

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

In re: Rheaume Conditional Use

Hearing Application No.: drb#18-005

**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.
2. The application is dated October 18, 2018. After receipt of additional materials on October 25, 2018 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 November 5, 2018, notice of a public hearing on December 5 for review of the application was published in the *Addison Independent*.
4. On or about October 30, 2018, 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 website
5. The application was heard on December 5, 2018, 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*)
  - Gary Barnett
  - Magna Dodge
  - Shari Johnson
  - Joe SeveryAlso attending was Alternate Cheryl Cesario. Alternate David Anderson was recused because of a potential conflict of interest. He did not participate in the deliberations.
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 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 A*—Proof of Notice of Hearing mailing to abutters;
2. *Exhibit B*—Warning as published in the *Addison Independent* on November 5, 2018, along with a copy of the tear-sheet from the November 5, 2018 *Addison Independent*.
3. *Exhibit C*—The original Application dated October 18, 2018, deemed complete October 25, 2018 upon receipt of additional materials.
4. *Exhibit D*—Cornwall Conservation Committee (“CCC”) review form indicating they had no issues with this application, dated November 16, 2018

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 December 5, 2018*).

### **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 130 ft*)
- Side setbacks: 50’ (*5’10” & 4’ 5” on the north, and 39’9” on the south*)
- Maximum lot coverage: 3% (*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 and his wife are the owners of this parcel having purchased it in July, 2017. The home has been vacant since that time.
- In addition to the existing mobile home which is in poor condition, there is a garage (24’ x 14’), a shed, and another structure off the back of the house. As shown on the diagram of the proposed new mobile home and construction included in the application (*Exhibit C*), the mobile home will be replaced with a newer, two-bedroom model, with a 16’ x 16’ newly constructed addition on the rear to enlarge the living-room area, and added roofs over the front entrance and the entrance to the garage. The 16’ x 16’ addition may move south, to the center of the mobile home, depending on the location of the two bedrooms, but will not extend beyond the north or south end of the mobile home. The garage will remain, as will the shed (though possibly relocated), and the structure off the back of the house will be removed. The ZA noted that the shed, being less than 144 square feet, is not subject to the setback requirements, so moving it will not affect the non-conformance of the parcel.

3. **DRB Questions:**

- What are the plans for the garage? *Richard: it will be re-sided to match the siding on the new mobile home.*
- What are the plans for the property?—*Richard—Not certain yet, may sell it or keep it as a rental.*
- What about non-conformance??—*Richard—Confirmed that the proposed new mobile home, as constructed (including addition and roofs) will not be any closer to the road or to the property lines to the north and to the south than is the current structure, and that with the proposed new mobile home and construction, the total lot coverage will be reduced from the current 3.86%.*
- Septic?—*Richard: Confirmed that the septic system is exempt from State licensing requirements. Stated that according to Rick Oberkirch at the State Wastewater office, there is no need for the Rheumes to do anything with the existing wastewater system unless a bedroom is added or a problem develops with the current system. There are no known septic problems at this time, and the previous owner, Janet Welch, said the septic system was working.*
- Energy Utilization and Conservation?—*Richard: The replacement mobile home, while not a brand new model, is new enough that it will be superior to the existing mobile home. The new appliances will also be Energy Efficient. Jim Duclos: Mobile homes do not need to meet Vermont Energy Standards but do need to meet federal HUD standards. Most such homes that have been manufactured within the past 10 years meet those standards. The new addition (and any other new construction that involves heating or cooling) will need to comply with the Vermont Energy Standards. Jim also noted that a Certificate of Occupancy will be required (contractor's responsibility).*
- Timeframe—*Richard—The plan is to start construction in the spring.*

#### **4. Public Comment—None**

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 owners of the parcel are Richard M. and Sherry A. 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 of approximately 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 C).
6. The Cornwall Conservation Commission ("CCC") indicated in its review form (Exhibit D) 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.
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 increase the availability of rental housing, and the proposed new mobile home is likely to further these goals. The Town Plan also encourages energy efficiency. Based on the testimony of the ZA and 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 (#drb18-005) submitted by Richard Rheume, received on October 25, 2018.

Dated at Cornwall, Vermont, this 21<sup>st</sup> day of December, 2018.

Barbara Greenwood  
Chair, DRB

**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.