

**TOWN OF CORNWALL**  
2629 Rte. 30, Cornwall, VT 05753  
**Development Review Board**  
***FINDINGS AND DECISION***

In re: Rheume Conditional Use

Hearing Application No.: 20-002

**I. INTRODUCTION AND PROCEDURAL HISTORY:**

1. This proceeding involves review of an application for Conditional Use approval relating to the property at 5777 Route 30, Cornwall, VT. The applicant seeks approval of his proposal to replace the existing mobile home with a new mobile home, and to change the footprint. (In an earlier decision dated December 21, 2018, the Development Review Board approved a proposed Conditional Use involving a new mobile home different in size and configuration from the mobile home currently proposed.)
2. The application is dated May 11, 2020. The ZA deemed the application complete and referred it to the Development Review Board. A copy of the application and other relevant documents (including Minutes of the Hearing and a recording of the proceedings) are available at the Cornwall Town Clerk's Office.
3. On June 4, 2020, notice of a public hearing on July 1, 2020 for review of the application was published in the *Addison Independent*.
4. On or about May 28, 2020, notice of a public hearing for review of the application was posted at the following places:
  - a. The Town Clerk's office.
  - b. The Town Garage
  - c. The Town websiteThe property was also posted.
5. The application was heard on July 1, 2020 via Zoom, at which time exhibits and testimony were received and the hearing was closed. The DRB reviewed the application under the *Town of Cornwall Zoning Regulations*, dated February 26, 2008 ("Regulations").
6. Present at the hearing were the following members of the DRB:
  - Barbara Greenwood (DRB Chair)
  - Joe Severy
  - Magna Dodge
  - Shari Johnson
  - Joan Lynch (alternate who was asked to step up for this hearing)Also attending was Alternate Cheryl Cesario. David Anderson was recused because of a potential conflict of interest. He did not participate in the deliberations and his role was limited to running the Zoom teleconference.
7. At the outset of the hearing, the DRB Chair read aloud the Hearing Notice as published. The Chair then read aloud the statutory definition of "interested person," and afforded those attendees wishing to claim status as an interested person an opportunity under 24 V.S.A.

§4465(b) to sign in orally and to provide a USPS mailing address at which to receive materials. A record of the name and address of persons claiming status as an interested person, a summary of their evidence with regard to the criteria, and a record of their participation at the hearing is available at the Town Clerk's Office. Those persons wishing to participate were duly sworn-in.

## **II. EVIDENCE AND RELEVANT TESTIMONIES:**

The following Exhibits were submitted to the DRB, accepted into evidence, and marked as shown:

1. *Exhibit 1*—Notice of Hearing or Warning posted on town website, town hall, town garage, published in Addison Independent, and posted on the property.
2. *Exhibit 2*—Tear sheet (electronic) dated June 4, 2020 in the Addison Independent showing publication of notice.
3. *Exhibit 3*—Proof of service of notice of hearing on abutters, certified mail.
4. *Exhibit 4*—The original Application dated May 11, 2020.
5. *Exhibit 5*—May 5, 2020 letter from ZA denying Mr. Rheume's application because the existing mobile home is not in conformance with the front yard setback, the two side yard setbacks, or the area of lot coverage.
6. *Exhibit 6*—Email from Mary Dodge, chair of the Cornwall Conservation Commission (CCC) stating that the CCC has no issues with this application, and attaching the CCC's 2018 review, noting that the CCC has no changes to it.
7. *Exhibit 7*—Copy of the DRB's December 5, 2018 decision approving Mr. Rheume's previous application for a Conditional Use permit.

As noted, these exhibits are available at the Town Clerk's Office. Also at the Town Office are the Hearing Minutes with an audio recording of the full testimonies heard (Ref: *DRB Minutes July 1, 2020*).

### **TESTIMONIES**

1. **Background**—The property which is the subject of this application is located at 5777 Route 30 in Cornwall, in the Low Density Residential District (LDR). The LDR has the following dimensional standards, with the property's dimensions in italics in parentheses:

- Minimum acreage: 4 acres (*approximately ½ acre*)
- Front setback: 100' (*39' 7"*)
- Rear setback: 50' (*approximately 100 - 130 ft*)
- Side setbacks: 50' (*5' 10" & 4' 5" on the north, and 39' 9" on the south*)
- Maximum lot coverage: 3% (*stated to be approximately 3.86%*)

The property was in existence prior to the Zoning Regulations. It, therefore, is a non-conforming parcel and the proposal to replace the existing mobile home and change the footprint is thus subject to Conditional Use Review (*Regulations §§350–358*) by the DRB (*Regulations §410*).

2. **Applicant, Richard Rheume testified that:**

- He is the owner of this parcel having purchased it in July, 2017. The previous mobile home on the property has recently been removed.
- Mr. Rheume said that finding a 14' x 60' mobile home (as approved in the DRB's 2018 conditional use approval) on the used market has been difficult, causing him to file

another conditional use application for this property.

- On the property there is a garage (24' x 14') and a small shed. As shown on the diagram of the proposed new mobile home and construction included in the application (Exhibit 4), the mobile home will be a two bedroom, one bath structure measuring 48 'x 24'. The garage will remain, as will the shed.
- The mobile home will be set on a new concrete slab.
- The mobile home will be the same distance from the road and a little closer to the rear property line than the existing structure. It will be the same distance to the south property line. It will be further from the north property line than the existing structure, thus decreasing the nonconformity.
- The garage has been re-sided and has a new roof.

