

Powers & Powers P.C.

ATTORNEYS AT LAW

Donald R. (Tad) Powers, Esq.
Admitted VT, FL
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1205 THREE MILE BRIDGE ROAD
MIDDLEBURY, VT 05753
(802) 388-2211 FAX: (802) 388-1113

Legal Assistant and Paralegal

Kristin Blier
kristin@powerslawvt.com

Adam L. Powers, Esq.
Admitted VT
Adam@powerslawvt.com

April 2, 2021

Town of Cornwall Development Review Board
2629 Route 30,
Cornwall, VT 05753

RE: Application for re-approval/ratification of Subdivision Permit; 5 Trillium Partners, LLC;
Cider Mill Road

Dear DRB,

Please find enclosed Application for Minor Subdivision, respectfully submitted for your consideration at the May 5, 2021 DRB meeting.

By way of explanation, this Application is a request for the DRB to ratify an existing Permit as approved at the March 1, 2017 Meeting. Unfortunately, that approval expired because the final survey mylar was not recorded until October 20, 2017, after the 180-period within which recording of the mylar is required under the Cornwall Subdivision Regs.

The present application is for the same project that was approved in 2017. We hope that the DRB will ratify the Permit as approved at the March 1, 2017 meeting, and accept and sign the mylar survey as recorded on October 20, 2017 as Map No. 285.

In support of this request, the following additional items are attached:

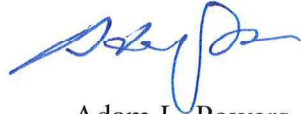
1. Application materials as filed in 2017;
2. DRB Hearing minutes from March 1, 2017 Hearing, as approved April 5, 2017;
3. Paper copy of Survey revised May 4, 2017, recorded at Map Number 285;
5. State Wastewater Permit approving water supply and wastewater disposal;
6. 2017 Email Confirmation from Cornwall Road Foreman that curb cut/access to Cider Mill Road is permitted, as required by the 2017 DRB Approval;
7. Correspondence from Cornwall Town Attorney Jim Carroll confirming that the present request can be noticed and heard as a Final Hearing; and

8. \$90 Application Fee.

Also attached for the Board's consideration are proposed Findings, Conclusions, and Decision.

Please let me know if you have any questions or if I can provide anything further.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'Adam L. Powers', written in a cursive style.

Adam L. Powers, Esq.

TOWN OF CORNWALL
DEVELOPMENT REVIEW BOARD
APPLICATION FOR SUBDIVISION OF LAND
(Please type or print legibly)

1. Applicant Adam L. Powers, Esq.
Address 1205 Three Mile Bridge Road, Middlebury VT 05753
Phone No. 802-388-2211 Email Address adam@powerslawvt.com
If Corporation, name of Representative _____
Is this a Corporation registered in Vermont? _____
2. Name of Record Owner S Trillium Partners, LLC
Address 306 Musketaguid Road, Concord, MA 01742
Phone No. % Adam Powers: 388-2211 Email Address cp Adam Powers: adam@powerslawvt.com
If Corporation, name of Representative Jay Fritz, Manager
Is this Corporation registered in Vermont? Delaware LLC Registered in VT
3. Names of Advisors and their professional area:
Adam Powers, attorney; Lincoln Applied Geology: Permitting + septic design;
Tim Short: surveyor
4. Name of Subdivision Single Lot Subdivision, S Trillium Partners, LLC
5. Location of Subdivision 1101 Route 125 + Cedar Mill Road
6. Acreage of Subdivision 7.78 acres, +/- → 2.03 acres +/- + 5.75 acres, +/-
Acreage of Owner's adjoining property None
Acreage of Owner's Cornwall property not adjoining None
Acreage of property under option None. (Frederick M. Fritz and Martha S. Fritz are two of the five members of S Trillium Partners, LLC, each of them own other non-adjoining property in Cornwall.)

**TOWN OF CORNWALL
DEVELOPMENT REVIEW BOARD
APPLICATION FOR SUBDIVISION OF LAND**

7. Property deeds recorded in Town of Cornwall records. (May be found at Town Clerk's office. Contact Clerk for assistance.)

Date March 29, 2016 Book 80 Page 247 (acquired parcel)

Date October 30, 2018 Book 85 Page 198 (sold 2.03 acre lot + residence).

Date _____ Book _____ Page _____

8. Brief description of size and type of Subdivision:

Ratification of March 2017 Single lot subdivision approval:
7.18⁺ acres divided into 2.03⁺ acres with residence and 5.15⁺ acre lot.

9. What other local, state, or regional approvals are being applied for?

State of VT WW Permit for water supply and septic system approved Aug 3, 2017;
Pre-existing curb cut access for 5.15 acre lot to Cider Mill confirmed March 2017.

10. Signature of Applicant _____

Date April 2, 2021

Please attach additional materials required by applicable regulations.

(Reminder – Only complete applications will be forwarded to the DRB for scheduling.)

Please see further information attached and cover letter with explanation. Thanks.

Please note: The DRB may ask for additional information.

[2017 Submission]

DEVELOPMENT REVIEW BOARD OF THE TOWN OF CORNWALL

APPLICATION FOR SUBDIVISION OF LAND

(To be filled out by the applicant and reviewed by the Development Review Board)

1. Applicant Adam L. Powers, Esq.

Address 1205 Three Mile Bridge Road, Middlebury VT 05753

Phone No: 388-2211 Email Address adam@powerslawvt.com

If Corporation, name of Representative _____

Is this a Corporation registered in Vermont? _____

2. Name of Record Owner 5 Trillium Partners, LLC

Address % Jay Fritz, 306 Musketaguid Rd, Concord MA 01742

Phone No: _____ Email Address _____

If Corporation, name of Representative Frederick M. Fritz, Member

Is this Corporation registered in Vermont? Delaware LLC Registered in VT

3. Names of Advisors and their professional area:
Jeremy Revell, Lincoln Applied Geology: Soil Analysis + WW Permit; Tim Short:

Survey; Adam Powers: Attorney.

4. Name of Subdivision _____

5. Location of Subdivision Cider Mill Rd. at Route 125

(Show also on map attached to this application).

6. Acreage of Subdivision 7.78 acres +/- → 2.01 acres +/- + 5.77 acres +/-

Acreage of Owner's adjoining property _____

Acreage of Owner's Cornwall property not adjoining 3.48 acres +/-; Route 74

Acreage of property under option _____

7. Property deeds recorded in the Town of Cornwall records. (May be found at the Town Clerk's office. Contact Clerk for assistance).

