

**Cornwall Development Review Board (DRB)
HEARING MINUTES • December 6, 2017 • 7:00–9:00pm
Cornwall Town Hall**

MEMBERS PRESENT: Barbara Greenwood, Joe Severy, Gary Barnett, Annie Wilson, Magna Dodge;

ALTERNATES PRESENT: Randy LaFramboise

ALSO PRESENT: Doumina Noonan, Benj Deppman, Cy Tall, T Tall, Sue Grigg, Jim Duclos, Lisette Ladd, Charley Ladd, Richard Marshak

- 1. CALL TO ORDER:** 7:00pm. Barbara, as Vice-Chair, opened the meeting.
- 2. QUORUM:** Established.
- 3. WELCOME TO NEW MEMBERS** Magna Dodge, Member, and Randy LaFramboise, Alternate.
- 4. AGENDA:** Magna MOVED / Joe SECONDED to approve the Agenda. *Motion passed* (6 in favor, 0 opposed)
- 5. MINUTES: November 1, 2017—**Joe MOVED/Gary SECONDED to approve the November 1 Minutes. *Motion passed* (4 in favor, 0 opposed; 4 absent this meeting or November 1).
- 6. MARKWELL Sketch Plan Review—7:10pm—**

- Board members officiating at the Review:

Barbara Greenwood,
Gary Barnett
Magna Dodge
Joe Severy
Annie Wilson

- The DRB reviewed the Sketch Plan under the *Town of Cornwall Subdivision Regulations*, dated February 26, 2008.
 - *Article II, §§210, 231, 232 and Article III §310* of the *Regulations* establish the requirements and review criteria for the Sketch Plan Review.
- ***Ex parte Communications, Conflicts of Interest***—Barbara requested disclosure of any ex parte communications or conflicts of interest on the part of DRB members.
- ***Interested Persons***—Barbara then read the statutory definition of “Interested Person,” inviting any who claimed that status to be sure they signed the sign-in sheet. She then administered the oath to those who planned to participate, noting that testimony would be limited to three minutes per speaker,
- ***Exhibits recorded:***
 1. *Exhibit A*—the current application dated December 2, 2017 (includes narrative, sketch/map)

I. Testimony

1. ***Doumina*** introduced herself as Mary Markwell's neighbor and friend, and stated she would be acting on behalf of Mary as her designated representative. A Power of Attorney is being drawn up, limited to this application only. Doumina stated that Mary might not have an attorney representing her at the hearing. She noted that she had purchased her parcel from

Mary in 2004. **Barbara** requested that the Board receive a copy of the Limited Power of Attorney when it is drawn.

2. **Richard** introduced himself as a neighbor of Mary Markwell, and the potential purchaser of the 14-acre portion of the proposed subdivision. He confirmed that a survey is not yet completed, that he will let the DRB know when it has been, and will see that stakes are set, so the Board can walk the property.
3. **Joe** asked about the parcel's footages. *Richard*: Exact frontage and footage to the rear boundary are unknown, pending completion of the survey. He warned the Board to be careful of the precipitous down-slope on the backside of the parcel when walking it.
4. **Barbara** requested that all set-backs, easements, boundary footages, and distances between all pertinent site items are to be marked on the completed survey in compliance with §320 (4)
5. **Barbara** asked why the current layout of the lots was chosen, e.g. the 4-acre parcel retained by Mary Markwell to be surrounded on 3 sides by the 14-acre parcel in a “U”-shape around the smaller lot. *Richard* indicated his thought was that it was originally set to be that way by Arthur Markwell and that it is a layout that appears acceptable to the parties involved. He noted that it might be possible, when setting the survey bounds to “square” up the parcels a bit. **Barbara** also inquired about any future plans for the 14 acre parcel. *Richard* indicated that no plans other than privacy currently existed, definitely no building plans.
6. **Barbara** asked if there were any other lots that Mary Markwell had developed within the Town over the last five (5) years. *Doumina* indicated that hers was the only, and last, one.

II. Other DRB Questions/Comments—

7. **Barbara** asked for additional questions or comments from the Board. She then asked the Board to determine how this application is to be classified. Gary MOVED, Magna SECONDED, to classify the Markwell project as a *minor subdivision*. All members concurred that it be so classified.

III. Review Closed—Barbara declared the Markwell Sketch Plan Review closed at 7:20 pm. The applicant has 6 months from this date to submit an application for approval of a minor subdivision plan according to the requirements set forth in §§251, 340 of the *Subdivision Regulations*. The application, in addition to the items noted in §§320 (1)-(4), plus (6) and (7), shall include a copy of the Limited Power of Attorney granted to Doumina Noonan from Mary Markwell, and any other permits required by State or local regulations.

