

CORNWALL PLANNING COMMISSION
REGULAR MEETING MINUTES
December 15, 2010
Cornwall Town Hall
(approved January 19, 2011)

Present were: Jim Bolton, Jean Terwilliger, Geoff Demong, Holly Noordsy

Also Present were: Jim Duclos, Eric Mortensen, Tom Dickinson, Bob Burton, Bob Coffey, Matthew Severy, Eric Severy, Margaret Carothers, John Jefferies, Brent Rakowski, Bruce Byers, Glenn Goodwin, T Tall, Dale Birdsall, Sue Johnson, Mike Davis, Gabe Hamilton

The minutes of this meeting, once adopted, constitute the final order of the Planning Commission. The meeting was called to order at 7: 07pm. Quorum established.

MINUTES

Jean MOVED, Geoff SECONDED a motion to approve the minutes of November 17, 2010, as distributed. Motion carried.

NEW BUSINESS

Update on Preliminary Decision: A. Walker Bingham, III

18 North Bingham Street, application to subdivide 23 +/- acre lot abutting Route 74, Evergreen Road, and Clark Road into two (2) lots: Lot #1 of 11.58 acres and Lot #2 of 11.72 acres. Classified by the CPC on July 21, 2010 as a major subdivision. Public hearing held on November 17, 2010. Application was duly warned to the public. Jim Bolton reported that the preliminary decision on this matter is being written and will be provided within 45 days of the November 17, 2010 hearing.

Public Meeting

Preliminary Hearing: Habitat for Humanity of Addison County

Habitat for Humanity of Addison County, P.O. Box 1217, Middlebury, Vermont 05753, wishes to subdivide premises known as Lot #32.3 abutting DeLong Road, consisting of 13.18 acres into 4 Planned Unit Development (PUD) cluster lots, each of approximately one half (1/2) acre, leaving the balance of the property in its "as is" rural character. The applicant intends to build a total of four (4) affordable homes. Classified by the Cornwall Planning Commission on October 20, 2010 as a major subdivision. The application, preliminary survey, and fee have been received and the public has been duly warned of this hearing.

Note: Jean Terwilliger was recused for this hearing.

Providing testimony

- **Bruce Byers**, member of the board of Habitat for Humanity of Addison County
- **Brent Rakowski**, Senior Project Manager with Otter Creek Engineering
- **Jean Terwilliger**, volunteer architect for the project

- **Margaret Carothers**, one of Habitat's founders, and
- **John Jefferies**, President of Habitat for Humanity of Addison County

Documents referenced:

1. The Preliminary Application
2. Letter from Mr. Byers to CPC Co-Chairs Jim Bolton and Tracey Himmel Isham, dated December 1, 2010
3. Letter from Otter Creek Engineering, Inc. to John Jefferies, Habitat for Humanity of Addison County dated November 11, 2010m regarding findings of test pits
4. Letter from Denise Goodnow, Principal of the Cornwall School, dated November 22, 2010
5. Preliminary survey

Bruce Byers stated that:

1. The Applicant has filed a preliminary survey prepared by Otter Creek Engineering, which is based on the full survey of this property prepared by Michael Magoon, dated December 13, 2000 and filed in the Cornwall Clerk's office as Map 157.
2. Habitat for Humanity of Addison of County, is a non-profit 503c3 organization proposing to build affordable housing in Cornwall with priority given to eligible Cornwall residents, and thus meets all the criteria to be recipient of the \$75,000 held in escrow by the Town for affordable housing development.
3. The proposed subdivision is in full agreement with The Town Plan, and compliance with Cornwall zoning and subdivision regulations, as a PUD subdivision, without the need for a variance.
4. Habitat intends that over 70% of the property be conserved, and is in conversation with Middlebury Area Land Trust (MALT). If MALT declines, Habitat will construct conservation covenants as part of each and every deed of the four homes sold.
5. During construction, there will be one paid project manager to supervise crews of volunteers. The new owners will contribute sweat equity.
6. He has visited with and received a letter of support from Denise Goodnow, Principal of the Cornwall School.
7. Delong Road is a quiet road with good view for drivers exiting the planned access driveway. He has asked Road Commissioner Stu Johnson to visit the site and send a letter with his observations.
8. He has had one discussion with Denny Rheume, Chief of the Cornwall Fire Department, hopes to meet with him soon so that he can see the plan and hopefully the site, so that he can convey his written opinion to the board.
9. Location of homes and driveway will not affect the natural cover of the land.
10. Otter Creek Engineering supervised Burnham Excavating who dug 36 test pits (for septic purposes) and an additional 28 test pits to analyze the farm dump (from the Severy Farm, 1951-1985) , discovered after the agreement to purchase the land was made. While most of the property is clay soil, a good deal of sandy soil was also found, allowing a minimum of four septic systems to accommodate