Date March 29, 2016 Book 80 Page 247-249
Date Prior Deed: July 1, 2009 Book 69 Page 211
Date _____ Book _____ Page _____

8. Brief description of size and type of Subdivision:

7.78[±] acre parcel with single family residence to be divided into house + 2.01[±] acre parcel and 5.77[±] acre lot.

9. What other local, state, or regional approvals are being applied for?

State of Vermont Wastewater System + Potable Water Supply Permit.

10. A discussion of the soil types on the site, along with their capabilities and limitations.

See Soil Evaluation attached.

11. Narrative addressing how the subdivision proposal meets with the Goals and Objectives of the Town's Comprehensive Plan.

Subdivision will create a building lot in Medium-Density Residential District, adding to Cornwall's housing stock in-keeping with residential character of Cider Mill neighborhood and within guidelines for lot size and road frontage.

(Please attach additional sheets if necessary)

12. Signature of Applicant

Date 8/15/16

Powers & Powers P.C.

ATTORNEYS AT LAW

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Admitted VT, FL
tad@powerslawvt.com

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Legal Assistant and Paralegal

Kristin Blier
kristin@powerslawvt.com

Adam L. Powers, Esq.
Admitted VT
Adam@powerslawvt.com

September 22 2016

Town of Cornwall Development Review Board
2629 Route 30,
Cornwall, VT 05753

RE: Subdivision Permit Application of 5 Trillium Partners, LLC; Cider Mill Road

Dear DRB,

Per my conversation with Bruce Byers, please find enclosed 8 copies of a sketch of the proposed subdivision, including the proposed boundary and resulting parcels. This sketch is to supplement the previously submitted application, in preparation for the hearing scheduled for Wednesday, September 28.

Please let me know if you have any questions or if I can provide anything further.

Yours very truly,

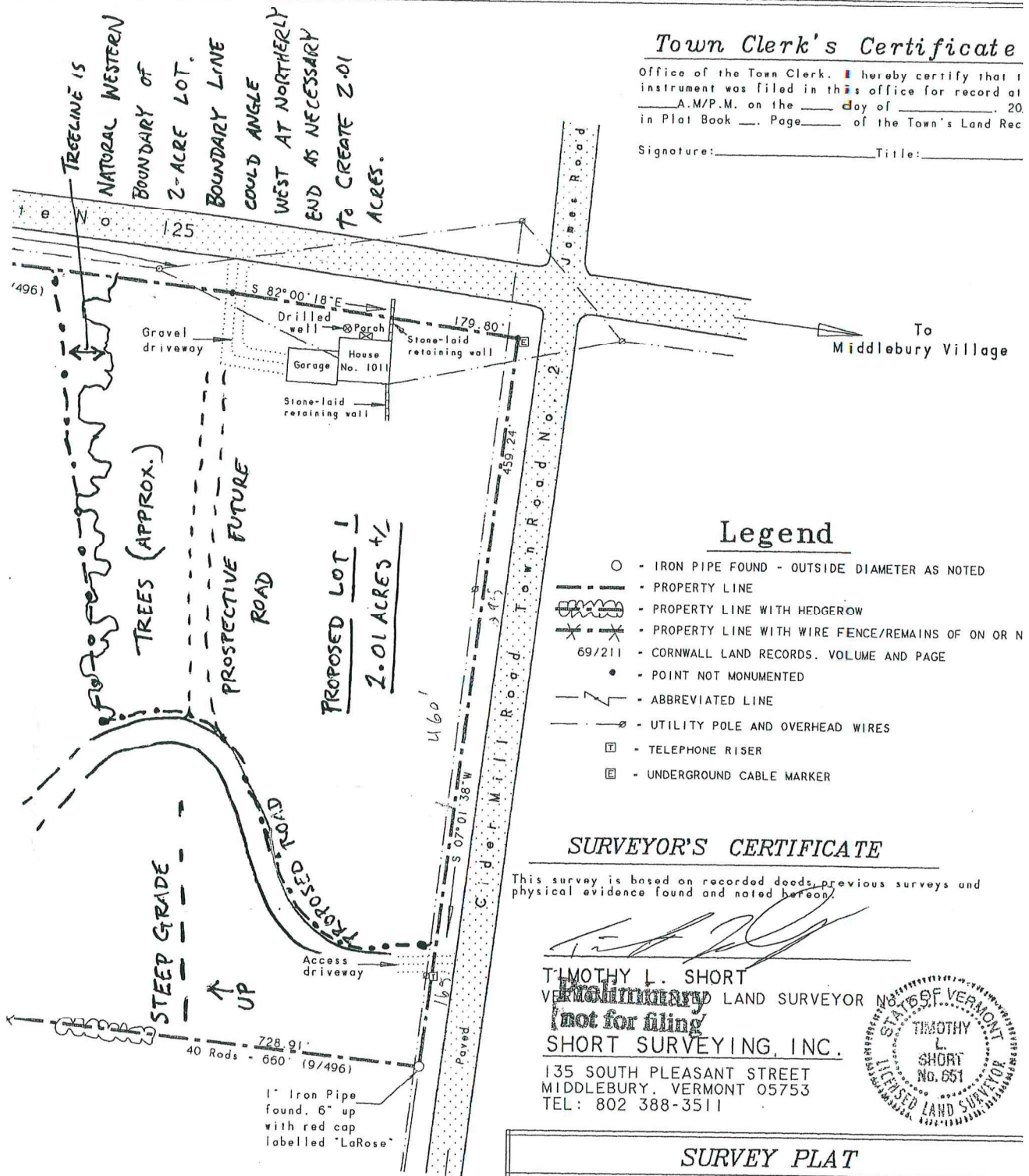


Adam L. Powers, Esq.

Town Clerk's Certificate

Office of the Town Clerk. I hereby certify that instrument was filed in this office for record at _____ A.M./P.M. on the _____ day of _____, 20____, in Plat Book _____, Page _____ of the Town's Land Records.

Signature: _____ Title: _____



Legend

- - IRON PIPE FOUND - OUTSIDE DIAMETER AS NOTED
- - - - - PROPERTY LINE
- - - - - PROPERTY LINE WITH HEDGEROW
- - - - - PROPERTY LINE WITH WIRE FENCE/REMAINS OF ON OR N
- 69/211 - CORNWALL LAND RECORDS, VOLUME AND PAGE
- - POINT NOT MONUMENTED
- - - - - ABBREVIATED LINE
- - - - - UTILITY POLE AND OVERHEAD WIRES
- ⊠ - TELEPHONE RISER
- ⊡ - UNDERGROUND CABLE MARKER

SURVEYOR'S CERTIFICATE

This survey is based on recorded deeds, previous surveys and physical evidence found and noted hereon.

