

Egress stair at

39 Lemon Fair Road Cornwall, VT 05753

A balcony and ladder secured to the outside of the building provide the existing egress path from the two third floor bedrooms.

A waiver is being sought for a new code-compliant egress stair to replace the ladder and balcony to provide a safe egress path.

This c.1805 building is set close to the intersection of Route 125 and Lemon Fair Road, as is typical of 1800s houses, and is located within the 100' front yard setback.

The house pre-dates the zoning code. The house, barn, and garage on this 13 acre property with over 900' of road frontage are all entirely or mostly within the 100' front yard setback.

Town code section 543 notes that "...Any carport, porch, terrace, deck, or steps not covered by a roof, awning, or other similar covering may extend into a yard."

The new egress stair would come close to the property line, but be tucked behind a large existing tree, and fit between the house windows for best aesthetics.

The house and egress stairs will be painted yellow (Benjamin Moore - Butter) with white trim (Benjamin Moore - Chantilly Lace) to match the barn and garage. The front shutters will be gray-blue (Benjamin Moore - Newburyport Blue).

The waiver review criteria are noted in Town code section 383. The proposed egress stairs satisfy all 5 review criteria.

1. The waiver requested is for a use permitted within the district in question as by right use. A stair with no roof is permitted to project in a yard setback, Town code section 543.
2. The waiver requested is in conformance with the Town Plan and the goals set forth in Section 4302 of the act, such as "support the provision of housing that will allow young people to buy homes and raise their families in the community".
3. The waiver requested is designed to conform to the character of the land use area in which it lies as defined in the Plan and further designed to reasonably limit impact or the potential for impact upon ones neighbors. The new egress stair will be tucked behind a large existing tree, and fit between the house windows for best aesthetics.
4. The design used incorporates design techniques, screening, or other remedies to reasonably limit impact or the potential for impact upon ones neighbors. The new egress stair will be tucked between a large existing tree and the house, and the stair will be an open frame design for least visual mass.
5. The waiver requested accommodates structures providing for disability accessibility, fire safety and other requirements of land or energy conservation or renewable energy structures. The new code-compliant egress stair will replace the existing ladder and balcony to provide a safe egress path.

- d. **Additional Protection Measures:** Additional measures may be imposed to protect resources identified on the parcel, such as restrictions on building sites through designation of building envelopes and clearing limits.
- e. **Town as a Party for Protection:** The Commission may require that the Town be a party to any legal mechanisms for the protection of open space.
- f. **Community Agreements:** When a development involves common ownership of community facilities, open spaces, or other commonly held property, a management organization to operate and maintain these facilities may be required by the Commission. A prospectus shall be submitted by the developer describing this organization, its financing and membership, which must meet the requirements of the Commission. Approval will be contingent on the Commission's receipt and acceptance of final drafts of documents to be executed that will form such organization.
- g. **Open/Conserved Space Management Plan:** In addition to demonstrating that an organization exists to operate and maintain common areas or areas set aside for open space, recreation or the preservation of natural resources, the Planning Commission may require that the applicant provide a management plan describing how the resources preserved will be maintained.
- h. **Village Open Space:** Within the Cornwall Village (V1) and West Cornwall Village (V2) Districts, open space or common areas should serve as a central organizing feature within the PUD, such as a green, park or playground; or should be designed to maintain a contrasting edge between the village and surrounding countryside by protecting agricultural land adjacent to the district boundaries.

Section 540: FRONT YARD SETBACK

The front yard setback shall be measured from the center line of the existing roadway.

Section 541: REDUCTION OF LOT AREA

No lot shall be so reduced in area that the area, yards, frontage, coverage, or other requirements of these Regulations do not conform to the requirements herein prescribed for each district. The provisions of this section shall not apply when part of a lot is taken for a public purpose.

Section 542: REQUIRED AREA OR YARDS

Space required under these Regulations to satisfy area, yard, or other open space requirements in relation to one building shall not be counted as part of a required open space for any other building.

Section 543: PROJECTION IN YARDS

Every part of a required yard shall be open from grade level to the sky unobstructed, except for vegetation and for the ordinary projections of sills, cornices, pilasters, chimneys, and eaves, provided that no such projections may extend more than two feet into any required yard. Additionally, certain architectural features needed for the operation of active and passive solar energy systems, including but not limited to overhangs, detached solar collectors, reflectors, and piping may be permitted by the Board of Adjustment to project into the required yard if conformance with yard requirements will cause undue expense or unusual difficulties. Any carport, porch, terrace, deck, or steps not covered overhead by a roof, awning, or other similar covering may extend into a yard.

