

CORNWALL PLANNING COMMISSION
REGULAR MEETING MINUTES
November 17, 2010
Cornwall Town Hall
(approved December 15, 2010)

Present were: Jim Duclos, Jean Terwilliger, Geoff Demong, Tracy Himmel Isham, Annie
Also present were: Cheryl Bruce (Cesario), Mark Cesario, Willem Jewett

Meeting was called to order at 7:00pm

Quorum was established

Minutes

It was moved and seconded to approve the minutes of October 20, 2010. The motion carried on voice vote.

New Business

Public Hearing for the purpose of: To hear a 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.

The above application was duly warned to the public. Willem Jewett, the attorney representing A. Bingham Walker, III, explained the status of this application

1. See application
2. Referred to the sketch plan
3. Addressed land use regulations included Subdivision regulations, Town Plan and Zoning regulations
4. Copies are requested of survey

Jean commented on whether it was feasible to have power lines above ground without a road and that CVPS may not allow this. She noted that they may have to be placed underground.

5. Amy Sheldon – envelope for lot 2 may trade off clay plain forest for agricultural land, one or the other. Would prefer to keep it in the field and not cut trees. There was recognition that the final plat needs to reduce the building envelopes. Refer to page 1..."impacts to any wet areas..."

Buffer zones have been established – 50 ft for streams, animal corridors – 400 ft. width. The applicant said they were willing to do this.

Tracy questioned the danger of the Rt. 74 driveway entrance because of its location.

There were no deer yards or endangered species identified.

Jean asked about perk tests. Geoff asked about soil types. Permits are included in the Application.

Wastewater designed systems: Rt. 74 lot near the cemetery; Clark Rd. – located at the top of the finger where it drops down. Setbacks are mounds.

--It was asked how close to the cemetery border the mound system was? Scale looks like 25 feet and mound is not a structure. Property line is 25 feet. Jean asked if they met basic regulations. And Willem confirmed that they did.

Questions from Interested Parties:

Cheryl and Marc Cesario, owners of the 100 acres of land around Larry and Peggy Clarks on Clark Rd., spoke up about supporting prime agricultural lands in Cornwall. They are concerned about subdivisions and selling parcels in the LDR zoning areas and the possibility of dividing these lots even more later down the road.

--Tracy addressed their concerns and how the CPC encourages development to be sensitive to Ag lands and open spaces based on our zoning and town plan visions.

According to the documentation from Amy Sheldon, there are significant areas of sensitivity, i.e. wildlife corridors, timber areas, habitat areas. This is part of that corridor. Only 1 other subdivision has addressed clay plain forests. Willem referred to it all meeting the regulations and offering the corridors which are not required for them to do.

--The CPC would like for the Applicant to include this offer to identify the wildlife corridors in the conditions. Tracy reminded us that we can write conditions in our Notice of Decision.

Geoff asked if they were satisfied with the envelopes. Marc stated that it looks like the regulations are being met. Tracy stated that we are looking for more details.

Willem asked about how big the envelopes would be. We looked at the Foote Farm envelopes, which were 150 X 150. Gorton's' largest was 150 x 150.

Marc asked what is enforceable. Tracy stated we are not in the business of making non-conforming lots. Jean thinks these lots can be divided again. Willem stated that the septic is the limiter on this property, not the zoning. Geoff stated the trend of septic regulations can change.

What do we want Willem to include in the final plat?

Willem suggested that his notes of what we, the CPC, asked the Applicant to work on prior to final plat hearing:

1) *Utilities for lot # 2. Contact CVPS to understand whether they will require underground. Show any easement on the plat.*

- 2) *Get a fire dept letter from Chris Dayton.*
- 3) *Show the Route 74 access approved by the state (preferably fairly tight to the easterly boundary of the lot)*
- 4) *Show the 50 foot and 400 foot buffers on the plat*
- 5) *Show the driveways (or at least the entries) on the plat. The commission expressed a desire to keep the Rt 74 driveway close to the boundary so as not to cut into the Ag land.*
- 6) *Shrink the building envelopes. We discussed keeping the Rt. 74 lot envelope to the back (south end) of the field and the Clark Road parcel to the back (north end) of that clearing.*
- 7) *Provide proposed language for the "wildlife corridor". The 50 foot corridor, I am told, is regulatory and shouldn't need any language.*

Write in the plat about the corridors and the buffer zones and identify them.
Surface water, envelopes, Impervious surfaces, Parcel boundaries, 20' Contour Interval

- 8) *Identify Beaver brook on the plat*
- 9) *See if we can identify the Clay Plain Forest on the plat. Jean suggested that this might be as simple as changing "woods" to "Clay Plain Forest" but I'd like to confer with Amy on this.*

Identify sandy loam field.

Wet land clarification – not a class II, is Beaver Brook a class II? Refer to 412 Wet lands on page 1.

This is a preliminary. The CPC will draft a decision with conditions within 45 days. Willem plans to submit for final for January meeting. CPC would like to run the decision by legal counsel. Due date December 17, 2010 for January. Willem will send our mailings to all land owners again to warn the meeting.

The Motion was made that this is a preliminary plan as submitted for Arthur W. Bingham III approval with completed conditions incorporated into the final plat and hearing.

The motion was seconded and carried on voice vote. The motion to approve the preliminary plan was moved and this will now go to final approval.

OLD BUSINESS

1. Municipal Planning Grant process and submission working with ACRPC was discussed as a means to assist Cornwall in its new Town Plan write up. Tracy updated the CPC of the process. The ACRPC worked with CPC to set up an account for Cornwall. Going in for underwriting surveys, and a process was mapped out:

- take a few questions
- have town meeting with visuals, ask for people's concerns
- small break-outs
- have #2 meeting – goal formation
- implementation of plan

No matching money if under \$8,000

2. A letter was sent out to SB on behalf of Habitat. It was deferred to the Trustees of Public Funds who have fiduciary responsibility for the funds that were generated from the sale of the Foote Farm towards affordable housing. The SB gave their support for use towards a Habitat for Humanity project.

Jean asked how far does Habitat need to get before we ask for that money to be released to Habitat?

3. Foote Farm Complaint – CPC Chairs went through it with Jim Carol, town attorney – covenants, land use, permits, etc. Based on the way the final decision was written, it doesn't give CPC any right to enforce the covenants.

Jim Duclos – not enforce the deeds and covenants.

Interested parties must be notified. No formal request from them for Jim Duclos to enforce.

Meeting was adjourned at 9 p.m.