TIMOTHY L. SHORT
VERMONT LAND SURVEYOR

~~Provisional~~
(not for filing)
SHORT SURVEYING, INC.

135 SOUTH PLEASANT STREET
MIDDLEBURY, VERMONT 05753
TEL: 802 388-3511



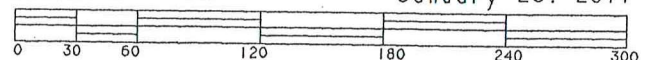
SURVEY PLAT

Lands of
Lloyd M. Church, III.
Claire Komulainen.
and
Monica D. Church

SOUTHERLY OF VERMONT ROUTE 125.
WESTERLY OF CIDER MILL ROAD.
CORNWALL, ADDISON COUNTY, VERMONT

Scale: 1" = 60'

January 28, 2011



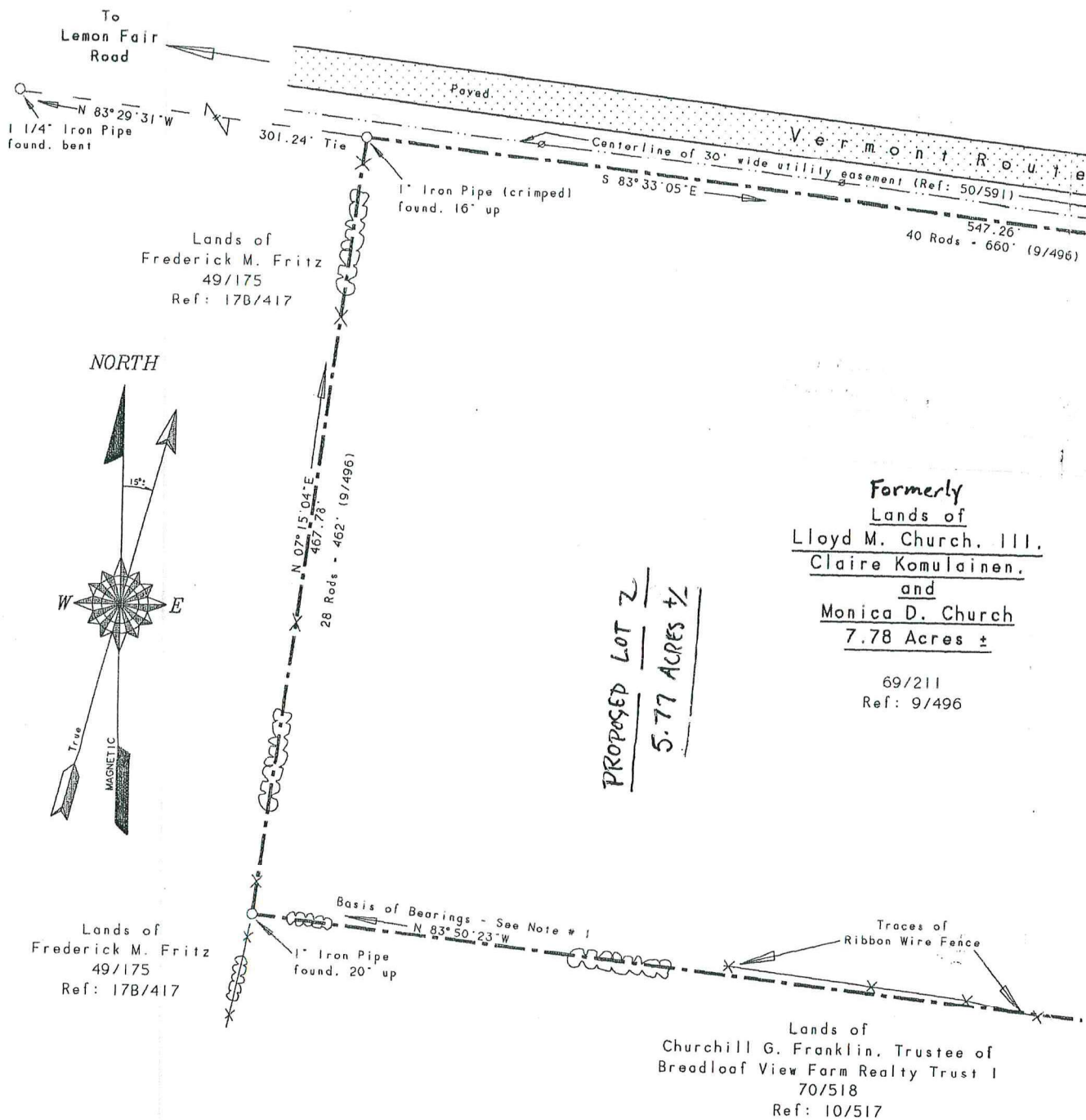
a subdivision of lands of
Vermont surveyed by LaRose
and filed in the Cornwall Land

stecher, Addison County, Cornwall,
led in the Cornwall Land Records

Swett, dated August 1915 and filed with

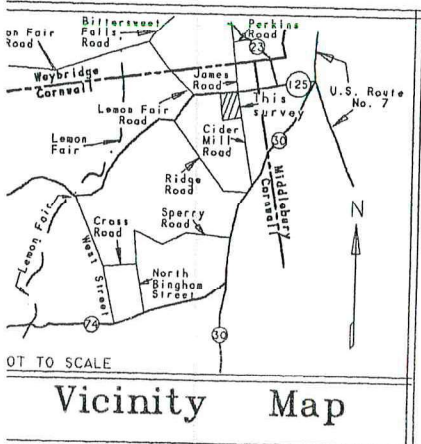
by Kenneth Weston, dated October 12, 2001
cords.

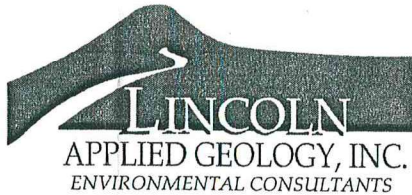
ghway based on existing monumentation.
'wide) highway based on existing monumentation.



