

TOWN OF CORNWALL

2629 Rte 30, Cornwall, VT 05753

Development Review Board

FINDINGS AND DECISION

In re: Jackson Burnham, Conditional Use Review Application: drb#20-003

I. INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves an application submitted by Jackson Burnham for Conditional Use approval to build an addition on the house and move the existing garage at 872 Parkhill Road, for review under the *Town of Cornwall Zoning Bylaws*. The Zoning Administrator denied the applicant's request for a zoning permit because the existing structure does not meet the front yard setback requirement of 100 feet and because the lot area coverage is larger than the 3% allowed in the Low Density Residential District.
 2. The application was filed July 6, 2020. A copy of the application and attendant files and testimonies are available at the Cornwall Town Clerk's Office.
 3. On July 16, 2020, notice of a public hearing on August 5 for review of the application was published in the *Addison Independent*.
 4. On or about July 7, 2020, notice of a public hearing for review of the application was posted on the property and the at the following places:
 - a. The Town Clerk's office.
 - b. The Town Garage
 - c. The Town website
- Notice was posted at the property on July 16, 2020.
5. The application was then considered by the DRB at a public hearing on August 5, 2020, via ZOOM. The DRB reviewed the application under the *Town of Cornwall Zoning Bylaws*, dated February 26, 2008.
 6. Present at the hearing(s) were the following members of the DRB:
 - Barbara Greenwood (*DRB Chair*)

- David Anderson
- Shari Johnson
- Joe Severy
- Cheryl Cesario (appointed to serve in place of absent member)

7. At the outset of the hearing, Attendees were called upon to state their names and addresses for the record. These were recorded and noted on a sign-in sheet by the Secretary.

Attendees were then sworn in. The DRB Chair explained how the virtual hearing would be conducted, read aloud the statutory definition of “interested person,” and the Hearing Notice as published.

II. EVIDENCE AND RELEVANT TESTIMONIES:

The Chair read the following list of Exhibits that were submitted to the DRB, accepted into evidence, and marked as indicated:

- *Exhibit 1*: Warning published in the *Addison Independent*, July 16, 2020; posted in Town in 3 places (including the property) and on the website
- *Exhibit 2*: Tear-sheet from the *Independent*'s warning publication
- *Exhibit 3*: Proof of service of Notice of Hearing on abutters, with signatures indicating hand delivery
- *Exhibit 4*: Application; filed July 6, 2020
- *Exhibit 5*: Letter from Eric Raymond; dated July 15, 2020
- *Exhibit 6*: Review of the Cornwall Conservation Commission, indicating that the Conservation Commission has no concerns with the project as proposed; dated July 27, 2020
- *Exhibit 7*: Link to a video presentation from Jake Burnham; dated July 30, 2020
- *Exhibit 8*: Comments from Patricia and Thomas Morrow; dated August 2, 2020
- *Exhibit 9*: Comments from Lorraine and Francis Paquette; dated August 2, 2020
- *Exhibit 10*: Comments from Molly and Matt Daly; dated August 5, 2020.

These exhibits are available at the Town Clerk's Office. Also at the Town Office are the Hearing Minutes with details of the full testimonies heard (ref: DRB Minutes August 5, 2020).

Only those testimonies relevant to the specific subject of the application before the DRB are shown below:

1. **The Applicant**, Jackson Burnham, has testified that:

- He and his wife Amanda are the owners of the property at 872 Parkhill Road (Parcel ID #11-01-15) as of July 23, 2020. They have lived on the property since 2011.
- The original application filed May 25, 2020 was denied by the ZA on May 26, 2020 as being a pre-existing non-conforming parcel with insufficient front setback, and excess lot coverage, to meet the requirements of the Low Density Residential District in which it is located.
- The non-conformities consist of a front setback of 58' (required is 100'); lot coverage totaling 8.82% (required is a maximum of 3%); a lot size of 1 acre (required is a minimum of 4 acres); road frontage of 276' (required is 300').
- The DRB application is for Conditional Use approval to move the existing garage to a spot 70' from the East property line, relocate the existing driveway, and construct a 576 square foot addition to the house. The addition will be set back 82' from the road, 10' further back than the existing garage.
- The goals are to improve the health and safety circumstances for the family and to have a positive impact on the neighborhood.
- The garage, when moved will have the same 576 sf footprint as does the existing garage. It will have solar panels installed on its south roof, and its setback from the road will increase to 105'.
- The move will remove the proximity of fumes from the house and provide safer storage of trash, maintenance equipment, and vehicles. All will add to the health and safety goals.
- The solar panels will have a positive environmental impact.
- The relocation of the driveway will result in a smaller footprint (1,680 sf rather than the current 2256 sf), with a potential reduction of nearly 600 sf.
- The square-foot reduction of the drive will offset the increased footprint of the house and garage and aid in keeping the lot coverage at or below the current 8.82%.
- The addition, on the North side of the house, will increase the footprint of the house by 576 sf (to 1,584 sf from 1,008 sf).
- The addition will enlarge the living section of the house (living room, dining, kitchen) and move it further from the road. It will also enhance interaction with the backyard.
- Also part of the plan is a redesign of the entrance to the house involving a style combining

the traditional front entry and the commonly used family style entry resulting in a more informal style with a “mudroom” type of storage area.

