

Cornwall Development Review Board (DRB)
MINUTES • August 5, 2020 • 7:00–7:55pm
Hearing • Virtual via ZOOM

MEMBERS PRESENT: Barbara Greenwood, Joe Severy, Shari Johnson, David Anderson

ALTERNATES PRESENT: Joan Lynch, Cheryl Cesario

ATTENDEES: Jake Burnham--*Applicant*; **members of the public:** A. Powers—*Applicant's Attorney*; P. Morrow, T. Morrow, M Daly, A. Breau, T. Hickly, K. Manchester

- 1. CALL TO ORDER:** 7:00pm. Barbara opened the meeting with introductions to those in attendance
- 2. QUORUM:** Established.
- 3. AGENDA:** David MOVED/Shari SECONDED to approve the Agenda. *Motion passed*
- 4. MINUTES:**
 - Shari MOVED, David SECONDED, to accept the **Minutes of Hearing, July 1, 2020** as amended. *Motion passed.*
- 5. PUBLIC SIGN-INS:** In lieu of the usual paper sign-in sheet, Attendees were instructed to give their full names and mailing addresses when called upon by David for signing in. The DRB Secretary will note names and addresses on a Sign-In form. Attendees also to indicate if claiming status as an Interested Person. After all attendees were signed-in, David administered the oath.
- 6. HEARING—Jackson and Amanda Burnham Conditional Use Request for Approval to Build**
 - Barbara explained how this virtual meeting would be run. David will be handling ZOOM Host duties. Cheryl Cesario will sit on the Board as a Regular Member, in place of Magna Dodge who is absent. The Board, Applicant, and attendees will all remain unmuted throughout, everyone requested to keep rustling of papers and other miscellaneous noise to a minimum to avoid disrupting the meeting. Additionally, the hearing will be recorded. All were requested to speak clearly and to identify themselves for the Minutes when commenting.
 - **HOUSEKEEPING**—Barbara began the Hearing with an introduction regarding the Conditional Use Application submitted by Jake and Amanda Burnham for construction of a 576 square-foot addition on the North side of their home at 872 Parkhill Road. Additionally, the application requests approval for moving the existing garage to the East and North, and reconfiguring the driveway. The application was originally denied by the ZA because the existing structure does not meet the required front yard setback of 100 feet and because the lot area coverage is larger than the 3% allowed in the Low Density Residential District. After some housekeeping the Board will turn the hearing over to the Applicant to present his case. This will be followed by Board Questions, then Public Comments & questions. Members of the public will have three minutes each. The Applicant will have an opportunity to respond to the public following the Public Comments. The Board and Applicant will have an opportunity for last questions and/or comments before the hearing is closed or adjourned to a specified date and time. First the Housekeeping:

- ***Ex parte Communications, Conflicts of Interest, Visits to the Site***—Barbara asked the Board to disclose any *ex parte* communications, conflicts, or site visits. She disclosed that she had made a site visit on July 26 at which time Jake showed her the proposed addition, garage, and driveway locations. There was a brief conversation regarding the move of the driveway.
 - Shari and David visited the site on July 24 and were shown the proposed locations by Jake.
 - No other conflicts or *ex parte* communications were disclosed.
- ***Interested Persons***—Barbara reviewed the pertinent parts of 24 VSA 4465(b) wherein Interested Person is defined. She explained that participation (orally or through written comments) is required if one is to be enabled to appeal the Board's decision.
- ***Exhibits***—Barbara read, for the Record, the list of Exhibits which had been accepted into evidence for this Hearing:
 - *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: Comments from Eric Raymond*; dated July 15, 2020
 - *Exhibit 6: Review by 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
- **APPLICANT PRESENTATION**
 - ***Jake***: introduced his family and explained some of the history of their property and why they wish to make the proposed changes. They moved to Parkhill Road in 2011. At the time the property was owned by DC Burnham, who owned it to the time of the application for this project, Jake and Amanda are the owners now, having had a closing on the purchase just recently.
 - Application was originally denied by the ZA because the existing lot coverage is in excess of the 3% allowed for the district, being at 8.82%. Also, the parcel is pre-existing non-conforming in that the front setback varies from 58' to 72', rather than the required 100', footage is 276' rather than the required 300', and parcel size is 1 acre rather than the district minimum of 4 acres.
 - They propose moving the garage from its present location attached to the house, to the East, 70' from the East property line. This will increase the garage front setback to 105', with no reduction in its footprint. The chosen location will improve sun exposure for the solar panels planned for the south roof, and will be a safer location for equipment, vehicular, and trash/garbage storage.

