

Town of Sharon, Vermont
Planning Commission and Development Review Board Minutes
November 14, 2023
(As approved on 12/12/2023)

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: John Roe, Sue Sellew, Paul Kristensen, Dee Gish, Lucy Gibson & Andrea Morgan (SPC/DRB Clerk, taking notes) in person

Future Meeting Dates – Mark Your Calendar

- Tuesday December 12th 7PM SPB/DRB Regular Meeting

John Roe convened the Planning Commission meeting at 7:05 PM.

Notice of Road discontinuance: The SPC received notice of a site visit and hearing regarding the discontinuance of TH-46 and members discussed whether the PC wanted to comment on this proposed discontinuance. Sharon's Town Plan supports developing trails out of unused Town roads but in this case the section is 1/10th of a mile and dead ends in private property so the members do not oppose this discontinuance.

FY'25 Budget: Members reviewed budget information from past years as well as the current fiscal year and noted that postage and legal expenses have increased. Sue suggested that the PC entertain a motion to go into executive session at the end of the meeting to discuss employee performance and compensation.

SPC/DRB Record Storage: Andrea updated the members on the status of SPC/DRB records. Since August of 2022 the records have been kept in the Town Clerk's vault to protect them from fire. The Town Clerk has advised that it may be necessary to move them from the vault because of space restrictions and in order to comply with Vermont State Archive and Records recommendations. If the SPC/DRB records are moved out of the vault they will need to be stored in fireproof file cabinets. These cabinets are expensive and heavy. More research needs to be done into the type of cabinets, level of protection, their weight and the capacity of the building to support them. Dee asked about the possibility of digitizing the records. Hartford has gone through this process and found that not only did it save space but it also made searching through and using the records easier. Andrea said that the Town Clerk had mentioned that her records may be digitized in the future. Members agreed that it made sense to explore options for the safe archiving of SPC/DRB records and to add money to the FY25 budget to begin this process. The purchase of cabinets or the process of digitizing may have to be phased over more than

one fiscal year. John will send the proposed FY25 Budget to the Selectboard. Andrea will check with TRORC to see if they have recommendations about record digitization.

Roads as legal boundaries: The question of whether roads constitute a legal boundary has come up in recent subdivision proceedings before the DRB. Sue has been in touch with Garrett Baxter, a staff attorney for the Vermont League of Cities and Towns (VLCT). Attorney Baxter indicated that State law is not clear about this issue, and it is important for towns to clarify this in their bylaws. The Vermont Supreme Court has ruled that roads *may* (not shall) create a subdivision. How much of a barrier the road poses to the use of the property as a single lot may be a deciding factor in whether the road will be used as a subdivision boundary. A busy, well-traveled road could create more of a barrier to use than a quiet dirt road. The members discussed whether using road classification might be one way to clarify this issue. Paul noted that Strafford does not consider roads as legal boundaries in their subdivision regulations. John felt this would be consistent with the way the Town taxes contiguous parcels. The members supported taking a similar approach to Strafford.

Subdivision Regulation Update: John spoke with Kevin Geiger at TRORC about Sharon's subdivision update. Kevin was very supportive of writing and rearranging the regulations in a way that made them more understandable if the SPC did not remove any of the substance of the regulations. He did not recommend changing the beginning sections of the regulations that outline the authority and purpose but did advise clearly stating any exemptions to the regulations. Section 103 of Sharon's regulations outlines some exemptions which need to be clarified such as boundary line adjustments. Kevin suggested adding surveys of previously un-platted parcels to the exemptions or clarifications. He also emphasized the importance of defining the use of a lot when a subdivision permit is issued. He was supportive of the Initial Review phase being a time for informal discussion of a project but recommended keeping language that any discussions on either the part of the board or applicant remain nonbinding and avoiding language that expressed an expectation. The goal of the initial review should be for the applicant to explain how they plan to use the lot and for the DRB to explain how that use fits into the Town Plan and subdivision standards. John added that the subdivision standards are linked to the content of the Town Plan. Sue wondered if it might be a good idea to provide references to the Town Plan in the subdivision standards.

Dee noted that Sharon's subdivision regulations jump back and forth between topics and it might be clearer to put definitions at the beginning. She will prepare an outline for the next meeting. Some members were able to edit and share the document in OneDrive while others were not. Andrea will send the regulations as an attachment and investigate collaboration options.

Meeting Minutes: Dee moved to approve the 10/10/2023 minutes as written, Sue seconded the motion and all approved.

Other business: At 8:45PM Lucy moved that the SPC enter executive session for the purpose of discussing public employee compensation and performance under the provision of Title 1, Section 313 (a) (1). Sue seconded the motion and all approved. Andrea left the meeting and the executive session commenced.

Sue moved to adjourn the SPC meeting at 9PM, Paul seconded and all approved.