

**CORNWALL PLANNING COMMISSION**  
REGULAR MEETING MINUTES  
January 19, 2011  
Cornwall Town Hall  
*(approved February 16, 2011)*

Present were: Jim Duclos, Jean Terwilliger, Geoff Demong, Annie Wilson, Mike Brinkman, Tracy Himmel Isham

Also present were: Jim Duclos, Marian Burton, Bob Burton, Matthew Severy, Eric Severy, Margaret Carothers, Bill Biederman, Peter DeGraff, Brent Rakowski, John Jefferies, Glenn Goodwin, Bob Coffey, Gabriel Hamilton, Bruce Byers, Michael Davis

Meeting was called to order at 7:04pm

Quorum was established

### **Minutes**

It was moved and seconded to approve the minutes of December 15, 2010 with the following amendments.

- On page 5, Margaret Carothers: "Each adult puts in 200 **hours** of sweat equity..."
- On page 5, Eric Severy: "What will **this** do to my property value?"
- On page 5, Bob Burton: "...**flows to** the pond."

The motion carried on voice vote.

### **OLD BUSINESS**

#### **1. Continuation of Public Hearing: Habitat for Humanity, DeLong Road**

Request by Habitat for Humanity of Addison County, to subdivide premises known as Lot #32.3, abutting DeLong Road, Cornwall, Vermont., consisting of 13.18 acres into 4 Planned Unit Development (PUD) cluster lots, each of approximately one half (1/2) acre.. The applicant intends to build a total of four (4) affordable homes. This matter was classified by the Cornwall Planning Commission on October 20, 2010 as a major subdivision.

#### **Exhibits**

- A Letter from Principal, Cornwall Elementary School
- B Letter from Road Commissioner, Cornwall
- C Letter from Chief, Cornwall Fire Department
- D Letter (Dec 15, 2010) from Margaret and Laurence Groves (Interested Parties)
- E Narration of HFH presentation at Dec 15, 2010 meeting
- F Report (Nov 11, 2010) from Otter Creek Engineering (Waste Materials and Fill Soils In Test Pits)
- G Letter (Jan 3, 2011) from Eric Mortensen (Interested Party)
- H Narration of Robert Burton presentation at Jan 19, 2011 meeting

Questions, Answers and Comments:

**Bruce Byers** said that Habitat is in full agreement with Exhibits B and C, letters from the Road Commissioner and Fire Chief. The Fire Chief has recommended that a teardrop loop be used instead of a cul de sac at the end of the access road. A teardrop loop would allow safety vehicles in and out while facilitating every day use.

**Jim Bolton:** We have heard concerns about wells being drilled in the vicinity of the dump site. Did the applicant do an environmental site assessment?

**Brent Rakowski:** This type of assessment is typically done for commercial sites. We did not do a formal "phase one" assessment here.

**Peter DeGraff:** While there was no formal phase one assessment, what was done was an assessment of the contents and scope of the dump site. Nothing was found that would indicate hazardous materials.

**Geoff Demong:** What were the depths of test pits?

**Brent R:** An average of 84 inches, some to 126 inches. They were dug to the undisturbed layers.

**Bruce Byers:** When Habitat went to contract, they did not know about the dump site. At that point, they could have terminated the contract, but instead decided to investigate. Doris Severy identified the dump area during a meeting with Habitat at the site. Habitat focused its investigation on the area Doris pointed out and an expanded area around it. Even though the investigation found no hazardous materials in the old dump site, Habitat went further, in making sure that the lots are as far away from the dump site as possible. The dump site will become part of the conservation easement area. We want the CPC to know that Habitat would never do anything to put anyone in danger nor to tarnish the organization's good reputation.

**Brent R:** Even the septic systems are not in the dump site area.

**Jim Bolton:** A phase one is typically done for commercial, but this project is not commercial?

**Peter D:** This is not a commercial venture. There is no profit being made here. While this assessment is not a formal phase one, this is essentially what we have done.

**Bob Burton:** I bought the land in 1986. When I filled in, there was no evidence of any dump.

**Jim Bolton:** According to Exhibit F, test pits did find farm waste in the dump area.

**Bruce Byers:** To be clear, the dump area is not the area of the proposed house sites.

**Jim B:** Does the State need to be notified about the farm waste?

**Peter D:** There are no concerns from the State.

**Tracy Himmel Isham:** Burnham Excavation dug the test pits. Who directed them?

**Brent R:** Bill Norland, who has expertise in environmental assessments, was the person in charge on site, who directed Burnham where and how to dig the pits.

**Jim B:** Will the dump site information be disclosed to lot purchasers?

**Bruce B:** Yes, each owner will be made fully aware.

**Tracy H. I.:** What assurance do we have that septic systems will not fail, since there is no back up system planned?

**Brent R.:** These septic systems have been designed in accordance with environmental protection rules. We have designed them to the capacity of 150% of design flows, and therefore do not need back up systems.

**Jim B.:** They are designed for 3 bedrooms or 4? There was some confusion about that number at the last hearing.

**Brent R.:** 4 bedrooms. The State requires 50 feet of setback, and we are allowing more than twice that with 114 feet of setback.

**Tracy H.I.:** How would a homeowner know if their system were failing?

**Peter D.:** You would have effluvia come to the surface.

**Jim B.:** At the last hearing, Brent said that “there are means to slow the flow down.” What did you mean by that?

**Peter D.:** There are methods, but that would not be necessary here because the standard procedure would be to line the bottom of the leech field with sand. The area is already sand..

