

Town of Sharon, Vermont
Planning Commission and Development Review Board Minutes
October 11, 2022

The meeting was publicly warned in conformance with the January 2022 amendments to the Vermont Open Meeting law requirements for remote and/or telephonic meetings.

Future Meeting Dates – Mark Your Calendars

- Tuesday, November 1st at 7:00 PM – continuation of Knowlton Hearing and regular SPC/DRB meeting.
- Town Plan to the Selectboard for review when map revision is completed by TRORC, date TBD.

Knowlton site visit and hearing: Appeal of Flood Hazard N.O.V.

Attending site visit (in person) Ira Clark, Paul Kristensen, Sue Sellew, and applicants Jennifer and Kevin Knowlton

6:45 The site visit convened at 4573 VT Rt 14 as scheduled.

7: 00 Group adjourned to the Town Offices for the Knowlton Hearing

Additional parties present: John Roe (via Zoom), Andrea Morgan, Margaret Gilmore, Todd and Rosemary Melancon, Martha Fisk, Tom and Cheryl Foote, David T. Fisk, Kevin Gish (Selectboard member via Zoom), Hermes Yeh (via Zoom), AO Geo Honigford (7:08 PM)

7:05 Ira Clark called the DRB appeal hearing to order

Ira stated that this is a hearing appealing a Notice of Violation (N.O.V.) of a Flood Hazard Permit issued by AO Geo Honigford and requested that the Knowltons give some background about their use of the property and that they explain the terms under which they are contesting the N.O.V.

Kevin Knowlton: the property was used in the past as a pasture/feedlot for cattle. During hurricane Irene they suffered extensive flooding and lost fencing and a barn. They wanted to replace the barn with steel buildings that are attached and cannot float away during a flood. The field was also damaged by flood debris. They were unaware of the Flood Hazard Bylaw and the permit requirement until after Irene. They received a \$10,000 grant from the USDA to reestablish the pasture and have worked to bring back the grass and remove invasive species by mowing the field. For the last few years, the field has

been hayed and it is now more productive than it was pre-Irene. They hope to retire in the next few years and want to have a building to store agricultural equipment and eventually pasture cattle on the field.

Ira: what are the sheds used for now?

Kevin: they are used for storage of camping equipment, motorcycles, and tools.

Ira: are the sheds currently used for agriculture?

Kevin: no but we hope to use them in that capacity in the future.

Ira: you have two main uses of the site now: haying and RV rentals? Kevin agreed that they are haying but the RVs are not rented- they are occupied by friends. The septic waste is stored and hauled off site for disposal.

Ira recapped that the Knowltons originally filed an application for one storage unit, a carport and 4 campers. Kevin agreed and added that Geo told him that they would have the right to appeal the decision.

Ira: what the DRB must wrestle with is the accessory structure definition and how it applies to this site. Accessory structures are permitted in some, but not all cases.

Ira asked Geo which flood zone these sheds fall into, and Geo confirmed that they are in the "Flood Way". The "Special Flood Hazard Area" is closest to the river and the "Flood Way is the next zone.

Ira: You have provided historical flood data which is not specific to your site but shows five major floods since 1927.

Kevin: Agrees and stated that the collapse of the bank on the opposite side of the river greatly contributed to the damage of his field.

Ira: we can anticipate that another flood event is going to happen.

Kevin: Agrees but states that he is putting his own property at risk. They want to take their time setting up fencing and preparing to have animals. Haying is the only agricultural activity currently.

Tom Foote asked what the size of the storage tank for the septic is. Kevin replied that it is 75 gallons and that the waste is hauled off site. Geo clarified that septic issues are a matter for the Town's Health Officer.

Kevin was asked what he planned to do with animals in the winter and said they would likely be wintered at another farm.

Ira asked Geo if there was a letter from the Agency of Natural Resources regarding this appeal. Geo said that John Broker Campbell of ANR had issued a statement but since Geo did not have his computer with him, he could not access it. Geo summarized John Broker Campbell's statement- that an applicant must have a "primary structure" such as house, barn or business to be eligible for an accessory structure and that a field next to a river did not qualify. Kevin Knowlton wondered rhetorically where one could store animal feed. Geo said that a farmer can get an exemption but that one must qualify as a farmer under the definition set by the Vermont Dept. of Agriculture and apply for this status. Ira read from the Sharon Flood Hazard Bylaws on page 6 which outlined this exemption and the need to qualify as a farmer first.

John Roe commented that although the animals seem to be driving the use of the structures, the structures are currently supporting the campers and this goes against the intent of the Bylaw. Keeping animals implies that there will be people on site to care for them. This sounds more like a residential use rather than a recreational use with the campers.