### **3. DRB Questions:**

- \*Is this newer mobile home going to have one bathroom? Mr. Rheume said that was correct and his understanding was that he had to stay with what he had originally or he would have to go to the state for further approval.
- \*Where is the septic clean out? Mr. Rheume stated that he knew where it was, although he has not yet dug it out.
- \*In the event of a septic failure, would this property permit a mound system, i.e. has it been soil tested? Mr. Rheume couldn't give a definite answer but would have to talk with the state. His understanding is that once you have a property with a structure on it, you are able to continue to live on that property as long as the septic is corrected.
- \*Will the current concrete pad (located behind the garage and the site of part of the previous structure) be incorporated into the new pad? Mr. Rheume stated that his plan is to incorporate part of the old pad into a new pad for the mobile home, and that the remaining portion of the old concrete pad could be used as a little patio.
- \*Mr. Rheume was asked to clarify the distance from the mobile home to the rear property line as it was not on his application. His previous application indicated that it was 130'. He said it was at least 100', well within the 50 'setback in the zoning regulations.
- \*Further questions related to the lot coverage, whether or not the proposed project would increase the nonconformity of the property, or whether the concrete pad behind the garage would have to be removed in order for the proposed project not to increase the nonconformity. Mr. Rheume stated that he could remove part of the concrete pad if necessary.
- \*Mr. Rheume said that he was not sure how the stated lot coverage of 3.86% was calculated, but that the ZA helped him with the calculation in connection with his 2018 application.

\*Mr. Rheume was asked if he would rent or sell the property, and he said that he would probably sell it. He also said the new mobile home would be more energy efficient than the existing one.

#### **4. Public Comment:**

\*Peter Oxford wanted to confirm the dimensions of the proposed mobile home, as well as the dimensions of the previous mobile home

\*Peter Oxford was in favor of a more efficient structure, even if it had more square footage

\*Amy Oxford stated that it was nice to have the property cleaned up, a sentiment echoed by Pat and Dave Anderson.

There being no further questions from the DRB or public, nor testimony from the applicant, the Final Hearing on the Rheume Conditional Use was brought to a close.

### **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

**Based on the application, relevant testimony, and exhibits, the DRB makes the following FINDINGS OF FACT:**

1. The owner of the parcel is Richard M. Rheume.
2. The subject of the application is a parcel at 5777 Route 30 in the town of Cornwall. (Land Records, Book 78 at Pages 350-351).
3. The property is located in the Low Density Residential District as described in the Town of Cornwall Zoning Map on record at the Cornwall Town Clerk's Office and in §260 of the Town of Cornwall Zoning Regulations.
4. The parcel is a pre-existing non-conforming lot, with acreage of approximately a ½ acre, a front yard setback of 39'7", side setbacks of 5'10" & 4' 5" on the north, and 39'9" on the south, and lot coverage stated to be approximately 3.86% (the DRB notes that the existing lot coverage is likely higher than 3.86%).
5. The applicant seeks approval to replace an existing mobile home and change the footprint, as shown in the diagram included in the application (Exhibit 4).
6. The Cornwall Conservation Commission ("CCC") indicated (Exhibit 6) that it had no objections to the proposed project.

#### **CONCLUSIONS OF LAW:**

1. Authority – The DRB has authority pursuant to State Statute and the Town of Cornwall Zoning Regulations (§410) to hear and approve or deny this Conditional Use application (§350-358).
2. Nonconformance – In the opinion of the DRB, the proposed new mobile home and footprint change will not enlarge the nature of the non-conformance of the property. In particular, it will not increase the lot coverage.
3. Criteria for Review – The DRB concludes that the proposed new mobile home and footprint change will not have an undue adverse impact on any of the criteria listed in §355 of the Town of Cornwall Zoning Regulations.
4. Compliance with Town Plan – The Town Plan encourages efforts to promote affordable housing, and the proposed new mobile home is likely to further this goal. The Town Plan also encourages energy efficiency. Based on the testimony of the applicant, the


replacement mobile home and its appliances are likely to offer improved energy efficiency.

#### **IV. DECISION:**

Based upon these Findings, Conclusions of Law, and the evidence presented in the form of exhibits and testimony at the hearing, the Development Review Board hereby approves the proposed Conditional Use as described in the application (Exhibit 4) submitted by Richard Rheaume, dated May 11, 2020.

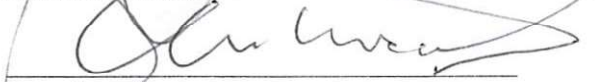
Dated at Cornwall, Vermont, this 24<sup>th</sup> day of July, 2020.

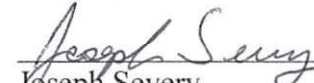
#### **CORNWALL DEVELOPMENT REVIEW BOARD**

  
\_\_\_\_\_, Chair  
Barbara Greenwood

  
\_\_\_\_\_  
Magna Dodge

  
\_\_\_\_\_  
Sharon Johnson

  
\_\_\_\_\_  
Joan Lynch

  
\_\_\_\_\_  
Joseph Severy

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. §4471 and Rule 5(b) of the *Vermont Rules for Environmental Court Proceedings*.