

Approved October 21, 2015

CORNWALL PLANNING COMMISSION (CPC)

Regular Meeting
Cornwall Town Hall
September 16, 2015

PRESENT: Holly Noordsy, Jamie McKenna, Roberta Carnwath, Jean Terwilliger, David Anderson

ALSO PRESENT: Kevin Fleming, Willem Jewett, Leo Gorton, Betty Lou Gorton, Peter LaFramboise, Mary Dodge, Krissa Bolton, Jim Bolton, Andrew Menkart

The meeting was called to order at 7:05 pm.
Quorum – *established*.

AGENDA – Holly MOVED / Jean SECONDED a motion to approve the agenda with the addition of one item under Old Business: Development Review Board. Motion passed - 5 in favor, 0 opposed.

MINUTES – *August 19*

Dave MOVED / Jean SECONDED a motion to approve the minutes with the spelling of “bylaw” corrected and in the paragraph about the conservation fund, to strike the sentence about the next step being to place an article on the warning. Motion passed – 5 in favor, 0 opposed.

CONFIRM SCHEDULE - it was determined that a quorum is expected at the October meeting.

NEW BUSINESS

Roberts Informal Discussion/Potential Classification

David MOVED /Jamie SECONDED a motion to table the matter, as John Roberts is not here. Motion passed – 5 in favor, 0 opposed.

Public Hearing – Peter Laframboise, 615 Morse Road, application for Parkhill and Delong Road.

Application dated 6/19/15 was classified as a two (2) –lot subdivision by the CPC on July 15, 2015.

The hearing was audio-recorded. Holly N. recused herself from the hearing. David A. administered the oath to all who wished to testify, and all responded in the affirmative.

Applicant Peter Laframboise presented evidence and answered questions from the board and the public.

New Evidence;

- Exhibit D new maps showing building envelopes
- Exhibit E – description of resource impacts
- Exhibit F – email from the Road Commissioner regarding the road location.
- Exhibit G – letter from Brenda and Kevin Fleming regarding utilities

Mr. Laframboise stated that a septic design has not been done, in order to give the new owner the greatest flexibility. The soil has been tested and approved by a State engineer.

Kevin Fleming, adjacent landowner to the proposed subdivision, asked that the utility systems be built underground, presented the reasons why, cited the Cornwall subdivision regulations language ‘utilities should be build underground where feasible,’ and submitted a letter from himself and his wife into evidence. Mr. Fleming would like the CPC to set underground utilities as a condition to approval of this application. A long discussion ensued. Mr. Laframboise said that he would be willing to add a condition himself to the property, binding on current and future owners, that utilities be built underground, and added that the utilities would run within the right of way. Mr. Fleming said that this would satisfy him and that underground utilities could be connected back to the GMP pole on the property line.

David MOVED / Bobbie SECONDED a motion to close the hearing. Motion passed – 4 in favor, 0 opposed, 1 recused. The CPC will deliberate and will provide the decision to the Applicant and announce at a public meeting within the required 45 days.

OLD BUSINESS:

Continuation of August 19, 2015 Public Hearing –Leo and Betty Lou Gorton, 706 West Street, Cornwall, VT to amend the subdivision approval dated October 30, 2009

The hearing was audio-recorded. David A. administered the oath to all who wished to testify, and all responded in the affirmative.

Evidence:

- Exhibit A – Gorton Subdivision Decision dated October 30, 2009;
- Exhibit B – Proposed Amendment to Subdivision Approval dated October 30, 2009 (the “Application” dated July 27, 2015 with narrative);
- Exhibit C – Gorton Final Subdivision Plat prepared by Heindel and Noyes, Inc. (Project No. 06316) dated April 23, 2009 and last revised September 2, 2009 and signed October 10, 2010;
- Exhibit D – Copy of Notice of Grant Agreement to be recorded with deed conveyance from Gorton to Vermont Department of Fish and Wildlife;

- Exhibit E – Gorton Subdivision Declaration of Covenants and Restrictions revised as of 08-24-09;
- Exhibit F - Gorton Subdivision Declaration of Covenants and Restrictions drafted September 2015;
- Exhibit G – Paragraph to be inserted at bottom of deed;
- Exhibit H – emails from Marc Lapin, Rene Lanis, Michael Sheridan on behalf of the Cornwall Conservation Commission in support of the proposed amendment;
- Exhibit I – Letter from Eleanor “Misse” Smith dated September 16, 2015;
- Exhibit J – Proposed updated Declarations and Covenants 4B dated June 10, 2009;
- Exhibit K - Proposed updated Warranty Deed dated 2015;
- Exhibit L- Photocopy of plat dated April 9, 2009.

Willem Jewett, representing Leo and Betty Lou Gorton, presented details of the above listed evidence and answered questions from the board and the public.

Attorney Jewett said that Jane Lazorchak confirmed with the Fish and Wildlife Department that the way for the CPC to assure that the property is conserved is to make a condition that the notice of grant agreement be referenced in the deed. Andrew Menkart asked if the notice of grant agreement has been reviewed by the CPC. Holly N. said that it has been reviewed and that the board agrees that it meets the goal of conserving the property.

Attorney Jewett explained that Lot # 2 is not part of the homeowners’ association and does not participate in the common costs. For example, the cost of maintaining the dry hydrant and fire pond is shared equally by the other 6 properties.

Attorney Jewett added that the Plat itself is remaining as it is. The proposed change is just for this sale.

Jim Bolton read a letter from Eleanor Missy Smith, dated September 16, 2015. Ms. Smith was not present at the hearing on August 19, 2015. Mr. Bolton was present. The letter was accepted as a potential exhibit, pending verification of eligibility as evidence.

Holly N. verified that all evidence had been presented. Jamie M. MOVED / David A. SECONDED a motion to close the hearing. Motion passed –5 in favor, 0 opposed. The board will meet to deliberate and will provide the decision to the Applicants and announce at a public meeting with the required 45 days.

Development Review Board (DRB)

Holly N asked all members of the CPC present if they would like to serve on a DRB. All members replied that they would like to continue in the role of planning on the CPC and not also join a DRB. Holly N. requested that all CPC members make effort to recruit DRB members.

Conservation Fund Proposal for the Town of Cornwall – the board reviewed final changes to the proposal jointly authored by David A from the CPC, and Mary Dodge and Rene Langis of the Conservation Commission (CCC), and reviewed by both the CPC and the CCC. This document includes the purpose, funding mechanisms, benefits, how to apply for support from the conservation fund. Jointly authored, reviewed by CPC and CCC.

Bobbie C. MOVED / Jean T. SECONDED a motion to endorse the Conservation Fund Proposal for the Town of Cornwall for consideration by the Select Board. Motion passed - 5 in favor, 0 opposed.

Select Board and Solar Ordinance

Holly reported that the Select Board passed an interim bylaw on solar projects in Cornwall and wants the CPC to be working on a permanent one. This will be a stand-alone bylaw and not part of the Town Plan.

Addison County Regional Planning Commission efforts on solar

Holly said that the ACRPC is working on assisting towns on solar project issues.

Sun Common Solar Application – the board developed a list of comments in response to the SunCommon application to PSB.

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Holly N. MOVED / David SECONDED a motion to adjourn the meeting.

The meeting was adjourned at 10:10 pm.

Respectfully submitted, Sharon Tierra, Clerk of the Planning Commission