by videoconference software or by conventional phone were provided.

Attending via Zoom:

From Sharon Town Offices: SPC members Paul Kristensen, Sue Sellew, John Roe; Margy Becker, SB Assistant (taking minutes); Applicant Pauline Barrett, Al Miller; Ginger Boardman. Attending remotely: SPC member Ira Clark; Robert Townsend, American Consulting Engineers (agent for Applicant Doug Jones).

Planning Commissioners absent: Lee Simek

Ira Clark convened the meeting at approximately 7:23PM, following the DRB meeting.

Nomination of Temporary Meeting Chair:

Sue Sellew nominated Ira Clark as temporary chair. Paul seconded. The motion carried unanimously.

Final Subdivision Review and Public Hearing:

Applicant: Pauline Barrett

Location: 548 Drumheller Road

Proposed Subdivision of parcel F01050L1 into 2 lots

Ira Clark convened the public hearing. Pauline Barrett and Al Miller were in attendance. No abutters were present.

Margy Becker reported the final survey has been revised according to preliminary review as follows:

1. The survey now notes that John & Janet Sears bought from Daniel George and that Susan Root/Bill Kitchel sold a 10-acre lot to Mark O'Banion.
2. Labels have been added to denote "Lot 1" and "Lot 2".

Attendance at the site visit to the subject property was reported to have included John Roe, Sue Sellew, and Paul Kristensen. No abutters attended the site visit.

Sue Sellew reported she observed the steepness of the driveway access. John Roe stated he questions whether a legal trail provides legal access and whether the Planning Commission can approve a subdivision via a private driveway located off a legal trail.

Ira Clark discussed past subdivision approvals of properties located along legal trails, including Honey Brook Road. The Hottenstein subdivision approval, with access to one of the approved lots from Legal Trail 4 (Old Number Nine Road extension of Moore Road), was referenced.

Ira Clark noted the driveway to the property connects to the legal trail portion of Drumheller Road, but the survey does not illustrate the complete driveway layout and this connection to the legal trail.

Al Miller commented that another owner (Gagliardone), whose property is also accessed via the legal trail portion of Drumheller Road, had built a second home on his property. SPC members pointed out there was no subdivision involved.

Ira Clark called attention to the SPC's discussions regarding access via a private drive during review of the recently-approved Potwin subdivision. He read aloud Section 105 Criteria 1 of the subdivision standards regarding access requirements. John Roe noted his interpretation of Criteria 1 to be different than Ira's interpretation.

Paul Kristensen noted the SPC is tasked with orderly development of properties.

John Roe further commented on his site visit observation of the steep driveway grade. He suspects the grade does not comply with the subdivision regulations' limit of <14% grade. This is a subdivision standard that cannot be waived. Further build out of the Barrett lots, if approved with existing access conditions, will pose a public safety issue.

Paul Kristensen stated his opinion the State does not hold title to State Forest Highway. He questions, however, whether there is sufficient public ownership of the road to be relevant to the subdivision access issues being discussed. He further commented Old Town Highway 24, an old town right-of-way, extends from Drumheller Road, then runs along the existing State Forest Highway a certain distance before veering off to join Keyes Road at Judson Burnham's (off Downer Road).

SPC members discussed concerns over further subdivision of proposed Lot 1 and Lot 2 (remaining lands and camp). John Roe suggested that perhaps the SPC 'live with history' of existing conditions, and condition future subdivision of either lot on resolution of steep access and clarity on a legal trail as legal public access for subdivision purposes.

Sue Sellw inquired whether there are covenants on the property? Pauline Barrett replied there were no covenants. John Roe suggested the SPC consider conditioning further subdivision of Lot 1 or 2 on Planning Commission approval. SPC members deliberated on whether to entertain a motion to close or suspend the public hearing and how to accommodate the need for further research into wording of a conditional approval.

John Roe re-stated his concern regarding Criteria 17 (driveway grades of < 14%) and indicated he could consider conditional approval as follows:

1. Lot 1 no further subdivision and no 2nd house
2. Lot 2 no change in use from seasonal camp

Applicant Pauline Barrett and Al Miller did not feel a limitation on development would be a burden on the properties

Sue Sellew made the motion to close the public hearing at 8:02PM. The motion was seconded and carried unanimously.

John Roe made the motion to approve the Barrett subdivision application and exhibits pending drafting of conditional approval language to reflect the intent that a) Lot 1 remains a single-family dwelling, b) Lot 2 remains a seasonal and that neither lot be further subdivided. The town attorney is to be consulted for assistance in drafting the final wording of conditional approval. Sue Sellew seconded. The motion carried unanimously.

SPC members agreed to hold a special meeting to vote on the language for final subdivision approval after input from the Town's attorney.

