

Town of Sharon, Vermont  
Planning Commission and Development Review Board Minutes  
November 1, 2022 (Final)  
(As approved 12/13/22)

*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.*

**Attending** Sue Sellew, Ira Clark, John Roe, Paul Kristensen, Lee Simek (via Zoom),  
Andrea Morgan (SPC/DRB Clerk, taking notes)

**Visitors** (in person) Kevin and Jennifer Knowlton; via Zoom: Kevin Geiger (TRORC),  
John Broker-Campbell (VT Agency of Natural Resources).

**Future Meeting Dates – Mark Your Calendars**

- Tuesday, December 13 at 7 PM – Planning Commission Regular Meeting.

Ira Clark convened the Planning Commission meeting at 7:00 PM.

**Kevin Geiger** from TRORC came to discuss the review of the Town Plan. TRORC has received the SPC's map edits and will make the requested changes. The TRORC Regional Plan does not allow principal retail except in "core town areas." Alignment between the Town and Regional Plans is important for both planning and ACT 250 reviews. Ira noted that the "Small Business Enterprise" area contains a health clinic, roofing and plumbing businesses, the Fire Department, and a restaurant. It is geographically confined by Rt. 14, I 89 and private landowners. The Sharon Town Plan defines the use of the "Small Business Enterprise" area on page 20 as being for small non-retail commercial use and for primary retail use that does not require substantial outdoor storage such as grocery stores. Under the Regional Plan, restaurants are not considered retail, nor are service establishments, land intensive or resource-based uses. Kevin felt that most of the existing uses in this area are compatible with the Regional Plan and if the Town Plan was edited to remove the language allowing "grocery stores" and "principal retail", the two plans would be consistent. Members of the commission agreed to make this change. Kevin stated that Sharon's "Small Business Enterprise Area" would be shown as such on future regional plans.

TRORC's remaining suggestions are for smaller changes to the Town Plan. Sydney Steinle of TRORC noticed that the "Implementation Table" does not feed back into the Plan and will let the SPC know where the Table and Plan are not in agreement. The "Home Business" definition has been moved from page 19 to page 88. Kevin noted that home businesses can expand and may not realize that they have come under state regulation. The SPC agreed to look at the language around home businesses carefully. The SPC would like TRORC to do a "determination of energy compliance" on the Town Plan. The State has changed its requirements for Energy Plans, but Sharon's Energy Plan is subject to standards in effect in 2021.

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Kevin said that Sydney will carefully review the “Utilities and Facilities” section to look for needed updates. He also asked if the Plan addressed cannabis production within the Town. This is not something the SPC has received feedback on or addressed. Kevin also discussed the need for planning ground-mounted solar installations within the village area.

The Sharon Town Plan is close to being ready for a public hearing according to TRORC. TRORC will conduct a second” informal review” of the Plan. This review usually occurs after the Plan “mail out” and before the hearing, to give time for minor revisions.

The process of moving to a public hearing includes mailing out the Plan 30 days before the hearing to the planning chairs of neighboring towns, the State and TRORC and warning the hearing at least 15 days before. The Town must be able to provide both paper and electronic versions of the plan to the public for review and typically the Town Clerk keeps an “adoption record” of the process. At the hearing the SPC accepts feedback on the Plan and then can close the hearing and meet to make changes. The Plan is then transmitted to the Selectboard.

Sydney Steinle of TRORC will create a hearing draft, provide a “revision log” that highlights major changes to the Plan, help with the “hearing report” and notice process. The SPC will make changes to the “Home Business” section and the definition of retail use, communicate with Sydney about which chapters should be highlighted at the hearing and set a schedule to move forward toward a hearing date. Kevin will review his punch list with Sydney and Ira.

Kevin gave the SPC some general advice about the subdivision hearing and decision process. He recommends closing a hearing and creating a written decision. He has a training on YouTube on this topic. The SPC will start this new procedure of creating a written decision with the Rodewald subdivision. At 8 PM Kevin left the meeting.

**Meeting Minutes:** At 8:04 PM Sue made a motion to accept the 10/11/22 minutes as is. John seconded the motion and all approved.

