

**Cornwall Development Review Board (DRB)
MINUTES • December 5, 2018 • 7:00–8:35pm
Cornwall Town Hall**

MEMBERS PRESENT: Barbara Greenwood, Joe Severy, Gary Barnett, Shari Johnson;
Magna Dodge

ALTERNATES PRESENT: David Anderson, Cheryl Cesario

MEMBERS OF THE PUBLIC: Patricia Anderson; Jim Duclos (ZA)

1. CALL TO ORDER: 7:00pm. Barbara opened the meeting.

2. QUORUM: Established.

3. AGENDA: Shari MOVED/David SECONDED to approve the Agenda. *Motion passed*

4. MINUTES:

- **November 7, 2018**—Magna MOVED/Shari SECONDED, to approve the November 7 Minutes as presented. *Motion passed*

5. RICHARD RHEAUME CONDITIONAL USE HEARING—

A. Process and Procedure

- Before opening the hearing, the following exhibits were received into evidence and marked accordingly:
 - Proof of Service of Notice to abutters—*Exhibit A*
 - Hearing Warning as published in the *Addison Independent*, along with the tear-sheet, on November 5, 2018—*Exhibit B*.
 - Original application for permit and hearing submitted by Richard Rheaume, October 18, 2018, with additional material submitted and deemed complete, October 25—*Exhibit C*
 - CCC letter of review, dated November 16, 2018, indicating they have no issues with the proposed project—*Exhibit D*
- Barbara then read aloud the Warning as published.
- **Housekeeping Matters**—Barbara opened the Conditional Use Hearing on the application from Richard Rheaume at 7:05, introducing the DRB Members and secretary. She then proceeded to explain the purpose of the Hearing and described the order in which the presentation and subsequent comment periods would be called. The applicant will present, the DRB members will then ask any questions, and then the members of the public. After the public comments, the applicant will have an opportunity to address the gathering, and the DRB will ask any additional questions they may have.
 - When the time comes for public comment, each commenter shall identify him/herself and state where they reside. Each will then be allotted three (3) minutes for their commentary or question.
 - Members of the DRB were asked if any ex parte communication or other relevant items of note had occurred prior to this hearing, after the application was submitted.
 - There were no ex parte communications with the applicant.
 - Alternate David Anderson was recused because of a potential conflict of interest. He did not participate in the deliberations.
 - Barbara and Shari advised they had visited the parcel on November 12; Joe noted he had viewed it on this date; Magna and Cheryl also viewed the property today.

- Barbara indicated that she had spoken to David Anderson, one of the neighbors, a couple of times about the property.
- Barbara reiterated the description of Interested Person as written in Statute (24 V.S.A 4465(b)). She explained the purpose of the Interested Person status and reminded all who would seek that status to sign in and provide a valid postal address.
 - Magna then administered the oath to those attendees expecting to participate.

B. Hearing

- Before turning this portion of the Hearing over to Richard, Barbara explained that this application to replace an existing mobile home, at 5777 Rte 30, and change the footprint, has come before the DRB because the parcel is non-conforming and thus the application requires DRB approval before the ZA can issue a permit.
- ***Applicant Presentation—***
 - The applicant's parcel is a one-half acre lot in the LDR (4-acre minimum lot size) at 5777 Route 30 in Cornwall. The front setback for the district is 100'; the existing mobile home is set back about 39' 7". Other setbacks are : rear minimum—50', actual: approx. 130' (per the ZA); side minimums—50', actual: 5' 10" and 4' 5" to the north and 39' 9" to the south. Lot coverage maximum—3%, actual: about 3.86%. The owners are Richard and his wife, who purchased the property in July, 2017. The home has been vacant since that time.
 - The property has a garage (24' x 14'), a mobile home in poor condition, plus a shed and another structure off the back of the house. As proposed, the garage will remain, the mobile home is to be replaced with a 14' x 60' mobile home , the shed may be moved (per ZA, under 144-sq-ft, so is exempt from setback requirement, can be 5' from boundary). The structure off the back of the house is slated for removal. The plan is to add a 16' x 16' addition on the rear of the replacement mobile home that will enlarge the living-room area, and to add roofs over the front entrances and the garage entrance. 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 in any event will not extend beyond the north or south end of the mobile home.
- ***DRB Questions***
 - What are the plans for the garage? *Richard: it will be resided to match the siding on the 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.*

Barbara: Asks, as far as Richard knows, is the septic system functioning properly? (Notes for the record that in her initial conversation with David Anderson there was a suggestion that there might have been a septic issue when the pervious owner lived there, but that Barbara now understands that this was just a blocked toilet, and that David is not aware of any other issue with the septic system.)
 - Energy 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 ("RBES"s) 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 RBES. He also noted that a Certificate of Occupancy will be required (contractor's responsibility).

- Timeframe—Richard—The plan is to start in the spring.

- **Public Comments**—None

There being no further questions from the DRB, nor comments from the public or Richard, Barbara noted that this was the final hearing on this matter and closed the Hearing at 7:30. The Board entered its deliberative phase. A decision is due within 45 days of this closing.

6. PROPOSED ZONING REGULATIONS—

- The Planning Commission has set the date for a **Public Hearing on the proposed zoning and subdivision regulations for January 9**, at 7:00pm at the Town Hall.
- Copies of the document have been supplied to the DRB members with a request that comments be delivered to the PC by the hearing date.
- Discussion ensued on how best to proceed given the scant time available for review between now and the hearing. It was decided that the focus would be on those provisions deemed to be most heavily oriented toward new/additional responsibilities for the DRB and those most likely to cause difficulty for residents.
- Each DRB member will review the section(s) previously assigned during the first review, and get their suggestions to Barbara for compilation.

7. DRB RULES OF PROCEDURE—Barbara proposed a minor change to the Board's ROPs concerning §1.3 *b Use of Alternates* so as to permit the use of alternates as needed or appropriate in matters that may require several hearings, such as major subdivision applications. It is critical that, when such a protracted matter comes to a vote, all members participating in the deliberations have heard the testimonies and reviewed the exhibits accepted into evidence during the hearings, either by attendance at the hearings or by listening to the recorded testimonies and reviewing the exhibits and Minutes of the hearing. Barbara recommended that all members, including alternates, who are absent for a hearing in such a matter make a practice of reviewing the evidence and listening to the recordings for such hearing as soon as possible. The change proposed is to change the wording of §1.3 *b*, sentence 5, from "...shall be required..." to "...may be required...". Magna **MOVED**, Shari **SECONDED**, to approve the change to §1.3 *b* of the *DRB Rules of Procedure* as noted. **Motion passed.**

8. OTHER—None

9. UPCOMING MEETINGS—

- **January 10, 2019 [rescheduled]**—All expect to be available. Gary and Shari will head the Hearing Team for any applications to be heard on the 10th.
- **February 6, 2019**—Gary will be away (February–April), all others expect to be available.

10. DELIBERATIONS—

David, having recused himself from the Hearing, took his leave. After his departure the Board commenced deliberations on the Conditional Use application submitted by Richard Rheaume.

NEXT MEETING: January 10 at 7:00 pm, Town Hall

ADJOURNMENT—Joe **MOVED**, Magna **SECONDED**, to adjourn at 8:35PM. **Motion passed**

Respectfully Submitted,
Robin Conway, DRB Secretary