four homes. No hazardous materials have been found in the farm dump, which is located away from the proposed building lots.

Brent Rakowski informed the board that:

- The Plan is for 4 single-family residences, with two other open space lots.
- Water supply and wastewater systems are designed in accordance with Environmental Protection Rules Chapter 1, Vermont Water Supply Rule, under which they are classified as non-public water systems.
- Each house will have it's own drilled well, supplying 450 gallons per day.
- Each house will have its own disposal system, pumping station, and individual in-ground disposal area.
- Capacity of wastewater systems is based on occupancy of 6 persons in 3 bedrooms, 420 gallons per day or 70 gallons per person.
- Storm water systems will comply with all permit requirements, including an erosion control permit, as about two acres of land will be disturbed during construction. Storm water runoff treatment will include overland flow and filters.
- Access road will comply with State design standards. The access driveway will be a 16-foot wide gravel roadway with no shoulders that is 90 feet long. The driveway will build on the existing farm road. Drivers of vehicles coming out onto Delong Road from the driveway will have a view of Delong Road 300 feet looking east and 900 feet looking west.
- No trees will need to be cut down and research shows there are no threatened or endangered species or deer wintering areas to consider.
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Jean Terwilliger testified that:

- The open space is flat and damp, not good for much besides hay.
- How best layout for the building sites, which are oriented to the south, was decided based on good solar access for passive solar gain and potential for future solar use.
- Landscaping will be minimal. Usually Habitat will seed the lots and someone might donate a tree, but otherwise no landscaping will be done.
- Houses are simple, volunteer built, slab on grade with cape configuration. Houses will have 2 bedrooms upstairs and one downstairs. They will be made of simple materials, well insulated, and with exterior colors that blend into the landscape.

Questions and Answers

Holly Noordsy: How many lots are planned?

Brent Rakowski: Four building lots and the equivalent of two more lots of open space.

Jim Bolton: Have you planned for emergency vehicle turnaround?

Brent R: A modified hammerhead end has been considered, but not a loop, because a loop would be out of character for the area.

T Tall: Why are you planning separate wells and septic?

Bruce B: it would be less expensive to drill one well and build one septic system, but we don't want one careless owner to impact the other three.

T Tall agreed that individual septic systems would be worth the extra cost but still thinks one well serving the four homes would save a lot of money.

Bruce B. said they could look at the water systems design again.

Geoff Demong: How many pipes are used for wastewater disposal?

Brent R: four individual pipes

Bruce B: Sometimes the least expensive solution is the most problematic.

Geoff D: Did you calculate any additional impervious surfaces?

Brent R: Yes, and there is not an issue.

Jim B: Most plans have alternative sites for wells. I don't see any here.

Margaret Carothers: Alternative sites are not needed. Some of the houses may have 4 bedrooms, because we build what the family needs and septic will be able to handle that under this plan.

Brent R: We go by what is called a well drillers yield, 50 gallons per minute, which is fine for 3 or 4 bedrooms. We have overdesigned the septic systems to be able to handle 4 bedrooms, or up to 7 people.

Holly N: What is the contingency for back up wastewater disposal area?

Jim B Added that he walked the property and it drops down where the septic areas are.

Brent R: There are additional setback requirements that pertain to slopes of a certain angle.

Geoff D: Does that slope present any other hazards?

Brent R: All requirements for wastewater systems in areas of a certain angle are being met.

Matt Severy: How many test sites were dug?

Bruce B: 36 test holes. The finding of the sand was nowhere near the ravine.

Jim B: What is the current use of the land?

Bruce B: There is haying but nothing planted.

Bob Burton: Will there be a homeowners association?