SURVEY NOTES

1. Reference survey and basis of MAGNETIC bearing "plat showing a sub: KATHERINE E. BRANDE. Cider Mill Road, Cornwall, Addison County, Vermont Surveys, P.C., dated February 24, 2010 and revised May 12, 2010 and f Records as Map No. 235.
2. Reference survey "Property of: John A. & Alexandra Syms Pagenstecher VT." surveyed by Rodney R. Orvis, dated December 22, 1988 and filed in as Map No. 64.
3. Reference survey "Map of Cornwall, Vermont" surveyed by P.N. Swett, other miscellaneous maps in vault of the Cornwall Land Records.
4. Reference "Sketch of Restored or Replaced Monument" surveyed by Kei and recorded in Deed Book 52 at Page 367 of the Cornwall Land Records
5. Vermont Route No. 125 was assumed to be a 4 rod (66' wide) highway Cider Mill Road (Town Road No. 2) was assumed to be a 3 rod (49.5' wide);





5 TRILLIUM PARTNERS, LLC
SUBDIVISION APPLICATION
EXHIBIT A.



March 16, 2016

Mr. Lloyd Church
jonance@myfairpoint.com

RE: Church Property – 1011 Route 125, Cornwall, VT – Site and Soil Evaluation

Dear Mr. Church:

Lincoln Applied Geology (LAG) performed a site and soil evaluation at your property located on Route 125 to assess the potential for creating a single lot subdivision. On February 16th I visited the site with Elias Erwin an Assistant Regional Engineer with the Drinking Water and Groundwater Protection Division (DWGWP) of the Vermont Department of Environmental Protection (VTDEC). Test pits were conducted in strategic areas of the property based on drainage features, ground slope and access.

Eight test pits were conducted across the property and the attached soil profile descriptions varied based on their location on the property. Viable disposal areas were identified for a new single lot subdivision and a replacement area for the existing residence. The soil profile in the proposed disposal areas generally consisted of dark brown fine sandy loam from 0-12", brown fine sandy loam from 12-38" and grey/brown fine sandy loam from 38-52". Groundwater indicators were encountered in all of the test pits in the proposed disposal areas at varying depths based on location. Test pits observed in other areas of the property we're typically heavy clay that is not suitable for wastewater disposal.

The proposed disposal areas are suitable for prescriptive or performance based mound systems. In order to provide a suitable record for future development and to better understand property features LAG suggests performing a site topographic survey of the tested areas to properly locate all test pits, roadways, power lines and ground features. This survey would create a scaled map that would be used for future permitting needs should they arise.

If you have any questions, please give me a call.

Very truly yours,
Lincoln Applied Geology, Inc.

Jeremy Revell
Licensed Designer #611B

JR/SR/ih
Enclosure
F:\CLIENTS\2016\16016\Site and Soil Evaluation.docx

**Soil Profile Descriptions
Church Property
February 16, 2016
By Jeremy Revell
Licensed Class B Designer #611**

Test Pit #1

- | | |
|--------|--|
| 0-21" | Brown fine sandy loam, friable, subangular blocky structure, well drained |
| 21-38" | Grey fine sandy loam, friable, subangular blocky structure, well drained to 24", redoximorphic features at 24" |

Test Pit #2

- | | |
|--------|--|
| 0-9" | Dark brown fine sandy loam, friable, subangular blocky structure, well drained |
| 9-28" | Brown gravely fine sandy loam, friable, subangular blocky structure, well drained, redoximorphic features at 25" |
| 28-54" | Dark brown gravely silt loam, friable, subangular blocky structure, prominent redoximorphic features, groundwater at 54" |

Test Pit #3

- | | |
|-------|--|
| 0-9" | Dark brown fine sandy loam, friable, subangular blocky structure, well drained |
| 9-40" | Brown gravely fine sandy loam, friable, subangular blocky structure, well drained, redoximorphic features at 25", groundwater at 40" |

Test Pit #4

- | | |
|--------|--|
| 0-10" | Dark brown fine sandy loam, friable, subangular blocky structure, well drained |
| 10-50" | Dark brown silty clay, firm, blocky structure, redoximorphic features at 24" |

Test Pit #5

- | | |
|--------|--|
| 0-12" | Dark brown fine sandy loam, friable, subangular blocky structure, well drained |
| 12-24" | Dark brown silty clay, firm, blocky structure, redoximorphic features at 16" |
| 24-55" | Grey silty clay, firm, blocky structure |

Test Pit #6

- | | |
|--------|---|
| 0-12" | Dark brown fine sandy loam, friable, subangular blocky structure, well drained |
| 12-24" | Brown fine sandy loam, friable, subangular blocky structure, well drained, redoximorphic features at 24" |
| 24-38" | Red brown fine sandy loam, friable, subangular blocky structure, prominent redoximorphic features, groundwater at 38" |

Test Pit #7

- | | |
|--------|---|
| 0-12" | Dark brown fine sandy loam, friable, subangular blocky structure, well drained |
| 12-24" | Brown fine sandy loam, friable, subangular blocky structure, well drained, redoximorphic features at 24" |
| 24-48" | Red brown fine sandy loam, friable, subangular blocky structure, prominent redoximorphic features, groundwater at 48" |

Test Pit #8

- | | |
|--------|---|
| 0-12" | Dark brown fine sandy loam, friable, subangular blocky structure, well drained |
| 12-24" | Brown fine sandy loam, friable, subangular blocky structure, well drained, redoximorphic features at 24" |
| 24-48" | Red brown fine sandy loam, friable, subangular blocky structure, prominent redoximorphic features, groundwater at 48" |

NOTICE OF PUBLIC MEETING
TOWN OF CORNWALL
DEVELOPMENT REVIEW BOARD

The Cornwall Development Review Board will hold a public hearing on Wednesday

March 1, 2017 at 7 PM at the Cornwall Town Hall located at 2629 Route 30, Cornwall, Vermont. *Please Note: Due to construction at the Town Hall, the DRB Meeting may be held at an alternate location. Please call the Cornwall Town Clerk to confirm meeting location before 5:00 pm.*

Purpose of the meeting: To hear a request by 5 Trillium Partners, LLC, residing at 306 Musketaguid Rd., Concord, MA 01742, ~~Cornwall, Vermont~~ to subdivide a 7.78[±] acre lot at the corner of Cider Mill + 125 into 2 lots: one, with approximately 2.03 acres and the other ~~s~~ with approximately 5.75 acres and acres. The matter was classified as a minor subdivision by the Cornwall Development Review Board on Wednesday, September 28, 2016.