Final Subdivision Review and Public Hearing

Applicant: Glendine M. Piper Trust; Agent: Ginger Boardman

Location: 2938 Allen Hill Road (via Pomfret)

Proposed subdivision of R04700L1 into 2 lots

Ira Clark convened the public hearing on the Glendine M. Piper Trust's proposed 2-lot subdivision. Abutter Brian Cain and a family member were in attendance.

Ginger Boardman summarized the subdivision proposal for Mr. Cain's benefit. Mr. Cain stated he had no objections to the subdivision.

Margy Becker indicated the final survey has been submitted with changes and corrections requested during preliminary review. The locations of all abutters are now shown.

Margy Becker noted an additional abutter to the Piper property, Henne, now appears adjacent to Amato. This abutter was not known at the time of the certified mailing of the 15 days' legal notice of the public hearing. The abutter was notified instead via first class mail at the earliest opportunity. All other abutters, inclusive of the Towns of Pomfret and Royalton, have acknowledged receipt of the legal notice.

Ginger Boardman submitted the Certificate of Public Posting. She also submitted payment to the Town for reimbursement of the expense of publishing and mailing legal notices.

It was reported that Sue Sellew and John Roe attended the site visit. John Roe noted that access to Lot 1 is via a legal trail. Ginger Boardman testified there are also several access points to Lot 1 from Allen Hill Road, a town highway. She further indicated the initial

subdivision plan submitted to the SPC illustrates the parcel layout along Allen Hill Road in both Pomfret and Sharon.

Ira Clark drew attention to the 10-acre lot appearing on the preliminary and final surveys as having been conveyed to Balla Machree Farms. Ginger Boardman explained she had not known of the lot's existence until completion of the boundary survey. She explained the history of how the conveyance to Balla Machree Farms may have occurred without subdivision approval.

Sue Sellew made the motion to close the public hearing. Paul Kristensen seconded. The motion carried unanimously.

SPC members noted the final August 2021 survey does not illustrate access to Allen Hill Road for Lot 2 – the 7.8-acre house lot. The acreage for this lot straddles the town line, and the driveway access is actually in Pomfret. However, the earlier survey submitted for initial review entitled “Land Survey for Glendine M. Piper Revocable Trust, Sharon/Pomfret” (April 2021) illustrates acreage in both Pomfret and Sharon and frontage of both Lots 1 and 2 on Allen Hill Road.

Sue Sellew made the motion to approve the Glendine M. Piper Trusts' application and exhibits for subdivision of parcel # R04700L1 into 2 lots without conditions and as shown on surveys completed by Michael P. Hemond in April and August 2021. John Roe seconded. The motion carried unanimously.

Preliminary Subdivision Review (Cont.' from July 20th and August 10th)

Applicant: Doug Jones; Agent: Robert Townsend, Surveyor

Location: 3600 Fay Brook Road

Proposed subdivision of R173425 ± 16.3 acres into 2 lots

Robert Townsend joined the meeting. The preliminary survey has been revised in response to preliminary review on July 20th and SPC concerns that the house lot may not meet the minimum lot requirement. The boundary to the lot includes the centerline of Fay Brook.

Robert Townsend confirmed he has moved the northern boundary from the centerline of the brook to Fay Brook Road 55 feet further up the road. This results in acreage for the house lot that is greater than one acre.

It was noted the Town has received and recorded the wastewater system and potable water supply permit for the subdivision.

Paul Kristensen made the motion to accept the application and to proceed to final review. John Roe seconded and the motion carried unanimously.

A schedule for final review, including the site visit, was agreed to as follows:

Site Visit: 6:30PM, Tuesday, September 14, followed by the Public Hearing at 7:00PM.

Approval of Dion Final Mylar:

Margy Becker noted Brad Ruderman has submitted a final mylar of the approved subdivision plan for recording in the land records. SPC members reviewed the mylar and found it to reflect the subdivision plan that was approved.

A motion was made by John Roe to accept the Dion final mylar, which was seconded by Sue Sellew and carried unanimously.

Sue Sellew signed the mylar on behalf of the SPC. Margy Becker will deliver the signed mylar to Cathy Sartor for recording.

Approval of Minutes:

Motion by Sue Sellew to approve the minutes of August 10, 2021 with a corrections as noted. Paul Kristensen seconded. The motion carried unanimously.

Adjournment:

Paul Kristensen made the motion to adjourn at 8:55PM. Sue seconded. The motion carried unanimously.

Convene Development Review Board:

Ira convened the DRB for the purposes of reviewing and discussing the August 10 minutes of the Jeffrey Rice conditional use hearing. After some discussion the approval of the August 10th, 2021 DRB minutes was suspended until the next meeting.

Paul Kristensen made the motion to adjourn the DRB meeting at 9:10PM. The motion was seconded and carried unanimously.

Submitted by,
Margy Becker/John Roe