Bruce Byers: No, there is no need for one. Joint responsibility for maintenance and plowing of the access road will be written into the deeds.

Holly N: How will that be enforced? Covenants within deeds are legal agreements, which can be litigated.

Holly N: –Will there be any visual variety between the four homes?

Jean T: Yes, with different number of bedrooms (some with 3, some with 4), we can flip sides around to get some variety.

Holly N: What is the plan for utilities construction?

Bruce B: Habitat is a non-profit organization. The plan is to have above ground utilities.

Eric Mortensen –What are requirements for homeowners? And do people in Cornwall have priority?

Margaret C: Basic qualifications for obtaining a Habitat house are:

- Family is living in substandard or inadequate housing
- Ability to pay the mortgage
- Willingness to partner with Habitat to build the home

Then if there were two equally qualified applicants and one of those already lived in Cornwall, then the Cornwall family would have priority. Therefore it is very important to get the word out about this opportunity to folks in Cornwall, through the newsletter and other means.

Eric M: Why are families a priority rather than elderly citizens?

Margaret C: Yes, Habitat gives families priority, because with families, Habitat can do more good for a longer period of time.

Bruce B: Habitat holds the mortgage. Habitat makes no profit. Homes are sold for \$110,000-\$120,000, with no interest. Taxes and insurance are escrowed.

Margaret C: Habitat counsels and advises about the importance of home maintenance. Each house has a covenant that makes it permanently affordable. When the homeowner sells, Habitat has first rights to buy back. Each adult puts 200 hours of sweat equity into the house.

John Jefferies: Homeowners have to be below 80% of median income and meet the other requirements, so this results in a narrow range of folks that qualify. Please get the word out so qualifying Cornwall residents will be informed

Sue Johnson: The Cornwall Town newsletter will go out mid-January. We can post something on the Town Hall board as well.

Jim B: What is the timeline? How many houses will be built per year?

Bruce B: That depends on many factors, including numbers of volunteers. The answer is- as soon as we can. Habitat will focus on this project for the next several years. Usually construction days are two days per week – Wednesday and Saturday.

Eric Severy: What about neighbors view? I have a direct view to these houses. What will this do to my property value?

Bruce B: The previous owners planned to build one big house. In reference to the open land, what else could be done with this land?

Matthew Severy: What is your track record with housing?

Margaret C: Habitat for Humanity of Addison County built its' first house in 2001. All houses are still occupied with the original owners.

Gabe Hamilton: I am concerned about the choice of septic placement, and septic flow, since the pond is nearby.

Brent R: We have done a topographic survey. The septic systems are placed in ideal locations and meet all requirements for setbacks from water bodies.

Bob Burton: I have concerns about flows to the pond.

Brent R: There are means to slow the rate down.

Bob B: I used to own this land. I disturbed all that land. I have knowledge of the farm dump and how Bill Delong used it before and after the Severy's owned the property, and don't believe there is anything hazardous there.

Bruce Byers referenced a letter, dated November 30, from Dorothy Ringey, addressed to Sue Johnson, and forwarded by Sue to the CPC and Selectboard. In this letter, Ms. Ringey makes certain claims about the farm dump. Bruce then wrote a letter to the CPC, dated December 1, 2010, in which he addresses the points of Ms. Ringey's letter, providing evidence that a portion of her statements are not accurate.

Jim Bolton, read, for the record, a letter from Margaret and Laurence Groves with seven points they want the CPC to consider when making a decision on the Delong subdivision application, including the allegation that the proposed subdivision does not conform to existing bylaws. Bruce B. replied that the project is 100% in compliance with existing bylaws of the Town of Cornwall, as a PUD, according to Section 530 of the bylaws.

Jim Bolton said that this hearing will be continued next month. He would like a copy of the engineering report of the test pits. The CPC would like to walk the property and invites any interested parties to join. The CPC would like to have the wastewater areas staked before the walk through. Brent R. said that would be done. Bruce Byers will provide the CPC with some dates between Christmas and New Years for a walk through.

OLD BUSINESS

- Municipal Planning Grant application for update of Town Plan - will discuss at the next meeting
- Candidates for CPC in 2011 – will discuss at the next meeting

The meeting was adjourned 9:15pm

Respectfully submitted, Sharon Tierra, CPC Secretary