

**Cornwall Development Review Board (DRB)
MINUTES • January 10, 2019 • 7:00–9:35pm
Special Meeting • Cornwall Town Hall**

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

ALTERNATES PRESENT: David Anderson; Cheryl Cesario (recused)

GUESTS: 39 members of the public and 5 applicant representatives

1. CALL TO ORDER: 7:05pm. Barbara opened the meeting.

2. QUORUM: Established.

3. AGENDA: Magna MOVED/Joe SECONDED to approve the Agenda as presented. **Motion passed**

4. MINUTES:

- **December 5, 2018**—Magna MOVED/Gary SECONDED to approve the December 5 Minutes. **Motion passed**

5. BEAVER BROOK SUBDIVISION HEARING

- **Barbara** opened the Hearing with introductions, an explanation of the purpose of the Hearing (to hear a preliminary subdivision application proposing to subdivide the property on the corner of North Bingham Street and Route 74, owned by Beaver Brook Properties LLC), noting that this was quite likely to be the first of several Hearings on this matter. The DRB had classified the project as a Major Subdivision at the June 12, 2018, Sketch Plan Meeting. The applicants submitted an application on November 9, 2018, which was determined to be incomplete. On December 12, 2018, with additional materials, the application was refiled. On December 18, 2018, the application was determined by the ZA, Jim Duclos, to be substantially complete.

Barbara then explained the procedures to be followed this evening, read aloud the “interested person” explanation, and administered the oath to those present who planned to participate. DRB members were requested to come forth with any ex parte communications or conflicts of interest. Barbara said she had visited the property on December 22; Joe, Magna, and Gary indicated they had walked the property; there were no ex parte communications; Cheryl indicated that she would recuse herself due to a potential conflict of interest. Barbara then continued by reading aloud the Warning as published on December 20, 2018, in the *Addison Independent*. She then began identifying an initial list of items that were entered into evidence and assigned exhibit designators.

The Exhibits entered into evidence initially, as well as subsequently during the Hearing were:

- *Exhibit A*—Proof of Service, notice of Hearing mailed to abutters
- *Exhibit B*—Hearing Warning and tear-sheet from the *Addison Independent* showing the Warning was published on December 20, 2018.
- *Exhibit C*—Application form, dated November 8, 2018
- *Exhibit D*—Booklet supplied with the Application, containing current materials as well as materials from the March and June, 2018, Sketch Plan Review Meetings

- *Exhibit E*—Green Mountain Engineering, *Infrastructure Design Summary*, includes material on the Storm Water Treatment Plan and the Wastewater Treatment Plan
- *Exhibit F*—Stephen Revell, *Proposed 8-Lot Water System*, December 4, 2018
- *Exhibit G*—Stephen Revell, *Site Specific Effluent Mounding Analysis*, Lots 3–5; dated December 4, 2018
- *Exhibit H*—Stephen Revell, *Site Specific Effluent Mounding Analysis*, Lots 1, 2, 6–8; dated December 4, 2018
- *Exhibit I*—Green Mountain Engineering, *Traffic Evaluation Report*, dated December 5, 2018
- *Exhibit J*—Ron LaRose, *Subdivision Survey*, dated October 22, 2018
- *Exhibit K*—Green Mountain Engineering, *Site Plan Drawings*, dated November, 2018
 - K1*—Cover
 - K2*—Existing Conditions Site Plan
 - K3*—Proposed Conditions Site Plan
- *Exhibit L*—Cornwall Conservation Commission—Letter indicating no issues with the proposed project, dated December 29, 2018
- *Exhibit M*—Project Layout Materials from the June 12, 2018, Sketch Plan Review Meeting
- *Exhibit N*—Document containing comments on the proposed project from 7 community residents, received at the Hearing (Barry, Broughton, Hill, Keefe, Karnes-Keefe, Napier, and Quinttus)
- *Exhibit O*—Document containing comments on the proposed project from Allison Quinttus, received at the Hearing.
- *Exhibit P*—A copy of VLT's orthophoto of the property.
- **Applicant Testimony—Churchill Franklin** introduced Matt Bonner and their panel of advisors: Jamie Simpson of Green Mountain Engineering, Steve Revell of Lincoln Applied Geology, Eric Blair, Designer/Planner, and Al Karnatz from the Vermont Land Trust. He explained more on the project, particularly regarding its background.. He noted that he had met and spoken with Nicolette Bingham in New York.

Matt read through the narrative of the proposed project, commenting on differences between the current proposal and that presented in June, adding details to other sections of the proposal and clarifying in certain instances.