- Additionally, they propose a 576sq ft addition to the house that will house the living-room, dining-room, kitchen areas, moving them back from the road and increasing access to the backyard. Although the addition will be set further from the road than the existing garage is, there will be no reduction in the front setback nonconformity.
- The driveway relocation will reduce its footprint by about 600 square feet.
- Overall coverage will remain at 8.82%, perhaps be reduced to 8.2%.
- These changes will help them achieve their goals of improving the health and safety of their family, making a positive impact on their neighborhood, and not increasing the non-conformity of the parcel.

• **QUESTIONS FROM THE BOARD:**

- **Shari:** What is planned for the area where the garage is currently located? **Jake:** *Current base is broken concrete which will be removed. The gravel beneath will be removed and used for the new drive, which will then be given a coverage of new uniformly colored gravel. Both that location and the “old” drive to be taken to bare earth and landscaped.*
- **Shari:** Is any change in the curb-cut planned? **Jake:** *No.*
- **Barbara:** Who is Tabitha Vincent, she signed the Notice of Hearing? **Jake:** *She is Eric Raymond's partner and volunteered to sign.*
- **Barbara:** How were coverage calculations done? **Jake:** *The were based on historical images from Google Earth, with the relevant areas marked off and calculated by the program.*
- **Barbara:** Who currently owns the property? **Jake:** *He and Amanda closed on purchase of the property on July 23, 2020.*
- **Barbara:** Would you please clarify what is meant by a “Colorado Entry” (to be used for new entrance to house)? **Jake:** *It's a term currently popular to describe an entry that combines aspects of a traditional entry (typically unused or used by strangers) and a more family -oriented entry (typically where everyone enters, with a mudroom-style storage for coats, boots, out-door gear, etc.).*

• **PUBLIC QUESTIONS/COMMENTS**

Barbara reminded speakers that they will have three minutes and each should begin by identifying who they are.

- **Pat Morrow:** Supports the project. Looks forward to the finished changes.
- **Tom Morrow:** Agrees.
- **Adam Powers:** No comments or questions.
- **Matthew Daly:** Approves of the project.
- **Alisa Breau:** Also expressed appreciation for the project, and for the Burnhams' efforts to include neighbors in reviews of their plans.
- **Tom Hickly:** Feels this is a major improvement to the property and adds value to other neighborhood properties. He fully supports it.
- **Ken Manchester:** Appreciates all the clean-up done since moving there and supports the project. Does not understand ZA's denial. **Barbara:** *ZA has no authority to approve most renovations, etc to non-conforming properties, they require DRB approval.*

• **FINAL QUESTIONS OR COMMENTS—**

- **Public:** None
- **Jake:** Thanked all who offered their support.
- **Board:** None
- **HEARING CLOSED**—The Board discussed whether or not they had sufficient information and were ready to close the hearing. At 7:43pm, the Board having indicated they had sufficient material to move into the deliberative phase, Barbara determined there was no need for another meeting and closed the hearing. She advised those present that the Board would deliver its decision within 45 days.

Board Business Resumed—

7. CORRESPONDENCE: None

8. UPCOMING MEETINGS—

- **September 2, 2020:** All expect to be available. Barbara possibly away, though unlikely.
- **October 7, 2020:** All expect to be available.

9. OLD BUSINESS: Rheaume Final Decision mailed out.

10. NEW BUSINESS: *None*

11. DELIBERATIVE SESSION:

NEXT MEETING: September 2, 2020, at 7:00 pm, Virtual Meeting via ZOOM.

ADJOURNMENT—Meeting adjourned at 7:55 p.m.

Respectfully Submitted,
Robin Conway, DRB Secretary