7. Breadloaf Mountain Monastery Site Plan Review—

- The Site Plan Review for Breadloaf Mountain Monastery was convened at 7:30. The DRB reviewed the application under the *Town of Cornwall Zoning Bylaws*, dated February 26, 2008
 - §390 of the *Bylaws* establishes requirements and review criteria for Site Plan Reviews.
 - §340. provides requirements for warning and holding a hearing.
- Board members officiating at the Review:
 - Barbara Greenwood,
 - Gary Barnett
 - Magna Dodge
 - Joe Severy
 - Annie Wilson
- Barbara explained the procedure for hearing the testimonies regarding the application before the Board, and assured all attending that the Hearing would be conducted in a fair and impartial manner.

- ***Ex parte Communications, Conflicts of Interest***—Barbara requested disclosure of any ex parte communications or conflicts of interest on the part of DRB members. She noted that she and Magna had walked the property on November 19; Annie walked it December 5. Barbara and Magna spoke with the current owner, Minh (not the applicant).
- ***Interested Persons***—Barbara then read the statutory definition of “Interested Person,” inviting any who claimed that status to be sure they signed the sign-in sheet. She then administered the oath to those who planned to participate, and noted that testimony would be limited to three minutes per speaker.

I. Exhibits recorded:

- ***Exhibit A***—A butter list and proof of notification mailing
- ***Exhibit B***—Revised site plan, changes in parking; dated 12/14/17
- ***Exhibit C***—Application for Site Plan Review; dated 12/2/17
- ***Exhibit D***—Narrative, typed version of previous hand-written copy
- ***Exhibit E***—Correction & Clarification documentation (includes revised narrative, Realtor info, tax bill); filed 11/15/17
- ***Exhibit F***—CCC review letter

II. Testimony

- ***Sue Grigg*** and ***Benj Deppman***, as applicant’s representative and attorney respectively, were invited to present their application.
 - ***Benj*** began by giving some background on the Monastery—a 501(c)3 charitable organization; 4–6 monks, with local day-jobs, expected to be in residence full-time; activities primarily silent meditations, with periodic larger gatherings participating; parking has been laid out to accommodate visiting meditators and guests.
 - Sue handed out a revised site plan explaining that the original parking areas, as situated behind the barn, were found to not be in compliance with set-back regulations. To remedy this, the parking was brought to the sides of the barn instead.
 - The house has been functioning as a B&B with a license for up to 80 people on-site. The monks will be focusing on service work to aid people struggling with various social issues, and those in need of a structured place for maintaining their Buddhist practice. Additionally, about four times a year they will have larger meditation gathering for the public.

III. DRB Questions/Comments

- ***Annie*** spoke to the issue of agricultural-related noise which could be expected at any and all times during the growing season. ***Sue*** noted that the monks were aware, most lived locally and were familiar with agriculture
- ***Barbara***—Commented that the CCC had submitted a review letter dated November 15, 2017, indicating that they have no issues or concerns related to this application (***Exhibit F***).
- ***Magna*** asked about the parking spaces as shown on the site plan, noting that only 25 spaces could be found, although the application was for 26. ***Sue*** replied that there is a tenant in the apartment over the shed attached to the house and a carport beneath the apartment provides the tenant parking. ***Gary*** suggested that rather than “shed,” the attached structure be labeled as “apartment” and the carport beneath it be noted.
- ***Barbara*** marked the site plan (***Exhibit B***) as noted—25 spaces plus 1 for the apartment carport—and also corrected the address from 2358 Rte. 30 to **3958 Rte. 30**.
- ***Barbara*** asked when the closing was expected. ***Sue*** replied that it was scheduled for December 20.

- **Joe** commented that as a Site Plan Review, there were no structural changes or extraordinary changes of use to consider, the largest issue being parking. *Sue* indicated that this was what their focus had been on, that they were intent on ensuring that there would be no Rte. 30 parking, and no backing out onto Rte. 30.
- **Barbara** inquired about the author of the site plan, as none was indicated. *Sue* said that Bobbie Carnwath had drawn up the plan, but was hesitant to label with her name as it was not a professional plan as would be drawn for engineering projects such as site-work, septic systems, etc.
- **Magna** asked who would be overseeing the work required. *Sue*: the work would be done by next summer, by a contracted firm (as yet unchosen), and that the monks would oversee the project making sure it complied with the plan as approved and town regulations.
- **Annie** asked what type of parking surface is planned. *Sue*—just gravel. They do not want a “solid” surface like asphalt, tar, concrete.
- **Screening**—When asked, *Sue* indicated that all plantings would be chosen for their ability to provide adequate screening when matured.
- **Signs & Lighting**—No signage is planned other than what is currently in use, and no additional lighting is planned other than that used to illuminate the sign and whatever currently lights the existing parking area. *Sue* expects both the sign and its lighting to be smaller than what is currently in place.
- **Hours**—As listed in the application, 7:00 A.M. To 8:00 P.M..

