

Approved April 16, 2014

CORNWALL PLANNING COMMISSION
REGULAR MEETING MINUTES
March 19, 2014
Cornwall Town Hall

PRESENT: Tracy Himmel Isham, Holly Noordsy, Jim Duclos, Sarah Pelkey, Jean Terwilliger, Bobbi Carnwath

GUESTS: Judson Bartlett, Karen Bartlett, Lesley Deppman, Joanie Donahue

Meeting called to order at 7:05 pm. Quorum established.

ORGANIZATION OF THE BOARD

- **Members** - The board welcomed newly elected member Bobbie Carnwath. There remains one open position on the CPC. The Select Board has asked the CPC to recommend candidates.
- **Chair** – Holly MOVED / Jim SECONDED a motion to elect Tracy Himmel Isham as Chair for the coming year. Motion passed. Tracy would prefer to share the position with a co-chair, as soon as someone else on the board is willing and able to serve in the role of co-chair.
- **Clerk** - Tracy MOVED/ Holly SECONDED a motion to approve Sharon Tierra as CPC Clerk for the coming year. Motion passed.
- **Meetings** – The board set the regular meeting schedule as the third Wednesday of every month at 7 pm. Meetings will be held at the Town Hall.

MINUTES

Minutes February 19, 2014 - Jim MOVED/ Tracy SECONDED a motion to approve the minutes as distributed. Motion passed with one abstention.

NEW BUSINESS

- **Public Hearing – Estate of Jean Smith Lane Foote**
to hear request by Candice Thorton, Administratrix of the Estate of Jean Smith Lane Foote, of 1242 Jericho Road, Richmond, Vermont 05477 to subdivide a 100 acre lot on Ridge Road, Cornwall into two lots: Lot A of 75 +- acres and Lot B of 25+- acres. This matter was classified by the Cornwall Planning Commission as a two (2) lot minor subdivision on August 21, 2013.

Due to an administrative lag, the public hearing on this application could not be scheduled within the 6-month window, but is rather being heard 7 months after classification. The applicant did meet the deadline for submission, and all other requirements for the public hearing.

Attorney Lesley Deppman is here to represent the applicant. Deppman said that Lot B of 24.92 acres will be conveyed to Jean Foote's son Charles, who lives on Lot B. Lot A of 75.08 acres will be conveyed jointly to Jean Foote's two daughters. Charles Foote currently farms the land, which is in current use.

The board agreed that all conditions for a subdivision within the MDR have been met. They pointed out to Deppman specific Town regulations that would come into play should one or more of the lots be subdivided further within 5 years. Jim MOVED/ Jean SECONDED a motion to approve the application as a two (2) lot minor subdivision. Motion passed. The board instructed Deppman regarding the requirements for submitting the final survey on mylar to the Town Clerk.

- ***Informal Hearing for Classification – Lands of Stephen Payne, Bruce Payne, James Payne, David Payne and Susan Payne-Bruce, West Street***

James Payne is the named applicant on behalf of the above owners, and he seeks subdivision approval for a 29.86 +/- parcel of land lying on the westerly side of West Street. Lot #1 will be 14.71 +/- acres and will be conveyed to Stephen Payne. Lot #2 will be 15.15 +/- acres and will be conveyed to Susan Payne-Bruce. Attorney Joanie Donahue is here to represent the applicant.

On March 16, 2011, the CPC approved an application by James Payne for a two (2) lot subdivision of 90.6 acres on West Street into two lots of 30+/- acres and 60+/- acres, for the purpose of settling the estate of Margaret Payne Robbins and with the intent to merge the properties again once the estate was settled. Because the subdivision would create a non-conforming lot, the CPC approved the application with the authority of Section 151 of the subdivision regulations, on the condition that once the estate was settled, the lands would be merged again with a boundary line adjustment so that the non-forming lot would no longer exist. The CPC stipulated that the language of the approval with conditions be written on the deed and also on the survey mylar filed with the Town,

According to Donahue, Addison Probate Court decreed all the property owned by the estate jointly to the five siblings, rather than settling property divisions in court. She also said that the language the CPC wanted on the deeds and the mylar of the above 2011 subdivision was inadvertently omitted from both documents. Donahue stated that she would assure that before the Public Hearing on this matter the following:

- the deeds for the 2 lots created by the March 16, 2011 subdivision will be corrected with the language required by the CPC regarding conditions for approval;

- a corrected mylar for the 2011 subdivision with the language about the approval with conditions added will be submitted to the Town;
- the boundary line adjustment merging the two properties will be completed and the new deed conveying the land to James from the siblings will include language of conditions of the March 16, 2011 subdivision.

Tracy MOVED/ Sarah SECONDED a motion to classify the matter as a two (2) lot minor subdivision. Motion passed.

Discussion of Formalization of Role of CCC in Subdivision Applications

One of the stated goals of the Cornwall Conservation Commission (CCC) in the Town Plan is that its' role in subdivision applications be formalized. The first step is to increase communication. Tracy will ask Sue J. to add Marc Lapin and Mary Dodge to the list of people she notified when a subdivision application comes in. Sharon Tierra will add Marc L. and Mary D. to the list of those who receive CPC agendas and minutes. The CPC would like to hear more from the CCC, especially as they go forward and develop inventory, what kind of role the CCC can and should play in minor and major subdivisions or other processes.

Conservation Easements Bill – S. 119, now in the House Judiciary Committee would set criteria for conservation easements and create a panel for reviewing the changes. One of the provisions of the bill would give the easement holder the right to make changes to development rights, subject to approval of the panel. In other words, the land would no longer be conserved “in perpetuity” but could be developed. The CPC will bring this to the attention of the Select Board, as a significant number of properties in Cornwall have been conserved.

OLD BUSINESS

Pipeline Update – Jim D. reported that the Energy Committee and the 248 Committee of the ACRPC have recommended to the full group that the ACRPC not support Phase 2. The next general meeting of the ACRPC will be held on April 9, during which the commission will decide how they will intervene in Phase 2. At the PSB, the deadline for discovery questions has been extended to April 15.

The meeting was adjourned at 9:35 pm.

Respectfully submitted, Sharon Tierra, Clerk of the CPC