**Geoff D.:** Does the land south of the disposal areas, slope to the pond?

**Brent R.:** In general terms, yes, it does slope to the pond.

**Jim B.:** Can the disposal areas be moved further away from the pond?

**Brent R.:** Yes, the updated plan we are presenting today does have the disposal area designed further away from the pond than the plan that we showed at the previous hearing.

**Peter D.:** Based on soil quality, this is the most distance we can place the disposal areas away from the pond.

**Gabe Hamilton:** For the record, I am the person who owns the pond and I am still concerned about the potential for contamination. We use this pond for swimming and water for livestock. Springs are in the bottom of this pond, flowing up. It functions like a well. Wells have a 200 foot setback.

**Brent R.:** The State governs surface waters much differently than wells. Surface contaminants flow into ponds but not into wells.

**Peter D.:** We will abide by the rules of the State. Also, with this system, wastewater is getting treated in the soil, and that treatment will destroy most phosphorus and pathogens.

**Tracy H. I.:** How will people know if there is a problem?

**Peter D.:** Each house will have a septic tank. (gave overview of how septic tanks function) Pumping of septic tanks is recommended every 3 years. These tanks will have a filter so that no solids can flow out and into the disposal area. If the tank needs to be pumped, solids will flow back into the house and that is how people will know.

**Gabe H.:** Why are disposal areas located where they are?

**Jean Terwilliger:** The ground water is high in other areas and the soil is clay.

**Matt Severy:** I also concerned about my neighbor’s pond. Isn’t there room for at least one system further away from the pond? Also, did you dig the depth of the test pits for septic at least as deep or deeper than the pond?

**Peter D:** In order to get to depth of the bottom of the pond, that would be 25 deep, which is beyond what we would do. That would mean disturbing a very large area of soil.

**Geoff D:** From the map, it appears that there is bedrock in between the disposal systems and the pond. Would that act as a block? Is it theoretically possible that would be a ridge?

**Peter D:** This is theoretically possible, but we do not have data on that.

**Bob Burton:** Actually the pond is further to the east, so even if that area you are looking at were bedrock, it would not be between the disposal systems and the pond.

**Jim B:** What is the progress on conservation easement talks?

**Bruce B:** We are still waiting to hear from MALT. If MALT agrees to manage the conservation easement, they will do an annual inspection. If MALT declines, Habitat will conserve 75% of the property by deed easements, and that will be part of the public record.

**Bob B:** Well how will that area be managed? What if you have trees growing in your septic system? You are proposing to build houses right in middle of a mosquito problem area. What will this conserved area become over time? I feel that something has been left out. And how will these families take care of these properties if they have few resources?

**Margaret Carothers:** Habitat families are not being taken from the city and plopped into Cornwall. They are Addison County families who self select to purchase these homes.. They have support from families and friends. People selected will have transportation, and sufficient resources to live successfully in the country. All things are considered in this process. Regarding the land management, a conservation easement does not mean you can't hay, log, or otherwise manage the land. It does mean, you cannot develop it. We plan to knock down all the scrub trees when the systems are created.

**Bill B:** We have families who use what we call "family support" as another resource for challenges homeowners may face.

**Eric S:** I am not concerned with the two acres that the houses are on. I am concerned with the rest of the land. Who will own the conserved acres?

**Margaret C:** Habitat for Humanity of Addison County.

**Eric S:** Is Habitat going to go in and brush hog the land?

**Margaret C:** How much of the land could be hayed?

**Bob B:** I hay it now, but there will not be enough left to continue haying after the houses are built.

**Margaret C:** How much does it take to brush hog?

**Jean T:** 10 acres takes one day.

**Bruce B:** I feel this conversation is going in the wrong direction.

**Tracy H. I:** We need to limit discussion in this hearing to the questions on the merits of the application.

**Bruce B:** Mike Magoon has been retained by Habitat to do the final survey.

**Jim B:** The question of MALT needs to be resolved.

**Jim Duclos, ZA:** According to the zoning regulations (page 37), copies of any appropriate agreements for the ownership or management of the common or open space shall be included with the application.

**Bruce B:** The application could be approved with conditions.

**Jim D:** What are the proposed setbacks for building envelopes?

**Brent D:** 20-foot setback for side lots, 25 for front.

**Jim D:** Are there often additions to Habitat houses?

**Margaret C:** No one has asked to put a garage on any existing Habitat house. No one has asked for an addition yet. For any proposed addition, Habitat would need to approve first and then the proposal would need to meet Town zoning regulations.

**Matt S:** Why did you choose a 16-foot road. Why not 18?

**Brent R:** We followed State standards, based on the number of vehicles anticipated per day.

**Peter D :** The access road will have shoulders. The travel surface will be 16 feet wide.

**Jim B:** Are there any other questions or comments? I believe that we have enough information to make a preliminary decision. Thanks to all for your participation. This preliminary hearing is closed.

2. **Decision** relating to request by **A. Walker Bingham, III**, of 18 North Bingham Street, Cornwall, to subdivide his 23 +/- acre lot abutting Route 74, Evergreen Road, and Clark Road into two (2) lots: Lot 1: 11.58 acres and Lot 2 11.72 acres. This matter was classified by the Cornwall Planning Commission on July 21, 2010 as a major subdivision and a public hearing was held on November 17, 2010

Tracy Himmel Isham reported that the above application has been approved with conditions.

## **NEW BUSINESS**

The board discussed candidates for CPC in 2011 and the need for two representatives to ACRPC. It was agreed that CPC members will have possible candidates' names at the next meeting.

At 8:50pm the CPC went into executive session to deliberate on the matter of the Habitat for Humanity application.

The meeting was adjourned at 10:08pm

Respectfully submitted, Sharon Tierra, CPC Secretary