Ira reviewed the DRB's typical process in gathering information, closing a hearing, deliberating and issuing a decision. It would be helpful to have John Broker Campbell's decision to understand the State's position.

Ira asked Kevin if he felt that their use of the property and sheds conformed to the Flood Hazard Bylaw and has been misinterpreted. Kevin said that felt their use had been misinterpreted- he wanted the box trailer to keep items secure and he wanted to store farm equipment. Haying is profitable, so he wants to continue with that for the time being.

Ira read the definition of an accessory structure from the Flood Hazard Bylaws and asked if the use of the site is agricultural or residential? Kevin answered that the use is agricultural and seasonally residential.

Geo was unable to find the email from John Broker Campbell. Ira suggests suspending the hearing and continuing when the letter is in-hand. Sue, Paul and John felt this was reasonable. Ira inquired if there was any other information that needed to be shared at this time. Kevin Knowlton wondered how the passing of the Flood Hazard Bylaw was communicated to residents because he was unaware of it until he heard from Geo. He felt flood zone residents should have been notified more directly.

Sue Sellew made a motion to suspend the hearing until November 1st at 7 PM, Ira seconded and all approved. At 7:55 PM the hearing was suspended. Margaret Gilmore, Martha Fisk, Tom & Cheryl Foote, David Fisk and Jennifer and Kevin Knowlton left and Robert Townsend arrived.

Rodewald Subdivision Final Review:

On Saturday October 8th there was a site visit which was attended by Ira, Sue, Paul, Rob Townsend and Suzanne Jones (an abutter).

Robert Townsend reviewed the Rodewald subdivision application. The site is approximately 200 acres and is being split into two 98.4 acre lots with one house on each parcel. The Wastewater Permit shows suitable areas for replacement septic sites. The board members agreed that there were no additional conditions that needed to be applied to the permit.

Todd and Rosemary Melancon inquired whether the subdivision would affect their water rights on the Rodewald property. Robert Townsend attested that the subdivision would not affect their water rights.

At 8:06 PM Sue Sellew made a motion to approve the Rodewald subdivision, Paul seconded and all approved.

Ainsworth Subdivision Final Review:

On Saturday October 8 there was a site visit which was attended by Sue, Paul, Ira, Rob Townsend, and Kevin Gish (selectboard).

Robert Townsend oriented the meeting to the application and surveys. The subdivision is not going to be used as a house lot but rather for its current use as staging area for storing and sorting gravel for an excavation business. Some gravel material is being removed from the site. Rob said that Act 250 does not apply to closing the quarry because it is “grandfathered”. Paul noted that it is important to define what the use of the property will be for the permit. John agreed and noted that the sight lines pulling out on to Rt 14 are not ideal. Sue expressed concern about the instability of the silt bank. It was decided that while the instability of the bank is a concern it is not relevant to the subdivision approval.

John Roe made a motion to close the hearing, Sue Sellew seconded and all approved.

John Roe made a motion to approve the subdivision of 11 acres from the Ainsworth property to be used as a staging area for stone, gravel and for the minor excavation of existing material on the site. Paul seconded and all approved at 8:25 PM.

At 8:30 PM Paul moved to adjourn the DRB and convene the SPC, Sue Sellew seconded and all approved.

Town Plan:

Updated maps have been received from Sydney Steinle of TRORC. Sydney’s comments about the “Home Businesses” and “Small Enterprises” sections were discussed and the new draft maps were reviewed. Paul noted some inconsistencies in the maps. The “Future Land Use” map needs more work to delineate the “rural residential” designation more accurately. The Transportation map needs to have the rest area added to it and the Utilities map would be clearer if power was shown in a different color. Corrections will

go back to TRORC. Sydney plans to attend the next SPC/DRB meeting in November to discuss these changes and how to move forward.

Meeting minutes:

Sue Sellew made a motion to approve the 8/9/2022 meeting minutes with Ira's edits, Paul seconded and all approved.

Ira suggested one change to the 9/13/2022 minutes. Paul made a motion to approve the minutes with this one change, John seconded and all approved.

Other business:

John asked if November's regular SPC meeting scheduled for 11/8 could be shifted to Tuesday November 1st when the continuation of the Knowlton hearing is planned and the consensus was that this would be a good idea. Ira will notify TRORC and Andrea will check room availability at the Town Office. This meeting will be warned as a regular meeting because the hearing has already been warned per the requirements.

The final mylar for the Lowes/Canterbury subdivision was reviewed and signed.

Sue Sellew made a motion to adjourn the meeting at 9:24 PM, Paul seconded and all approved.

DRAFT