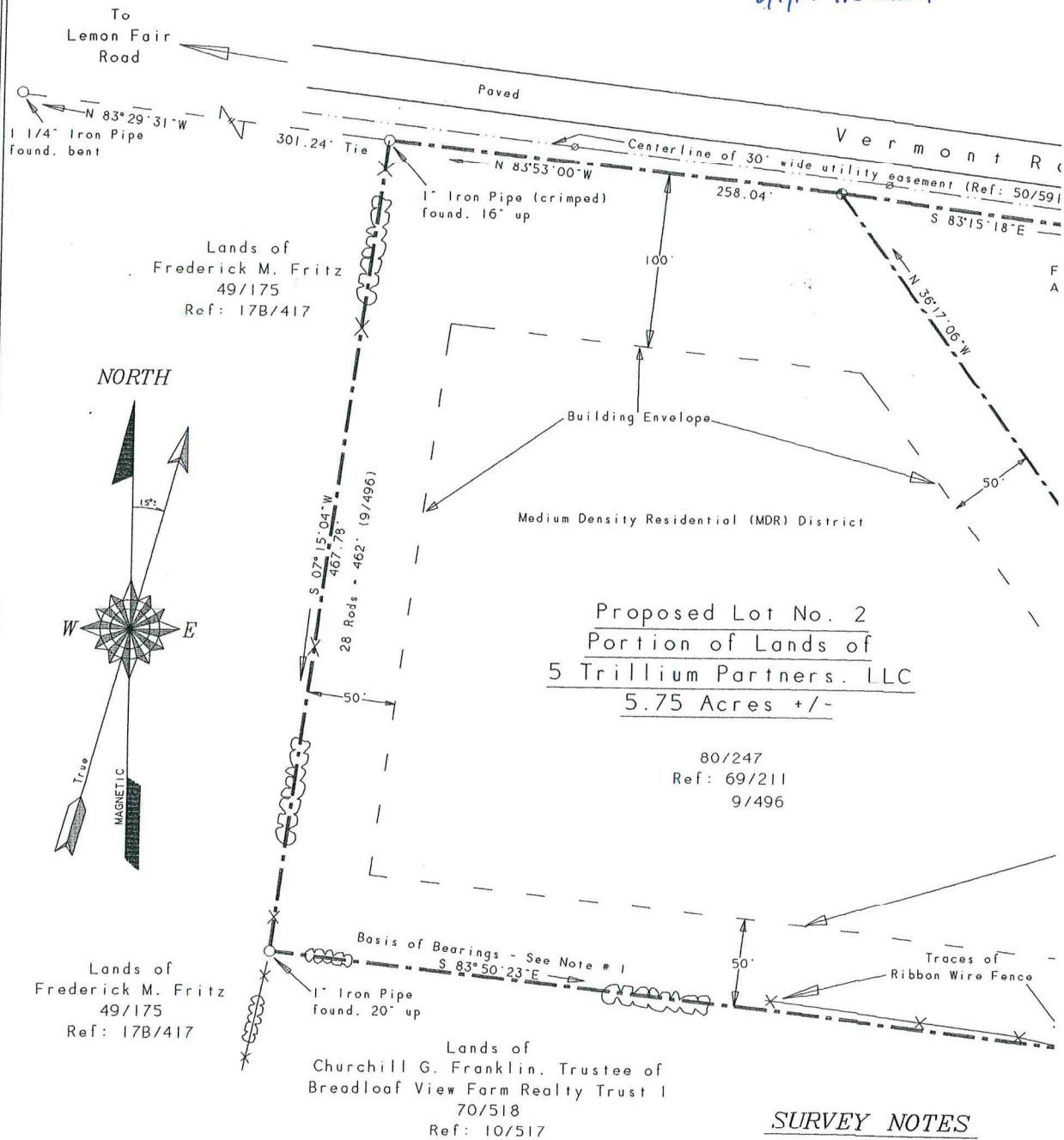
The above application is available to the public at the Cornwall Town Clerk's office, 2629 Route 30, Cornwall, Vermont. You are free to review the file for additional information concerning this particular matter.

Persons wishing to be heard at this public meeting may do so in person or may be represented at the meeting by a licensed Vermont attorney or an authorized agent. Please note that in accordance with Chapter 117, Section 4464, of the Vermont Statutes, that participation in this public hearing is a prerequisite to the right to take any subsequent appeal.

Parcels adjacent to Proposed Cider Mill Subdivision; Lands of 5 Trillium Partners, LLC:

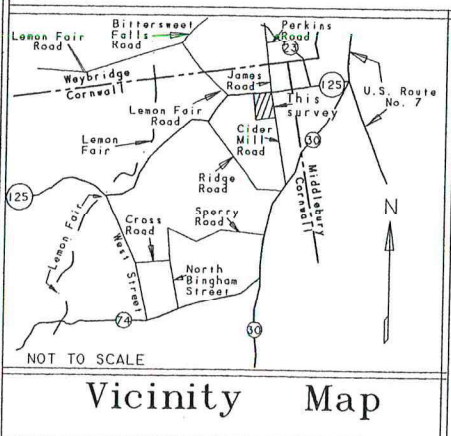
1. Parcel # 050216: Frederick M. Fritz, 7100 SE Wood Stork Way, Hobe Sound, FL 33455.
2. Parcel # 050202: Gregor and Bronwen Kent, PO Box 877, Middlebury, VT 05753.
3. Parcel # 050206: Peter and Peggy Briggs, 130 East 63rd Street, New York, NY, 10065.
4. Parcel # 050261: Edward and Miriam Perry, 49 South Street, Middlebury, VT 05753.
5. Parcel # 050265: Bread Loaf View Farm Realty Trust I, Churchill G. Franklin, Trustee, 40 Ball's Hill Road, Concord, MA 01742.

