

**Cornwall Development Review Board (DRB)**  
Cornwall Volunteer Fire Department • Route 30 Station  
**March 1, 2017 • 7:00—9:00pm**

**MEMBERS PRESENT:** Matt Bonner, Bruce Byers, Joe Severy, Barbara Greenwood, Gary Barnett, Barney Hodges, Annie Wilson

**ALSO PRESENT:** Adam Powers, Ted Perry; Ashar Nelson, Joe Brown; Jared Moats; Sue Johnson, Jim Duclos

**1. CALL TO ORDER:** 7:00pm

**2. QUORUM:** established. Attendance sheet passed around and was signed.

**3. AGENDA:** Matt noted that, as Joe Brown's airstrip hearing had been improperly warned, there would be only a preliminary Board discussion at this meeting, with no public comments received until the next (April) scheduled DRB meeting. Barbara MOVED / Barney SECONDED to approve the Agenda as amended. **Motion passed** (7 in favor, 0 opposed.)

**4. MINUTES: January 25, 2017**

Joe MOVED / Gary. SECONDED to approve the January minutes as presented. **Motion passed** -(6 in favor, 0 opposed, 1 abstention [Barbara, not present in January]).

**OLD BUSINESS:**

**5. Update on Meeting Schedule; Approval of Rules of Procedure**

- Barney MOVED/ Bruce SECONDED that both the *DRB Rules of Procedure*, as drafted, and the change of the Board's regular meetings from the fourth Wednesday to the first Wednesday of each month be approved and adopted by the Development Review Board. **Motion passed**. (7 in favor, 0 opposed)

**6. 5 Trillium Partners—Final Application Hearing for Minor Subdivision**

- After confirming that all interested parties had signed-in, Matt administered the oath to Adam Powers, Attorney for 5 Trillium Partners, and Ted Perry, abutting property owner.
- The application property concerns a lot of approximately 8 acres on the corner of Cider Mill Road and Route 125, to be subdivided into two lots, Lot 1—approximately 2+ acres with house, accessed by drive off Route 125, and Lot 2—approximately 5.75 acres, with Cider Mill curb cut and possible Route 125 access.
- Adam supplied the Board with a certificate of mailing to the property's five abutters, and a small version of the property map labeled as Exhibit A.
- **Board questions/comments—** [**Bruce**] Concerns with what he consider to be (from Lot #1) dangerous traffic issues regarding ingress/egress onto Route 125...there appears to be room to install a driveway so that ingress/egress could access Cider Mill Road, if Lot #2 owner granted an easement over its property. Has applicant considered such an easement? [**Adam**] There is no current easement nor a plan for same at this time. Nor is there a current sale contract for Lot 2. It is possible that such an easement may be an option in a future sale agreement. [**Barbara**] Regarding frontage: why is Cider Mill frontage not 250'? [**Adam**] The *Regulations* do not

stipulate that the frontage must be a contiguous stretch. Given that a corner lot is deemed to have frontage on both roads comprising the corner, the frontage of Lot 2 totaled in excess of the required 250' when both frontages added together. [Barney] Have there been other subdivisions made on this property within the past five years? [Adam] No. [Jim Duclos, ZA] Confirming that the combined frontages on a corner lot have been considered in the past as meeting the required frontage

- Discussion among Board members regarding possible conditions to set and what they would like to see on the map(s) and Mylar.
- Barney MOVED, Gary SECONDED, to approve the subdivision plan of Five Trillium Partners as depicted on a survey dated January 11, 2017, and signed by Timothy Short, VT Surveyor Lic.#651, with the following conditions:
  1. That the curb cut off Cider Mill Road be confirmed;
  2. That the proposed well and septic systems and any easements related thereto, as determined by Lincoln Applied Geology, be drawn on the survey Mylar and added to the Exhibit A map as well;
  3. That the set-back lines for Lot 1 be drawn in on the survey Mylar.

**Motion passed.** (7 in favor, 0 opposed)

## **NEW BUSINESS:**

### ***7. Brown Landing Strip—Preliminary Board Discussion***

- This Agenda item was changed from a Public Hearing to an informal informational discussion—without public comment—due to improper warning of the Hearing.
- Ashar apologized to all as the warning error was his. He, land architect, and Joe Brown, property owner were sworn in. Other interested parties had signed the attendance sheet.
- Per Ashar, the discussion would focus on the use of the proposed airstrip: type of traffic, frequency of use, etc. He said the development would present little visual impact, with little by way of “development” as no structures, light towers, nor other objects would be constructed. None of the land to be used is in a conservation district, though *is* in the Current Use Program. Land is currently farmed (pasture, hayland) and no disruption of this usage is foreseen.
- Joe Brown also addressed the Board, highlighting the long association his family has had with the area. He indicated he had reached out to his neighbors, abutters, and lease-holders for their feedback on the airstrip project. Additionally, he contacted VAST, whose trails run parallel to the proposed strip (but in the woods), indicating likelihood of an agreement for VAST to use the strip as part of their trail system. He also contacted other small aircraft groups whose focus, like his, is on “back-country flying,” i.e. using unimproved grass strip locations.
- ***Board questions/comments—*** [Matt] What type of aircraft would be using the strip? How long would the airstrip be? [Joe] 4 cylinder engines, balloon tires, generally 2-seater planes that go “low and slow.” These aircraft are fairly quiet—at a distance of 1,000' the take-off noise is similar to that of a hair-dryer (78dB), while landing noise registers 48 dB (normal conversation). He anticipates little use beyond his own flights (periodically in warmer weather, seldom during winter) and possibly use by a friend or two once in a while. Little, if any night flying anticipated. He stressed safety as a