- The concrete base of the current garage will be removed. All the base gravel under the garage and existing drive will be used as a base for the relocated drive. The areas exposed will be taken to bare earth, replanted and landscaped. There will be no change to the curb-cut.

2. DRB Questions:

*What are you going to do with the area of the old garage to restore its permeability? Are you going to take up the old foundation? Mr. Burnham replied that the old foundation will be properly removed. The design for the new addition will cover part of the existing garage space with any remaining space becoming permeable.

*What will you do with the existing driveway material? Mr. Burnham stated that it will be repurposed for the new driveway. The new driveway material will be gravel.

*Will you be using the same curb cut for the new driveway? The answer was yes.

*Mr. Burnham was asked to clarify who owns the house now. The owners are now Jake and Amanda Burnham as of July 23, 2020.

*How did you calculate the lot coverage over the years? Mr. Burnham used Google Earth Pro to do the calculations as it has a history function.

*One question was asked about the calculation of the driveway coverage. As an example, a 12' wide driveway which is 105' long equals a coverage of 1260 sq. ft., well within the perimeters of coverage; in other words, it is clearly possible to reconfigure the driveway without an increase in overall lot coverage. Mr. Burnham concurred.

*A clarifying question was asked about the term “Colorado Entry”, an entry that Mr. Burnham said blends a formal and informal entry.

3. Public Comment:

*Pat and Tom Morrow confirmed their support for the project as it improves the

property.

*Adam Powers withheld public comment as he is representing the Burnhams.

*Matthew Daly added his approval to the plan.

*Alyssa Breau supported the plan commenting on the environmentally friendly plans and the fact that they have kept the neighbors updated on their plans.

*Tom Hinkley fully supported what he called a major improvement to the property.

*Ken Manchester had no issue with the application and spoke in its favor.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Based on the application, relevant testimony, exhibits, and Findings above, the DRB makes the following:

A. FINDINGS OF FACT:

1. The owners of the property are Jackson and Amanda Burnham. They have lived at the property since 2011 and purchased it July 23, 2020.
2. The subject property is located at 872 Parkhill Road in the Town of Cornwall (Land Records, Book 71 page 577-579). The property consists of a pre-existing non-conforming lot of one (1) acre, with a ranch-style house and attached garage, with a setback 58' from the road in the LDR district, and lot coverage of 8.82%.
3. The Applicants seek approval to construct a 576 square-foot addition to the house, move the garage to a spot 70' from the East property line and 56' from the rear property line, and 105' from

Parkhill Road, and relocate the drive with a smaller footprint.

4. The permit application was denied by the Zoning Administrator because the existing structure does not meet the front yard setback requirement of 100 feet and because the lot area coverage is larger than the 3% allowed in the Low Density Residential District.

5. The proposed changes will not alter the front setback. The coverage will either remain at 8.82%, or decrease, depending on the final square footage of the relocated driveway.

6. The Cornwall Conservation Commission ("CCC") indicated (Exhibit 6) that it had no objections to the project.

7. Written comments and/or testimony in support of the project were offered by Eric Raymond, Patricia and Thomas Morrow, Molly and Matt Daly, Lorraine and Francis Paquette, Thomas Hinkley, Alyssa Breau and Ken Manchester. There was no opposition.

B. CONCLUSIONS OF LAW:

1. Authority - The DRB has the 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 576 square foot addition to the home, the relocation of the garage, and the reconfiguration of the driveway will not enlarge the nature of the nonconformance of the property. In particular, it will not increase lot coverage.
3. Criteria for review - The DRB concludes that the proposed addition to the existing home, relocation of the garage and size of lot coverage will not have an undue adverse impact on any of the criteria listed in §355 of the Town of Cornwall Zoning Regulations. The proposed addition to the home will be set back further from the road than the existing home; the relocated garage will meet current setback requirements; and lot coverage will not increase.
4. Compliance with Town Plan - The Town Plan encourages energy efficiency. Based on the testimony, the existing home will have improved insulation and other energy efficiencies as part of this project. The relocated garage will have solar panels installed on the roof.

IV. DECISION:

Based on 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 Conditional Use as described in the application (Exhibit 4) submitted by Jackson Burnham, dated July 6, 2020.

Dated at Cornwall, Vermont, this 21st day of August, 2020.

CORNWALL DEVELOPMENT REVIEW BOARD

Barbara Greenwood

Barbara Greenwood, Chair

David L. Anderson

David Anderson

Sharon Johnson

Sharon Johnson

Joseph Severy

Joseph Severy

Cheryl Cesario

Cheryl Cesario

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.