EXHIBIT A
3/1/17 HEARING



SURVEY NOTES

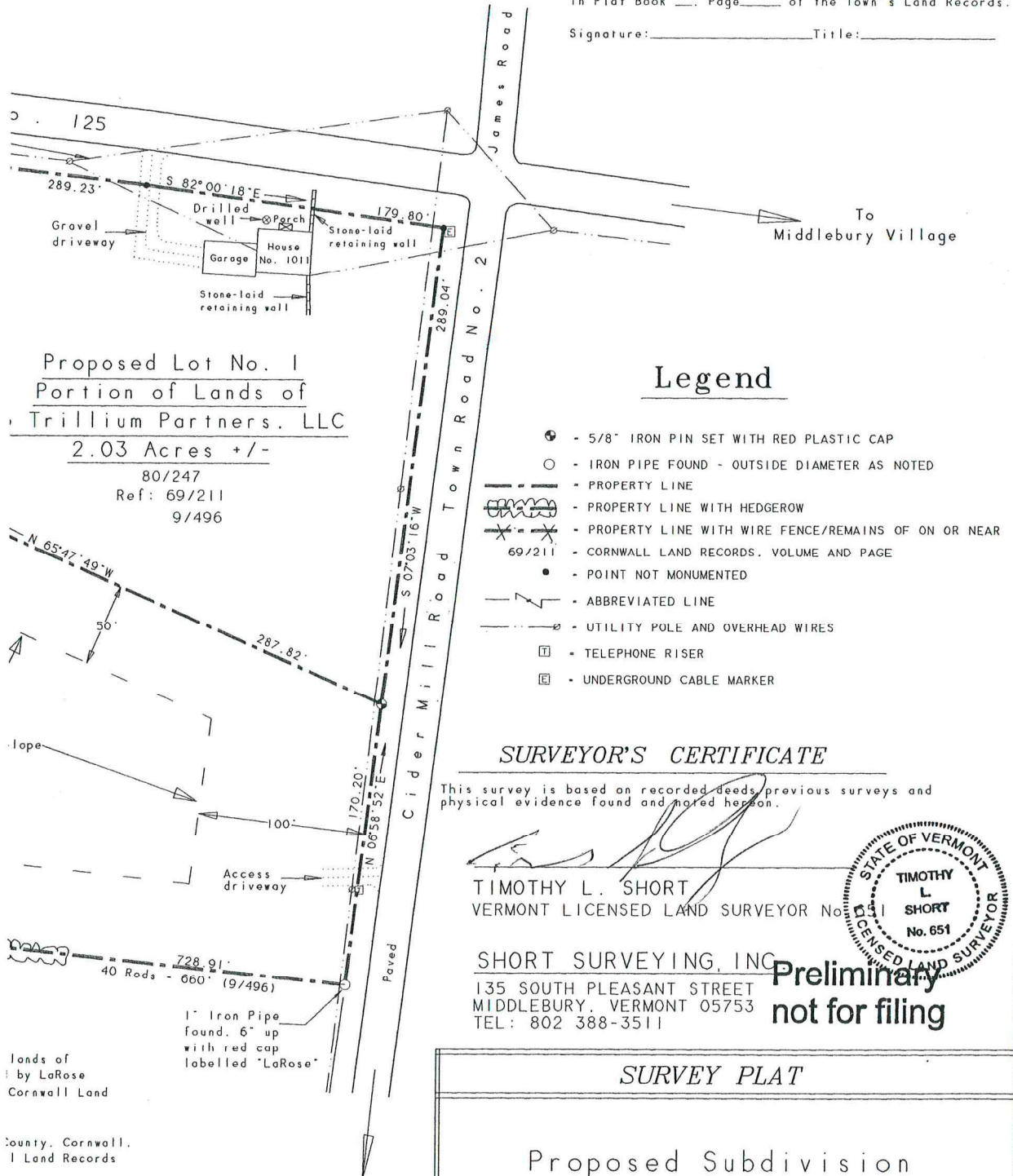
1. Reference survey and basis of MAGNETIC bearing "Plot showing c KATHERINE E. BRANDE, Cider Mill Road, Cornwall, Addison County, V Surveys, P.C., dated February 24, 2010 and revised May 12, 2010 c Records as Map No. 235.
2. Reference survey "Property of: John A. & Alexandra Syms Pagenst VT." surveyed by Rodney R. Orvis, dated December 22, 1988 and file as Map No. 64.
3. Reference survey "Map of Cornwall, Vermont" surveyed by P.N. Si other miscellaneous maps in vault of the Cornwall Land Records.
4. Reference "Sketch of Restored or Replaced Monument" surveyed by and recorded in Deed Book 52 at Page 367 of the Cornwall Land Rec
5. Vermont Route No. 125 was assumed to be a 4 rod (66' wide) high Cider Mill Road (Town Road No. 2) was assumed to be a 3 rod (49.5' w
6. Reference unrecorded survey "Lands of Lloyd M. Church, III, Cla Vermont Route 125, Westerly of Cider Mill Road, Addison County, Ve January 28, 2011.
7. Reference site plan "Fritz Property, Cider Mill Road, Cornwall, with Water & Wastewater Systems", prepared by Lincoln Applied Geol



Town Clerk's Certificate

Office of the Town Clerk. I hereby certify that this instrument was filed in this office for record at _____ A.M./P.M. on the _____ day of _____, 20____, in Plat Book _____, Page _____ of the Town's Land Records.

Signature: _____ Title: _____



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MIDDLEBURY VT 05753
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Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59

Sent To: Gregor + Bronwen Kent
 Street, Apt. No., or PO Box No.: PO Box 887
 City, State, ZIP+4: Middlebury VT 05753

PS Form 3800, August 2006 See Reverse for Instructions

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HUBBARDHURST VT 05743
OFFICIAL USE

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Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59

Sent To: Frederick M. Fink
 Street, Apt. No., or PO Box No.: 7100 SE Wood Stpk Way
 City, State, ZIP+4: Hobe Sound, FL 33455

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™
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CONCORD MA 01742
OFFICIAL USE

Postage	\$3.35
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59

Sent To: Churchill G. Franklin, Motel
 Street, Apt. No., or PO Box No.: 40 Balls Hill Rd
 City, State, ZIP+4: Concord MA 01742

PS Form 3800, August 2006 See Reverse for Instructions

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MIDDLEBURY VT 05753
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Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59

Sent To: Edward + Marion D...
 Street, Apt. No., or PO Box No.: 49 South Street
 City, State, ZIP+4: Middlebury VT 05757

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™
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MIDDLEBURY VT 05753
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Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59

Sent To: Peter + Peggy Briggs
 Street, Apt. No., or PO Box No.: 130 East 63rd Street
 City, State, ZIP+4: New York, NY 10065

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™
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 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com®

NEW YORK, NY 10065
OFFICIAL USE

Postage	\$3.35
Certified Fee	\$2.75
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.59

Sent To: Peter + Peggy Briggs
 Street, Apt. No., or PO Box No.: 130 East 63rd Street
 City, State, ZIP+4: New York, NY 10065

PS Form 3800, August 2006 See Reverse for Instructions

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.
- Joc 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

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT**LAWS/REGULATIONS INVOLVED**

