

Approved August 20, 2014

CORNWALL PLANNING COMMISSION  
REGULAR MEETING MINUTES  
July 16, 2014  
Cornwall Town Hall

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

**GUESTS:** Denny Rheaume, Barney Hodges, Kevin LaRose, Ron LaRose, John Berninghausen, Alice Berninghausen, Matt Bonner, Bruce Byers, Michael Hennessy, Bethany Menkart, Peter Bonner, S. Phillips,

Meeting called to order at 7:000 pm. Quorum established.

**MINUTES**

*June 18, 2014* –Holly MOVED / Sarah SECONDED a motion to approve the minutes as presented.  
Motion passed.

**PUBLIC HEARING**

***Matt Bonner, West Street***

To hear a request by Matt Bonner, 1104 West Street, Cornwall, Vermont to subdivide his 40-acre parcel at 1683 West Street into five (5) lots. The subdivision would entail three (3) curb cuts, one being a shared drive. All have required road frontage; plan calls for an eventual boundary adjustment between lot 5 and a neighboring property, which will remove lot 5's frontage on West Street. Lot 5 will remain compliant with required parcel size for the district; access provided by an easement through other lots.

This public hearing has been duly warned, all abutters notified, and filing fee paid. This project was classified by the Cornwall Planning Commission on May 21, 2014 as a major subdivision, with the following stipulations:

- CPC and Conservation Committee have no issues to be addresses after they walk the parcel;
- Building envelopes for lots are provided;
- Wells, septic system information provided;
- Curb cuts, drives are approved by the Road Commissioner.

Matt's review began with statements regarding the intent and goals of the project, followed by an explanation of how the project met each of the applicable provisions of Cornwall's Subdivision Regulations §320. Questions were addressed by either Matt or Kevin or Ron LaRose of LaRose Surveying.

- Lot lines follow streams as much as possible in order to limit stream crossings, other adverse impacts to stream areas;
- Dwellings set far back from road to lessen visual impact from road; land abutting road side to remain as pasture; no signage.
- *Discussion*—Regarding prohibition against buildings near road: Who enforces? [A] If one of permit conditions, then Town enforces. If part of private covenants, then is a civil issue among neighbors. [Matt] As drive is the only shared item, there are no plans for a “homeowners association.”
- Two biologists consulted, both concurred that no deer yards or other sensitive environmental areas would be adversely impacted;
- Christopher Brunelle, River Management Engineer with the Watershed Management Division of the VT Dept. of Environmental Conservation was consulted regarding stream impacts
- **Well, Septic, Stormwater issues**— Each lot will have pressure-fed mound system located entirely within its individual borders, with exception of lot 4 which has an easement onto lot 5; wells will all be appropriately located and shielded (preventing well/septic from being too closely adjacent);
  - (*Barney*) What are shielding requirements regarding irrigation pond(s)? [K LaRose] They

- have lesser setbacks than required for wells.
- (*Kevin*) Project will need a General Permit from the State as it will entail more than 1 acre, aggregate, of disturbed land; there will be less than 1 acre of impervious surface, so no permit required for that.
- **Municipal Services**—Drives will be V71 compliant; Stu has expressed preliminary approval of curb cuts (*Query: Why 3 cuts rather than 1, with all lots sharing? [A]*—Multi-cuts actually result in fewer stream crossings, and less disruption to stream area); A turn-around/pull-off space included in access to lots 3–5 as they are more likely than lots 1 or 2 to involve vehicles passing each other. There is an existing pond which has filled in over the years. It will be dug out. (*Denny*) Fire Dept. will install a dry hydrant in vicinity of drive for lot 5; hydrant will draw water from the pond; *School*—no adverse impact on services anticipated.
- **Clearing, House Sites**—Lot 2's house site located as it is because the presence of two streams impacts available locations. Little clearing is planned, overall; Lot 5 to have the most, though little or none is old growth; lots 1–3 to have least amount of clearing; old farm-house on property will be removed. All utilities will be underground; GMP has done a site visit, site map shows their proposed layout; power and telephone will run in same ditch; trenching to be done with a ditch-witch not back-hoe; transformers will break out power to lots 3, 4, 5. The final Plan will show the 20'-wide power easement

### **Public Questions**

- *John Berninghausen*—He and Alice are parcel abutters to the north; Concerned with setback of drive from parcel boundary. Also, height measured to roof peak, and can other buildings be constructed outside the building envelope?
  - [*CPC*] Top height measurement is between eaves and half-way to peak; CPC to investigate other questions; *Bruce Byers* believes setback applies to drives as well as construction.
- *Barney Hodges*—Who defines the envelope? Is it possible not to have an envelope? Although project calls for 5 lots, plan looks like there will be 7.
  - [*CPC*] Planning Commission defines envelope, and though possible to not have one, it is particularly helpful in determining appropriate sites within parcel: reference definition in bylaws. Site plan indicates a boundary adjustment that will be made between lot 5 and a neighboring parcel. This will be shown on the mylar (plat) but will not be effected immediately. This makes it appear that there are more than the proposed 5 lots.
- *Kevin LaRose*—*Site Plan vs Mylar*: Site Plans contain much more detail than mylars, generally. Site Plan is what the State needs for determining wastewater permitting. Mylars are the final recorded document, can include almost anything Planning Commission wants, but in general are restricted to boundary, geographic/topographic points. Items on a Site Plan are not necessarily "final," but once added to the plat, become binding.
- *Bethany Menkart*—Concern regarding run-off
  - *Kevin*—All stormwater runoff is required to pass through a 25' vegetation coverage buffer before leaving the property. This requirement is part of the application for a Construction General Permit from the State. In addition, although 100% protection is not possible, during construction contractors do as much as they can via use of silt-fencing and other tools, to minimize run-off and erosion ("scour").
  - *CPC* would like to see grade profiles for access drives on plan
  - *Bobbie* requested a clarification on the plan of the size of lot 5.

**Deliberative Session**— At 8:40, Hearing was adjourned, Board entered Deliberative Session to consider Preliminary Decision (written decision to be issued within 45 days).  
 CPC exited Deliberative Session at 9:15

### **OLD BUSINESS**

- **Vermont Gas**—tabled

The meeting was adjourned at 9:25 pm

Respectfully submitted,  
Robin Conway, Substitute MinuteTaker