 - Since June, additional lands added to be conserved, Lot 10 in particular.
 - Lot 9—the only lot to have its own drive and septic.
 - C1–C3 represent 3 common areas with C3 to be the site of the mound systems for Lots 1–8.
 - There will be 8 new buildings (Lots 2 and 4 will be duplexes) for a total of 10 new dwelling units.

Eric commented on some of the lot layouts and issues from the June meeting.

Steve Revell commented on coming legislation relating to the requirement for alternative septic sites. He also explained how he determined the water supply and septic to be adequate for each dwelling. He has no doubts at all about the supply of development water to its homes, nor about the lack of negative impact on neighborhood wells. He feels strongly that the geological structure of the entire area provides more than enough water and water storage for everyone.

Jamie Simpson explained the Storm Water Treatment system, including how run-off is collected on each parcel and channeled toward the large pond in the NorthEast section of the property. It first settles into a smaller pond where silt, mud, etc collect. The sediment forebay will need maintenance every 5 years, or as needed. The flow runs from parcels to ponds via a series of ditches.

• **Board Questions/Comments**

- **Lot C2**—*what is planned for the church?* **Matt**—it is being refurbished with an eye to future use as a community center for development residents and others in the West Village community. The Homeowners Association will own and maintain it. There are currently no proposals for water or septic for the church.
- **Lot 10**—*“ownership to be finalized”* **Matt**—the phrase reflects that the final ownership of that lot depends on what issues come up with the Land Trust as the conservation plans are fleshed out.
- **Lot 9**—*no secondary replacement septic area?* **Steve**—there is a change coming to the state wastewater regulations that removes the requirement for a secondary replacement site, as noted above. It appears that most mounds fail right within the mound itself. The solution is to haul it away, then rebuild with new pipes and soils. Each home will have its own effluent tank, contents then flow to the mound's dosing chamber.
- **Ponds**—*Will they handle a “100-year storm”? will they need dredging?* **Jamie**—Storm: yes; Dredging: maybe, but only every 5 or so years or on an “as needed” basis.
- **Lot 5**—*House site lies within the Class 2 Wetland buffer?* **Jamie**—It does, that may change when a “next look” happens in the spring and it can be seen better how and where the wetland lies. The Lot 5 house-site may have to move to the south.
- **Wells**—*water softeners effects?* **Steve**: If properly designed, installed, set, and maintained there will be no effect. The softeners should be installed by a professional. His preference would be to have water from softeners directed to pumps immediately, not to the mounds. The HOA regulations should address water softener issues, including the requirement to be properly set.

Of the 8 lots, 5–8 will have individual wells, while lots 1–4 share wells. All wells will be at least 200' apart. He says this will address any concerns about depleting the water-table. His calculations were based on “average daily demand” (420g/day per 3-bedroom unit), “maximum daily demand” (the rate a well must produce in a 12-hour period), and “instantaneous peak demand” (5g/minute). No well in the development will have any issues, based on those calculations.

How can the development's water use vs depletion of neighborhood water table be evaluated? Work out well spacings, look at population numbers. In his report, Revell stated that “well yield problems and well interference impacts have a very low probability of occurring.”

- **Development's Road**—**Matt**: the road will be built to State standards. There will be no street lights installed.
- **Traffic**—**Matt**: The Traffic Study projected a 4% increase traffic. **Magna**: Reminded applicants DRB wants a safety study re; Rte. 74 & North Bingham intersection.