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit
Wastewater System and Potable Water Supply Rules, Effective September 29, 2007
Chapter 21, Water Supply Rules, Effective December 1, 2010

Landowner: 5 Trillium Partners, LLC
306 Musketaquid Road
Concord, MA 01742

Permit Number: WW-9-2440

This permit affects the following property located in Cornwall, Vermont:

Lot	Parcel	SPAN	Acres	Deed Book / Page
1	050205	162-051-10112	7.78	Book:80 / Pages:247-249

This project, consisting of the proposed subdivision of an improved +/- 7.78 acre parcel includes: Lot 1=2.03 acres, containing an existing three (3) bedroom single-family residence, served by existing on-site potable water supply and wastewater disposal systems; and Lot 2=5.75 acres, approved for the construction of a new four (4) bedroom single-family residence, served by an on-site potable water supply well and a mound-type wastewater disposal system, located at 1700 Cider Mill Road in Cornwall, Vermont is hereby approved under the requirements of the regulations named above and subject to the following conditions.

1. GENERAL

- 1.1 This project shall be completed as shown on the application, plans and/or documents prepared by Jeremy Revell of Lincoln Applied Geology, Inc. with the plans stamped by the Drinking Water and Groundwater Protection Division listed as follows:

Sheet Number	Title	Plan Date	Revision Date
1	Site Development Plan Showing Proposed 2-Lot Subdivision with Water and Wastewater Systems	12/08/2016	06/28-2017
2	Wastewater System Design Details	12/08/2016	
3	Water System Design Details	12/08/2016	

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits **PRIOR** to construction including, but not limited to, those that may be required from the Act 250 Environmental Commission; the Drinking Water and Groundwater Protection Division; the Watershed Management Division; the Division of Fire Safety; the Vermont Department of Health; the Family Services Division; or other State departments and local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Cornwall Land Records within thirty (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Cornwall Land Records and ensure that copies of all certifications are sent to the Secretary.



- 1.5 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater disposal systems until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Class 1 or Class B Designer that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater disposal systems were installed in accordance with the permitted design and all the permit conditions, were inspected, were properly tested, and have successfully met those performance tests",

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.

- 1.6 Lot 1=2.03 acres is approved with an existing three (3) bedroom single-family residence. No alterations to the existing building that would change or affect the water supply or wastewater disposal systems shall be allowed without prior approval by the Drinking Water and Groundwater Protection Division. Construction of additional nonexempt buildings including commercial and residential buildings is not allowed without prior permitting by the Drinking Water and Groundwater Protection Division and such permit may not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.7 Lot 2=5.75 acres is approved for the construction of a new four (4) bedroom single-family residence. Construction of additional nonexempt buildings including commercial and residential buildings is not allowed without prior permitting by the Drinking Water and Groundwater Protection Division and such permit may not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.8 The Division relied upon the Vermont Licensed Designer's certification that the design-related information submitted is true and correct and complies with the Wastewater System and Potable Water Supply Rules and the Vermont Water Supply Rules. This permit may be revoked if it is determined that the project does not comply with these rules.
- 1.9 This project has been reviewed and approved in accordance with Section 1-311 Special Permit Standards for the Subdivision of Improved Lots.
- 1.10 Each purchaser of any portion of this project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plans, if applicable, prior to conveyance of any portion of this project to that purchaser.
- 1.11 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.12 Any person aggrieved by this permit may appeal to the Environmental Court within thirty (30) days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

2. WATER SUPPLY

- 2.1 Lot 1 is approved with an existing on-site drilled bedrock potable water supply well with a design flow capacity of **420 gallons** of water per day provided the water supply meets or exceeds the isolation distances, construction standards, and water quality standards required in the Water Supply Rule. The landowner shall operate the existing potable water supply in a manner that keeps the supply free from contamination. No changes shall be made to the existing water supply system unless prior approval is obtained from the Drinking Water and Groundwater Protection Division. No other means of obtaining potable water shall be allowed without prior review and approval by the Drinking Water and Groundwater Protection Division unless otherwise exempt. The landowner shall immediately notify the Division if the existing water supply system fails to function properly and becomes a "failed supply".
- 2.2 Lot 2 is approved for a new potable water supply system using a drilled or percussion bedrock well for a design flow capacity of **490 gallons** of water per day provided the supply is located as shown on the stamped plans and meets or exceeds the isolation distances, construction standards, and water quality standards required in the Water Supply Rule. The landowner shall operate the potable water supply in a manner that keeps the supply free from contamination. The landowner shall immediately notify the Division if the water supply system fails to function properly and becomes a "failed supply".

- 2.3 The components of the new potable water supply system, herein approved for Lot 2, shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Designer who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition 1.5 herein.
- 2.4 The new water source location for Lot 2, as shown on the stamped plans, shall be staked out and flagged by a qualified Vermont Licensed Designer prior to any construction on this project with the flagging being maintained until construction is complete.

3. WASTEWATER DISPOSAL

- 3.1 Lot 1 is approved with an existing subsurface wastewater disposal system with a design flow of **420 gallons** of wastewater per day. No changes shall be made to the existing wastewater disposal system unless prior approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.2 A designated replacement wastewater disposal area has been identified on Lot 1 as shown on the stamped plans. There shall be no construction or other activities that would impact the suitability of this replacement area for future wastewater disposal. Should the existing system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Class 1 or Class B Designer to evaluate the cause of the failure and to submit an amendment application to this office and receive written approval prior to correcting the failure.
- 3.3 Lot 2 is approved for the disposal of wastewater in accordance with the prescriptive mound-type system design depicted on the stamped plans for a design flow of **490 gallons** of wastewater per day. The system shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Class 1 or Class B Designer to evaluate the cause of the failure and to submit an amendment application to this office and receive written approval prior to correcting the failure.
- 3.4 The components of the wastewater disposal system, herein approved for Lot 2, shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Class 1 or Class B Designer who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition 1.5 herein.
- 3.5 Lot 2 is approved for mound-type wastewater disposal system provided the mound is constructed in strict accordance with the following conditions:
 - a. The mound system is to be located and constructed as depicted on the plans that have been stamped by the Drinking Water and Groundwater Protection Division;
 - b. A qualified Vermont Licensed Class 1 or Class B Designer shall inspect the mound system during critical stages of construction. This shall include the staking of the location of the mound, ensuring the site has been properly plowed prior to placement of the appropriate sand fill material, the installation and testing of the distribution piping, final grading of the mound including side slopes, and pump station installation; and
 - c. The construction of the mound shall adhere to the guidelines set forth in Section 1-913(f) of the above referenced rules.
- 3.6 The wastewater disposal systems for this project are approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.7 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater disposal systems are allowed on or near the site-specific disposal areas or replacement areas depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be maintained and will be incorporated into the construction and installation of the wastewater disposal system.

