

Approved September 16, 2015

**CORNWALL PLANNING COMMISSION (CPC)**

Regular Meeting  
Cornwall Town Hall  
August 19, 2015

Members Present: Holly Noordsy, Jim Duclos, David Anderson, Jamie McKenna, Jean Terwilliger, Roberta Carnwath

Also Present: Willem Jewett, David Dodge, Katherine Branch, Alice Berninghausen, Betty Lou Gorton, Leo Gorton, Jane Lazorchak, Matt Bonner, Andrew Menkart, Bethany Menkart, Krissa Bolton, James Bolton

The meeting was called to order at 7:07 pm.  
Quorum – established.

**Agenda** – Jim MOVED/ Jean SECONDED a motion to approve the agenda with two additions;

- query from Habitat for Humanity
- proposed boundary line adjustment on property of Ralph Teitscheid

Motion passed – 6 in favor, 0 opposed.

**Minutes** – July 15, 2015

David/ MOVED / Bobbie SECONDED a motion to approve the minutes as distributed.

Motion passed – 5 in favor, 1 abstained, 0 opposed.

**Upcoming Meeting Schedule** – Determined that a quorum is expected for the September 16 meeting. Upcoming hearings will be noticed accordingly.

**New Business:**

- **Roberts Informal Discussion/Potential Classification** –Bobbie MOVED /Jean SECONDED a motion to table the matter, as John Roberts is not present. Motion passed – 6 in favor, 0 opposed.
- **Public Hearing** – Leo and Betty Lou Gorton, 706 West Street, Cornwall, to amend the subdivision approval dated October 30, 2009.  
\*\*Note: audio recording of the hearing was made.

Exhibit A: Gorton Subdivision Decision, dated October 30, 2009

David Anderson, Justice of the Peace, swore in those intending to testify.

Attorney Willem Jewett, representing the Gordons, and Jane Lazorchak, from Vermont Department of Fish and Wildlife, explained the reasons for t

he request to amend the Gorton subdivision approval of October 30, 2009. Lot #2 in the Gorton subdivision is under contract to be sold to the Department of Fish and Wildlife. The land will be used for conservation purposes and will include public access for activities including walking, wildlife recreation, cross-country skiing, and snowshoeing. The land is being purchased with federal funds and was appraised for this sale as a regular lot, not as a “conservation lot,” even though the use will be for conservation, according to the conditions of the “notice of grant agreement”.

The Gordons request that the 2009 decision strike or modify language

- regarding a conservation restriction. It jeopardizes the funding, because the land was not appraised as a “conservation lot”;
- that allows public access by means that would not be allowed by the Fish and Wildlife Department (horses);
- that prevents any sale before infrastructure has been built; and
- that makes reference to covenants, which are not applicable for conservation owners.

The Gortons, Willem Jewett, and Jane Lazorchak answered questions from the board and citizens present. Katherine Branch and Bethany Menkart both expressed support of the sale for conservation purposes.

David Dodge, chair of Lemon Fair Insect Control District (LFICD), wondered if an amphibious vehicle would be allowed to drive down the said access road, if the LFICD wanted to treat specific areas of the Lemon Fair with insecticide using such a vehicle in the future (the district owns no such vehicle at present). Jane L. said she imagines that the Department would allow it.

Holly N. said that the “notice of grant agreement,” referred to by Jan L. that was not available for this hearing, is an important piece of evidence.

Holly N. MOVED / Jean T. SECONDED a motion to continue the hearing to Sept 16 so that the notice of grant agreement may be entered into evidence at this time. Motion passed – 6 in favor, 0 opposed. Holly N. will consult with Town Attorney Jim Carroll before the September continuance of the hearing, regarding the matter.

- **Query from Habitat for Humanity** – Jim Duclos said he was contacted by T.Tall from the local chapter of Habitat for Humanity regarding Habitat’s 4-lot development on Delong Road. Habitat wonders if the planned house on Lot #3 could share the well on Lot #2. The board discussed the request. David A. will contact the State to see what is required of a “public

water source". Jim will advise T. Tall that if they want to proceed with this, and if the final plat shows 4 wells, the board would consider amending the decision. Jean T. would need to recuse herself from any hearing on the matter.

- Discussion of Proposed Boundary Line Adjustment on property of Ralph Teitscheid. The board agreed that if the adjustment can be made according to the current regulations, then a hearing will not be needed.

#### **Old Business:**

- **CCC Conservation Fund draft document** – David A. sent an electronic copy to members of the CPC. The creation of a conservation fund for Cornwall addresses multiple goals and reflects the goals of the Town Plan, recommendations by professional associations, and the goals of the committee members. He asked that CPC members review and send feedback to him. His committee will then present the document to the Select Board for information purposes, and for their review and comment. Holly suggested a joint meeting with the CCC after the Select Board has had a chance to comment.
- **Interim Bylaw for Ground Mounted Solar Energy Generation Plants** - The board discussed draft interim bylaw regarding screening and siting requirements for ground-mounted solar energy generation plants. CPC members should send their comments on this issue to Holly N. and she will forward to Select Board before their next meeting. The interim bylaw will be effective for 2 years, will reveal effectiveness and provide a basis for a potential Town Plan amendment.

David A. MOVED / Jim D. SECONDED a motion to adjourn the meeting. Motion passed – 6 in favor, 0 opposed.

The meeting was adjourned 9:22 pm

Respectfully submitted, Sharon Tierra, Clerk of the CPC