- **VLT—Al:** VLT is very interested in this easement, which will involve 125 acres. Ultimately, he anticipates ownership by the Cesarios. The easement has received preliminary approval. There is a riparian buffer along the brook, and a woodland management plan has been addressed. This summer, he expects work on appraisals and contracts to be done. The process could be completed by early 2020. He presented Barbara with a copy of VLT's orthophoto which she took into evidence as *Exhibit P*. VLT does not, normally, like to have easements on lots under 20 acres, but it may be possible to include the smaller lot [Lot 10/wildlife corridor] with the larger easement. There are still some things to work out.
- **Lot 4 Existing Buildings—any plans to support/maintain them?** **Churchill:** They are OK at the moment. There are no plans in the short-term to deal with them.
- **Work Hours—Matt:** Just to clarify, as Saturday is mentioned as a work day, there will be no Saturday development work, hours typically run until 3:30. So, work hours will be scheduled for Monday–Friday, 7:00AM to 5:00PM.
- **Public Questions/Comments**
 - **Mickey Heinecken—***Is there any obligation on the part of the Town for “Affordable Housing”? Is this to be addressed?* **Matt:** They have found \$200,000 to \$400,000 to be the sweet spot for sales.
Mickey: *The last of the 4 newest Habitat for Humanity homes is priced at \$135,000. Could an additional lot be incorporated to allow selling a parcel at a lower rate, the difference made up by the added lot?*
 - **Cheryl Cesario—***Addressed how important the Bingham land is to her livestock operation and how the proposed conservation of Lot 10 has helped them move their animals from one place to another.*
 - **Randy Martin—***regarding an adequate aquifer, and the Town's multi-year salt pumping of the contaminated water—how is adequacy determined? He noted that he has had to drill his well deeper.* **Steve Revell:** *You look at geology and density of development. The aquifer is bountiful.*
 - **Elizabeth Karnes Keefe—***noted that in drought periods, Cider Milll wells have gone dry. What is the sales time-frame?* **Matt:** *Not sure yet. Also unknown is whether they themselves will be the builders of some, or any, of the houses. However, the road and utilities work will all be done at once so there will not be on-going infrastructure work, only the work related to the home building.*
 - **Elizabeth Napier—***Disagrees with reasons given by developers for requesting waivers for the common lots (C1–3). On what grounds, and what precedents will be set by, the granting of the common lot waivers.* **Barbara:** *That will depend on further investigation.*
 - **Tom Keefe—***Disagrees that this proposal represents the Town Plan. The duplexes and circular drive is like nothing else in the West Cornwall community. Additionally, he wants to see the HOA be strongly supportive of conservation of existing buildings, noting that the church is greatly in need of support. Last, 80 additional vehicular trips each day represent a serious safety issue.*
 - **Ben Wood—***Concern expressed for the existing buildings, there should be a plan for their support. Adding septic and water to the church might impact the development plan, has this been considered?*

- **Bethany Hill**—*Does not look forward to seeing rows of mailboxes and trash/recycling along the roadside, wants the DRB to remember the other residents of the neighborhood.*
- **Sarah Pelkey**—*Also concerned about the church, wonders where the parking for it will be located. Feels there is a need to address traffic safety, that the study done focussed more on the entrance to the development than to safety issue at the intersection.*
- **Barney Hodges**—*He feels that wanting or expecting no change is unrealistic, and appreciates the efforts made by the project developers toward keeping much of the Bingham acreage open and available to agriculture.*
- **Allison Quinttus**—*Suggests DRB follow the Town Plan closely, being careful of setting precedents now that will affect future applications. Development will be detrimental to historic structures and scenic views. The proposed duplexes are drastically different from dwellings in the existing settlement. Notes that the Plan says no homes are to be built on ridge-lines, yet Lots 2 and 3 are doing exactly that.*
- **Mary Jane Broughton**—*Is Act 250 involved? Will abutters be notified?* **Jamie:** Yes, the application is being prepared and abutters will receive notices. The Act 250 and DRB processes run concurrently, but local zoning decisions are desired first. **Al Karnatz:** noted that when this comes before the ACT 250 panel he will recuse himself because of his involvement in this project for VLT.
- **Dean Richmond**—*Agrees wholeheartedly with what Barney said.*
- **Wrap for the evening**—There being no further questions at this time from the DRB or public, Barbara adjourned the **Hearing to resume on February 6 at 7:00PM at the Cornwall Town Hall.**
- 6. Board Membership**—Magna and Barbara plan to re-up for 3-year terms; Gary wishes to become an Alternate for a 1-year term; David is willing to step up to Regular Membership, for a 3-year term. This will be the DRB's recommendation to the Selectboard after Town Meeting.
- 7. Other Business**—None
- 8. Upcoming Meetings**
 - **Monday, January 14**—Special meeting to discuss the newly proposed zoning regulations. DRB members are asked to get comments to Barbara, in a Word doc, prior to the meeting.
 - **February 6**—Regular meeting, continuation of the Beaver Brook Hearing. Cheryl will not be here, possibly not Gary either.
 - **March 6**—Regularly scheduled meeting. Neither Shari nor Gary will be available.

NEXT MEETING: February 6 at 7:00 pm, Town Hall

ADJOURNMENT—Gary MOVED, Magna SECONDED, to adjourn at 9:35PM. **Motion passed**

Respectfully Submitted,
Robin Conway, DRB Secretary

Date: Jan 10, 2019

CORNWALL DRB HEARINGS
SIGN-IN/SERVICE LIST

Hearing: 1. Beaver Brook Hearing I

BE ADVISED: Only those with "Interested Person" status may appeal a DRB Court. 24 VSA §4465(b) defines who may be considered a participant in the proceedings. Participation consists of:

