

Cornwall Development Review Board

Regular Meeting
May 25, 2016
(Subject to Approval)

DRB Members Present: Gary Barnett, Matt Bonner, Bruce Byers, Barbara Greenwood, Barney Hodges, Joe Severy, and Annie Wilson.

Also Present: Attorney Rendol Barlow, Kathleen Bill, Daniel Fifield, Jeff Fifield, Lise Fifield, Tracy Longchamp

The meeting was called to order at 7:04 and a quorum established.

Minutes: Bruce Byers moved and Barney Hodges seconded that the Board approve the April 26, 2016 minutes. Motion carried unanimously. (7/0)

Agenda: Bruce moved and Barbara seconded to approve the agenda for the meeting. Motion carried unanimously. (7/0)

Meeting #1 – Fifield

Matt Bonner reminded everyone that this is a public hearing, that it is being recorded, and anyone wishing to testify needs to take the oath. Att. Barlow, Lise Fifield, Jeff Fifield, and Daniel Fifield were administered the oath.

Attorney Barlow opened the discussion by reviewing the substance of the application:

Jeff and Lise Fifield own a 74.4 acre parcel which they would like to sub-divide by separating off a 4 acre parcel as a building lot for their son. Everyone had a property map, and Fifields noted that they would also grant a 50' right-of-way for ingress and egress to the lot. The setbacks for the district have been met; the western boundary of the complete parcel meets the MDR district.

Discussion then moved to the question of location and use. Barney Hodges indicated that there are two considerations here: this would be an interior lot, and the primary use is agricultural which the town is interested in preserving. In response to Bruce Byers' question, Jeff Fifield stated that this is used as pasture.

Board member Bruce Byers asked if the property had been surveyed and could stakes be put in to aid the Board in a site visit. Gary Barnett noted he thought that the boundary of the property is pretty clear without stakes. Matt Bonner added that pins wouldn't be set until final plat approval, and Attorney Barlow responded that markers could be set out for the surveyor. Bruce Byers cautioned the Board members to adhere to the Open Meeting Law, that a quorum of the Board could not attend the same site visit, as it would be considered a meeting. If the property is staked out, Board members could go on their own. Jeff Fifield said he would do this in the next day or two.

The Fifields explained that they would have a survey for the next meeting, but it was their understanding that they had all the information needed for this one. Matt Bonner noted that a sketch plan hearing requires a survey, and because a survey has not been presented, tonight's meeting cannot be labeled a "sketch plan hearing because it does not meet the requirements. There are clear procedures and timelines to be met, he added, for each part of the process.

Attorney Barlow explained that the Fifields have estimates for two surveys: one for the larger, entire lot (74.4 acres); one for the subdivided lot (4.7 acres) and asked which survey the DRB required.

General Board discussion followed focusing on the pro and cons of each kind of survey. Board member Byers is concerned with the 50' ROW and wants to see that on the submitted survey. The Board expressed concern over the accuracy of their determination and placed further discussion of the matter on a later part of the agenda.

To allow time for a completed survey, the Board and the Fifields agreed to a final hearing on August 24, 2016, assuming that they produce/file all the requirements in a timely manner.

Meeting with Fifields ended at 7:50.

Meeting #2 - Longchamp

Matt Bonner reminded everyone that this is a public hearing, that it is being recorded, and anyone wishing to testify needs to take the oath. Oath then given to Tracey Longchamp.

Tracy began by referring to Google map which covered the entire property under discussion (2100 - Route 74) which consists of 29+ acres. After pointing out the boundaries, she established that the entire lot spans two zoning districts (LDR and West Cornwall Village), but the lot the Longchamps will keep is entirely in LDR. Board members examined the office map of zoning districts along with Tracy's map. In response to Gary Barnett's question, Tracy explained that the lot would be 5-6 acres.

Concluding discussion of the map and the determination of the size of the subdivided lot, Matt Bonner stated that the next meeting for Tracy would be June 22, 2016 for a sketch plan review and August 24 for a final approval hearing.

Informal discussion of this early stage included the applicant's concerns with septic tanks (size and location), timing of the marketing, tax responsibilities and possible re-assessment.

Meeting concluded at 8:23

DRB Rules of Procedure:

Board member Barbara Greenwood, who is drafting the document, noted that she has looked particularly at the Jericho model and also Middlebury's. She and Bruce are using these models to draft one that reflects Cornwall. Of most importance is the procedure for meetings and hearings.

Discussion was then combined with the following agenda item- role of secretary/possible DRB clerk. At present, the designation of secretary entitles taking and distributing the minutes. The Select Board is asking the DRB what a clerk position would entail and how much such a position would cost. The Board reviewed procedures for notifying abutting property owners, processing hearing documents, and other procedural matters. Several of the points need to be referred to the Planning Commission. Board discussed several facets of what DRB clerk work would entail. Barney Hodges offered to write a job description of DRB clerk and send it to all Board members and Mary Anne for review.

The Board then resumed their consideration of the Rules and Procedures draft, with detailed focus on meetings, notification of availability, length of meetings, development of agenda, and site visits. Town Clerk Sue Johnson offered some essential information on the Open Meeting Law and other procedural matters.

Bruce Byers suggested that after reviewing the draft document further, members of the Board should contact Barbara with their suggestions/additions.

VLCT Spring Planning and Zoning Seminar on June 15, 2015: A polling of the Board showed that no one is able to attend.

Continuation of Discussion of Fifield Meeting:

The Board thought that although the question of the survey was yet to be decided, they could make a determination on classification of the project. Bruce Byers moved and Gary Barnett seconded that **“The application by the Fifields sufficiently satisfies Cornwall Subdivision By-Law §310 and the matter is classified as a minor subdivision.”** Motion carried unanimously (7/0)

The Board then discussed procedural matters for minor subdivisions: need for a survey for the initial meeting; making exceptions; questions of consistency and fairness. Bruce Byers noted that the DRB cannot give a requirement to one applicant and not another, that the Board must have consistency. The question, he added, is: Do the Fifields have to have a survey of the whole lot or just the parcel being divided out? Barbara read from §324, §340 and §150 of the Subdivision By-laws for the Board to consider. Matt Bonner polled the Board on their understanding of these sections and their thoughts about the survey requirement. Matt pointed out that the applicant does not need a survey to classify a subdivision. Further discussion focused on other legal procedures for the Board, and the need for clarification. Bruce Byers moved and Barney Hodges seconded that **“We require the Fifields to submit a full survey of the entire lot showing two lots in their entirety.”** Motion carried unanimously (7/0).

Joe Severy moved and Gary Barnett seconded that “We adjourn.” Motion passed unanimously (7/0).

Cornwall Development Review Board adjourned at 9:40

Respectfully submitted,
Mary Anne Sullivan, Secretary