**Other Business:** Budget requests are due November 7. Andrea will ask the finance manager to create a printout of last year’s budget and expenditures for the SPC to review. Andrea noted that she has exceeded her 20 hour/month time allowance twice in 3 months and will make a recommendation for a modest increase in monthly hours.

At 8:10 PM Kevin and Jennifer Knowlton joined the meeting. John made a motion to adjourn the Planning Commission meeting, Sue seconded and all approved.

**Knowlton hearing: Appeal of a Flood Hazard N.O.V.**

Ira opened the DRB meeting and continued the October 11 Knowlton hearing. Ira explained that the hearing had been suspended to obtain a statement from John Broker-Campbell of the VT Agency of Natural Resources. The statement was received by the SPC on 10/28/22. Kevin Knowlton said he wished he had received the statement before the meeting. Kevin was handed a printed copy and was given time to read it. Ira then read the statement out loud. John Broker-Campbell joined the meeting at 8:15 PM.

Kevin Knowlton commented that the existing buildings on the site that were washed away by hurricane Irene in 2011 were not so much “abandoned” by them but were removed by the flood. He wants a simple, small, anchored structure. They received a USDA grant to restore the pasture which is now hayed by Reggie Robinson. The family kept cattle on site before Irene and hopes to again in the future.

John Broker-Campbell asked the Knowltons if they are considered a” farm” by the VT Agency of Agriculture. The Knowltons acknowledged that they are not. John Broker-Campbell went on to point out that if the Knowltons kept cattle on site and had “farm status” from the State they might be exempt from the Town Bylaws but would be subject to State law. It may be in their interest to apply for farm status. Jennifer wondered what the State requirements are to be a farm.

John Roe pointed out that the site had 2 uses: recreational use and future farm use. These two uses carry different implications under the Bylaw. The RVs are a recreational use and are not allowed to have accessory structures. Kevin said he could bring in a box trailer on wheels and get around the Bylaw, but he did not want to do that and feels that his metal shed has a more attractive appearance.

John Roe clarified that the word “abandoned” does not mean that the buildings were intentionally abandoned, it means that if a period has elapsed and the building has not been replaced, it is considered “abandoned”.

Ira asked John-Broker Campbell if he felt his statement is still applicable after listening to the hearing testimony. John Broker-Campbell said that since the Knowlton’s property is in the Flood Way, they cannot have a structure on it and since they cannot have a principal structure, they cannot have an accessory structure. Having a ready to move trailer for storage may be allowable under the Bylaw. If they have State farm status, they would be subject to State law regarding structures in the floodplain, but still may not be permitted to build there.

John Roe asked John Broker-Campbell if he intended to write “principal structure” instead of “principal use” in his statement. John Broker-Campbell said he did mean principal structure. Ira read the Bylaw definition of accessory structure and asked John Broker-Campbell if an accessory structure could be viewed as accessory to a non-

physical feature of a site, (its use). John Broker-Campbell did not agree and cautioned the DRB about setting a precedent for future decisions.

Jennifer Knowlton said they would probably not be able to remove their sheds before winter. Ira asked them to consult with Geo going forward.

At 8:52 PM Paul made a motion to close the hearing, John seconded it and all approved. The Knowltons and John Broker-Campbell left the meeting.

At 8:55 PM John Roe moved to go into deliberative session to discuss the Knowlton hearing, Paul seconded and all approved.

At 9:20 PM Paul made a motion to end the deliberative session, Sue seconded and all approved. John then made a motion to re-open the deliberations to continue decision discussion, Paul seconded and all approved.

**Goodwin:** Ira has been in email contact with Neil about his boundary line adjustment. Neil has wanted clarification about filing the survey and if it requires approval. The board will offer to review the survey with Neil at the December meeting.

At 9:33 PM John moved to enter deliberative session to discuss the Rodewald subdivision, Paul Seconded and all approved.

At 9:43 PM John made a motion to close the deliberative session, Sue seconded and all approved.

At 9:45 Sue moved to adjourn the meeting, Paul seconded and all approved.