IV. Public's Questions/Comments

- **T Tall**—Clarified that the actual owner of their property is Cy, not himself. Stated two concerns he has regarding the plan: (1) does not care to see the ground covered by a parking lot, prefers that it be kept green. He does not feel there is any reason for concern about parking on the grass as the ground is not prone to excessive wetness, and the grade is only around 5%. (2) In line with earlier Board comments on Ag noise, the orchard is subject to periodic spraying which can occur at 4 or 5 A.M. The sprayers are extremely high-frequency machines and quite loud. The monks should be made aware of this if they are not already.
- **Cy Tall**—Noted that there is seldom a way to forecast very far in advance when activities will occur, as all ag activities are weather-dependent. *Benj* noted that had the monks wished to be in a more silent community, they would have looked elsewhere for a property.
- **Charley Ladd**—He also creates significant noise while mowing his lawn.
- **Lisette Ladd** noted that she had been concerned about privacy, and was glad to hear that there will be screening.
- **Cy**—Question about non-related people living in a house triggered any “boarding house” issues. *Jim Duclos* replied that Cornwall's definition of family was quite broad and inclusive, and would fit this situation (§1000, page 56, *Zoning Bylaws*).
- **Parking Surface**—The site plan requires a parking plan but does not specify what type of surface it should have. *Sue* indicated that the gravel surface was the Monastery's choice. They felt it would facilitate snow-plowing and mitigate mud season issues. *Jim* noted that in the LDR, impermeable surfaces are limited to 3% of the parcel size. Gravel surfaces are included in the count along with roofs and drives. The existing parcel size of 2.5 acres yields a coverage size of 3,267 square feet which has quite likely already been reached by the existing surfaces. Any additional surfaces might require a variance. *Benj* noted that §394 which governs Site Plan review criteria makes no mention of lot coverage and questioned whether the DRB had authority to rule on such.

Discussion ensued on various surface options available, but it remains unknown if any are excepted from the lot coverage rules. A suggestion to reduce the space would not help as the coverage cap has been reached already. *Benj* suggested the parking plan could be approved but without use of an impervious surface. *Sue*—they would be quite happy to save money and keep the parking grassed. *T* felt there would be little mud season consequence as ground is solid and flat.

There was discussion about next steps, in light of the question raised concerning the lot coverage and whether the Board must, or can, consider lot coverage in this site plan review. One option is to close the hearing and have the Board seek the advice of the Town Attorney, then make its decision accordingly.

There was also discussion about possible courses of action by the applicant, including—if the application is not approved, to appeal the decision. Or, if approved with a condition of no additional impervious surfaces, to leave parking areas grass-covered for now and seek a waiver or variance later if necessary.

V. Site Plan Review Closed

With no further questions or comments from the DRB, Barbara closed the hearing, and the Board entered its deliberative phase. The Board will issue its decision within the prescribed 45-day period.

8. Election of Officers—to have Co-Chairs or a Chair and Vice-Chair?

- **Proposed**—Elect Barbara as Chair, Joe as Vice-Chair, both until the first organizational meeting after Town Meeting.
- **Action**—Magna MOVED, Annie SECONDED, to elect Barbara as Chair, Joe as Vice-Chair. **Motion passed** (6 in favor, 0 opposed)

9. Other Business

- **Term Lengths**—Majority of new appointees were appointed without specified terms. The Board will consider how to arrange for staggered terms. To be discussed at a later date.
- **Contact List**—Barbara requested that everyone send her their contact information so she can create an updated contact list.
- **Training**—Board reminded that there will be a 2-hour training session on December 18 at 7PM with the VLCT's Sarah Jarvis. The first hour will focus on the Open meeting Law, the second on quasi-judicial hearings.

10. Deliberative Session

NEXT MEETING: January 3 at 7:00 pm, Town Hall—all members present expect to be in attendance.

ADJOURNMENT—Gary MOVED, Magna SECONDED, to adjourn at 9:00PM. **Motion passed** (6 in favor, 0 opposed)

Respectfully Submitted,
Robin Conway, DRB Secretary