Emily Boedecker, Commissioner
Department of Environmental Conservation

By  _____

Dated August 3, 2017

Elias J. Erwin, Assistant Regional Engineer
Rutland Regional Office
Drinking Water and Groundwater Protection Division

cc: Jeremy Revell
Cornwall Planning Commission



Adam Powers <adam@powerslawvt.com>

RE: Cider Mill Road Town Highway Curb Cut Approval

1 message

Town of Cornwall Highway <cornwallvthwy@shoreham.net>
To: Adam Powers <adam@powerslawvt.com>

Tue, Mar 28, 2017 at 2:28 PM

Hey Adam,

Yes if the access that is being used is preexisting and already has a culvert it has already been approved.

Thanks for contacting me first!

Mike Sunderland

Cornwall Highway Foreman

1469 South Bingham Rd, Cornwall, Vt 05753

802-462-2752 Office 802-349-9178 Cell

Cornwallvthwy@shoreham.net

From: Adam Powers [mailto:adam@powerslawvt.com]
Sent: Tuesday, March 28, 2017 10:29 AM
To: cornwallvthwy@shoreham.net
Subject: Cider Mill Road Town Highway Curb Cut Approval

Hi Mike,

Thanks for taking my call this afternoon about the 5 Trillium Partners, LLC subdivision at the corner of Cider Mill Road and Route 125. Per our conversation, this is to confirm that the existing culvert and curb cut on Cider Mill Road may continue to be used, for the new driveway serving the new lot.

I understand that, if and when the existing grandfathered culvert is ever replaced, it will need to be replaced with a culvert that meets the new standard of 15-inch minimum diameter, and that at the time of any future replacement it would be helpful to meet with you at the curb cut for your review and input regarding drainage, etc.

If you'll confirm the above for my records, I'll much appreciate it. Thanks for your help,

Adam

Adam L. Powers, Esq.

Powers & Powers P.C.

1205 Three Mile Bridge Road

Middlebury, Vermont 05753

adam@powerslawvt.com

802.388.2211

fax: 388.1113



Adam Powers <adam@powerslawvt.com>

RE: Cornwall DRB question

1 message

James Carroll <jcarroll@64court.com>

Sun, Mar 21, 2021 at 8:29 PM

To: Adam Powers <adam@powerslawvt.com>

Cc: Michele Cyr <mcyr@64court.com>, Gary Barnett <barnyardbliss@yahoo.com>

Adam;

Sorry for the delay in getting back to you. I do think this requires a new warned hearing as a minor subdivision but I think it can be noticed and heard as a final hearing. I'll try to reach you by phone tomorrow. I'll be in the office.

Best, Jim

From: Adam Powers <adam@powerslawvt.com>

Sent: Friday, March 19, 2021 3:53 PM

To: James Carroll <jcarroll@64court.com>

Subject: Fwd: Cornwall DRB question

Hi Jim,

Happy Friday. Following up on the below- I welcome your thoughts. Please give me a ring any time if it's helpful to discuss, at 802-734-1225. Closing is supposed to be next week, and I'd like to adjust folks' expectations if it looks like there will be a delay.

Have a great weekend,

Adam

----- Forwarded message -----

From: Adam Powers <adam@powerslawvt.com>

Date: Mon, Mar 15, 2021 at 12:28 PM

Subject: Cornwall DRB question

To: Jim F. Carroll <jcarroll@64court.com>, Benjamin Putnam <benj@pmlawvt.com>, Rick Fritz <fmfritz@comcast.net>

Hi Jim,

Following up on a Cornwall subdivision permit wrinkle that I understand Barbara Greenwood forwarded to you. I worked on a single-lot subdivision for a client in 2017, and the lot is now for sale. Benj Putnam (copied here) has the buyers, and after his title search he notes that we apparently dropped a couple of stitches: the Cornwall subdivision ordinance requires the final mylar to be recorded within 180 days of the final approval, and to be signed by two members of the Planning Commission (read, I think, DRB). We missed the 180-day mark and the survey is not signed by the Planning Commission or DRB.

I propose that the DRB has the authority to accept the recording of the mylar and ratify the permit as issued. No aspects/conditions of the permit have changed, and I'd like to submit the attached to the DRB.

Probably adjacent landowners should be sent notice of the request, which I'd do promptly if this looks to you like a reasonable way forward to both of you.

Please let me know your thoughts. Thanks for your attention to this.

Adam

5 Trillium Partners, LLC Subdivision Permit Ratification Application

Proposed Verbal Approval for the DRB's Consideration

The DRB's approval may be contained in the meeting minutes, per Section 254 of the Cornwall Subdivision Regulations, and it would not establish a difficult precedent in this case to do so because this is the unique situation where a permit has already been approved and must be ratified due to the late filing of the Survey. In this specific situation, approving an application within the meeting minutes is appropriate.

Therefore, the DRB makes the following Findings of Fact:

1. That the Application before the board has been duly noticed to the public and to adjoining landowners;
2. That the Project is located in the Medium Density Residential zone.
3. That the Project meets the minimum lot size (2 acres), road frontage (250 feet), and lot depth (250 feet) minimums in the MDR zone;
4. That the Project has been approved for adequate water supply and wastewater disposal areas by the State of Vermont;
5. That the project is in keeping with the character of the neighborhood and with the Town Plan;
6. That the conditions of the 2017 approval have been met: namely that approval for the Curb Cut access to Cider Mill Road was confirmed, and that the locations for septic and well, and building envelopes, were added to the Survey before recording.

The DRB further makes the following Conclusions of Law:

1. That in this circumstance the Application may be acted upon by the Board, being noticed as a Final Hearing, as determined by Town Attorney Jim Carroll;
2. That the Application may be approved as it meets the requirements of the Cornwall Subdivision and Zoning Regulations.

DECISION: Therefore, the Application is hereby approved. The Approval for 5 Trillium Partners, LLC's subdivision as granted March 1, 2017 is hereby ratified, and the Survey Mylar as recorded October 20, 2017 as Map Number 285 is hereby approved. Two members of the DRB will sign the recorded mylar to confirm approval for future title searchers.