priority. The grass strip itself would not be very long, the planes using it need only about 400' to land. [**Barbara**] Where are neighboring structures located, they are not shown on the map? [**Joe**] Most neighboring structures are 1,000' or more away; the FAA requires a minimum 50' distance. [**Bruce**] Would like to see the Conservation District (Sec. 270) be marked on the Map and also wants to see the location of the adjacent owners' houses be shown on the lots that surround the strip...currently, the surrounding lots are shown on this Map without their houses. [**Barbara**] Would like to see flight paths indicated. [**Joe**] Will produce a Google Earth map with the requested items noted on it. [**Bruce**] Has any thought been given to sharing a strip with Ed Peet? Or to keeping the plane at the Middlebury Airport? [**Joe**] Keeping the plane at the Middlebury Airport diminishes his dream of being able to just step out, hop in, and take off—a close-held desire of most who fly this type of aircraft. This also casts doubt on the feasibility of sharing a strip with Ed, as they each prefer their own. Since such use is allowed as a Conditional Use, and requires a Hearing, he anticipates conditions may be applied and is prepared to accommodate them. But he wishes to avail himself of his right to seek permission for his own strip. [**Bruce**] Safety: with two strips in close proximity, how will accidents be avoided? What about fuel? [**Joe**] He expects, because of infrequent flights, that there will be little opportunity for accidents between planes coming and going. Also, he anticipates being in fairly close touch with Ed Peet and keeping each other advised on flight plans. There is a type of small light beacon that can be employed to alert a pilot at the other strip that traffic may be encountered. As far as fuel goes, no storage on-site. Joe plans to refuel at the airport.

- Matt brought the discussion to a close at 8:19pm.

#### **8. Franklin Set-back Waiver Application Hearing**—Matt recused himself, turning the Hearing over to Bruce Byers.

- Jared Moats, Structural Energy Corp., was sworn in.
- **Bruce**: The project, being in the Medium Density District, is a by-right use. The original application was denied by the ZA as it requires DRB approval for a set-back waiver. The following issues have not been fully addressed by the application according to §§380–385 of the *Regulations*:
  - The map provided is a sketch map of the property project rather than an *accurate map* as required (§381)
  - Existing septic and water not delineated
  - Eighteen abutter names listed as having been notified are shown on three pages of paper filed with the application. Unfortunately, the applicant has not filed a separate map (such as, perhaps, a copy of the Cornwall Tax Map of this area) which might be used to show the names of each and all of the abutting owners. This would allow verification that all abutting owners were duly notified of this hearing
  - Map does not display setbacks as specified in §381.1 for an accurate map.
- **Jared**: Clarified that the project is a renovation, not a reconstruction; the building's footprint was reduced when an unsalvageable wing was removed. The renovation plan calls for a covered porch which will be built directly on the the old footprint (no expanded footprint area).
- **Barney**: This is classified as a pre-existing non-conforming structure. As such, it does require a DRB Hearing, but for the Board to approve the application specific details as

specified in §§381-385 are needed, e.g. footage from road center, all set-back footage, and so on. They need an accurate map rather than the sketch map as provided. Section 410 will provide information on Nonconforming Lots, in addition to §§381-385. As far as abutters go, use of a current tax map would help as it will show the project property and its surrounding, abutting lots. Names could then be added to the lot(s) owned by each. This would give the Board information it needs and ensure no abutter has been left out of the notification process.

- ***Barbara***: Question regarding actual owner of the project property—both Churchill Franklin and Bread Loaf Realty have been indicated as the owner. Which party actually owns it?
- After further discussion, Bruce brought the Hearing to a recess. Barney MOVED/ Barbara SECONDED that the Franklin Hearing be reconvened at the next DRB meeting, April 5, 7:00pm, at the Town Hall (if ready for occupancy, or the Fire Station on Route 30 if the Town Hall is not available). An accurate map, updated information, currently omitted data, abutting lot locations and owner names, etc.—all as specified in §§380–385 of the *Cornwall Zoning Regulations* should be provided to the Board within two weeks from this meeting. ***Motion passed*** (6 in favor, 0 opposed, 1 abstention [Matt])
- Bruce returned the chair to Matt

#### OTHER BUSINESS:

- ***Amendments to the application process***—Barney suggested, and volunteered to produce, a check list to be supplied with applications that specifies all items that must be included with the application per the *Regulations*. The person responsible for reviewing applications should be listed. The Zoning Administrator has this responsibility.
  - It was also suggested that the Town Clerk create tax map copies of the relevant application property, to include names of abutting owners. This will help ensure that all abutters are properly notified, and will help the DRB identify all parcels pertinent to the project parcel.
- ***April Meeting***—April 5 at 7:00pm , possibly at the renovated Town Hall. If not, then at the Route 30 Fire Station..

**ADJOURNMENT:** Barbara MOVED / Barney SECONDED to adjourn the meeting at 9:00pm..

***Motion passed*** – 7 in favor, 0 opposed.

Respectfully Submitted,  
Robin Conway  
Secretary

---

Matt Bonner, Chair, Cornwall Development Review Board