- The person owning title to property at issue in this Hearing, a person occupying the property.
- Persons owning or occupying property in the immediate neighborhood of the property at issue, who can demonstrate a physical or environmental impact on their interest, and who alleges that the decision or a municipality that has a plan or bylaw at issue in an appeal, or any municipality adjoining that municipality.
- Any ten persons, either voters or landowners, who, by signed petition to the DRB, allege that the decision or designate one person to serve as their representative.
- Any department or administrative subdivision of the State owning property within the municipality, and the Age

Name (print)	Hearing	If you meet the above requirements and wish to receive Interested Person mailing print your USPS address.
CHRISTINE KASANO	DRB BB	564 CIDER AVE RD. CORNWALL, VT 05753
Jamie Simpson	DRB BB	
Eric Blair	DRB BB	Salisbury, VT
Steve Ravelle	BB	
Mark Bonville	BB	

Date: 1/10/19
Hearing(s) 1. Beaver Brook Hearing I 2.

Name (print)	Hearing	If you meet the above requirements and wish to receive Interested Person mailings, print your USPS address.
RICK GREENE		2011 N. Bingham
Fred DeHaan		134 S Bingham
Allison Quintus		1635 Route 74
Tiffany Rounds		2872 South St. New Haven
Allen VT Land Karnatz Trust		36 South Bingham St Cornwall
Mary Jane Broughton		2011 N. Bingham St.
Shawn Dutton		PO Box 23 Salisbury VT 05769
Amey Ryan		
Jim Dulos		

Date: 1/10/19

Hearing(s) 1. Deer Brook Hearing 1

Name (print)	Hearing	If you meet the above requirements and wish to receive Interested Person mailings print your USPS address.
Ingrid Jackson	BB	1301 Cedar Hill Brynwall
Charles Goodrich	BB	247 Lake Dunmore Rd Geicester, VT
Janet Adam Gill	BB	2155 So. Bingham St West Cornwall VT
Carol Heinicke	BB	510 Sperry Rd. Cornwall, VT
Mindy [Signature]	BB	Swao

Date: 1/10/19

Hearing(s) 1. Deer Brook Hearing 2

Name (print)	Hearing	If you meet the above requirements and wish to receive Interested Person mailings print your USPS address.
Barney & Chris Hodge		1335 N. Bingham St
Sarah Pento		
Dee & Barney Hodge		1287 N. Bingham St.
DEAN RICHARD		384 N Bingham St
Brown Crown		647 Ludas Pkwy
ANNE COLLINS		461 TULLY RD

Jan 10, 2019

CORNWALL DRE
SIGN-IN/SERV

BE ADVISED: Only those with “Interested Person” status may appeal Court. 24 VSA §4465(b) defines who may be considered an Interested Person.

[To be an Interested Person, one must be a participant in the proceedings. Participation can be passive, but participation, as an observer only—does not qualify as an Interested Person. NOTE: We are not attorneys and do not provide legal advice.]

- The person owning title to property at issue in this Hearing, a person occupying the property.
 - Persons owning or occupying property in the immediate neighborhood of the property at issue, who can
 - demonstrate a physical or environmental impact on their interest... **and** who alleges that the decision
 - A municipality that has a plan or bylaw at issue in an appeal, or any municipality adjoining that municipality
 - Any ten persons, either voters or landowners, who, by signed petition to the DRB, allege that the decision designate one person to serve as their representative.
- Any department or administrative subdivision of the State owning property within the municipality, and the

Name (print)	Hearing	If you meet the above requirements wish to receive Interested Person mail print your USPS address.
Swan Penkey	DRB-BB	19 N. Bingham St., Corn
Bethany Hill	DRB-BB	125 N. Bingham St., Co
Lizabel Napier	DRB-BB	525 N. Bingham St., Cornwall
Lew Castle Sue Castle	DRB-BB	833 N Bingham Cornu
Tom Koefe LIZABETH KOFE	DRB-BB	13 S. BINGHAM ST. CORN

1/10/19

1. Deaver Brook

If you meet the above requirements and wish to receive Interested Person mailings, print your USPS address.

Name (print)	Hearing	If you meet the above requirements and wish to receive Interested Person mailings, print your USPS address.
Randy Martin	DRB BB	1967 Rte 74 Cornwall
Mary Martin		1962 Rte 24 Cornwall, VT
David Van Vleet		1104 N. Bingham St Cornwall, VT
William Warner		260 S. Bingham St Cornwall
Ban Wood		1082 Sperry Rd
MARGE DREXLER	DRB BB	1874 Rt 24 CORNWALL
Margaret Johnson		223 N. Bingham St Cornwall
Katherine Branch		776 West St Cornwall
Myke Broughton		36 S. Bingham St Cornwall