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that we, FRED R. GREENMAN and JANET GREENMAN, of Middlebury, County of Addison,, State of Vermont, Grantors, in consideration of TEN AND MORE (\$10.00) Dollars, paid to our full satisfaction by ELIZABETH A. TODER of Dulles, County of Loudoun, Commonwealth of Virginia, Grantee, by these presents, do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantee, ELIZABETH A. TODER, her heirs and assigns forever, a certain piece of land in the Town of Cornwall, County of Addison, State of Vermont, described as follows, viz:

Two (2) parcels of land containing a total 13.05 acres, more or less, with residence and other improvements thereon, known and designated as 39 Lemon Fair Road, being more particularly described as follows:

PARCEL NO. 1:

All and the same lands and premises conveyed to Fred R. Greenman and Janet Greenman by Warranty Deed of Jane Quale (f/k/a Jane Q. Cantu) and Robert V. Cantu dated September 15, 2003, as recorded at Book 57, Page 562 of the Cornwall Land Records and more particularly described as follows:

Being 10.16 acres of land (with no improvements thereon) located on Vermont Route No. 125 in the Town of Cornwall and being depicted on a survey plat entitled "Lot Line Realignment Lands of Jane Quale, Robert V. Cantu, Victor Wright Quale, Westerly of Vermont Route No. 125 Southerly of Lemon Fair Road Cornwall, Addison County, Vermont" prepared by Timothy L. Short, Vermont Licensed Land Surveyor No. 651 on June 18, 2001 and recorded as slide No. 163 in the Land Records of the Town of Cornwall and being more particularly described as follows:

Commencing at a point marked by a 5/8" iron pipe with red plastic survey cap located in the presumed westerly edge of the right of way of Vermont Route No. 125; thence

N 61° 10' 58" W 342.88 feet to a point marked by a 1 1/2" iron pipe found; thence

N 64° 45' 50" W 148.09 feet to a point marked by a 5/8" iron pipe set in June, 2001; thence

N 08° 35' 01" W 45.27 feet to a point marked by a 5/8" iron pipe set in 2001; thence

N 52° 34' 52" W 164.34 feet to a point marked by a 2" iron pipe; thence
N 52° 17' 03" W 109.11 feet to a point marked by a 1 ½" iron pipe; thence
N 52° 30' 45" W 87.58 feet to a point marked by a 1 ½" iron pipe; thence
S 74° 07' 51" W 157.78 feet to a point at a Star Drill Hole found with iron
pipe found 2.7 feet to northeast on line; thence
S 74° 27' 31" W 618.21 feet to a point marked by a 1 ½" iron pipe; thence
S 52° 45' 58" E 97.02 feet to a point marked by a 1 ½" iron pipe; thence
S 52° 30' 45" E 650.72 feet to a point marked by a 5/8" iron pin with red
plastic survey cap; thence
N 37° 21' 43" E 420.00 feet to a point marked by a 1 ½" iron pipe; thence
S 52° 29' 55" E 179.46 feet to a point marked by a steel fencepost; thence
S 52° 36' 23" E 410.39 feet to a point marked by a 1 ½" iron pipe found;
said point being in the presumed westerly edge of right of way of Vermont
Route No. 125; thence
N 38° 59' 45" E 251.00 feet to the point and place of beginning.

Containing 10.16 acres, be the same more or less.

Reference is made to a Warranty Deed from Frank O. Bruch and Sally R. Bruch to Jane Q. Cantu dated August 2, 1985 and recorded in Book 31, Page 340 of the Cornwall Land Records.

Reference is made to a Consent and Agreement executed by Jane Quale, Victor Quale, and Robert V. Cantu regarding the boundary adjustment referenced and depicted on the above-referenced survey plat, said Consent and Agreement to be recorded simultaneously herewith in the Town of Cornwall Land Records.

Together with a permanent easement for a septic leach field on an adjoining 4.12 acre parcel owned by Jane Quale, as set forth in the Warranty Deed from Jane Quale and Victor Wright Quale to Jane Quale and Victor Wright Quale dated June 4, 2001 and recorded in Book 51, Page 315 of the Cornwall Land Records.

Also conveyed herewith, but by quit-claim only, are all lands and premises located between the lands and premises conveyed hereby and the center line of Vermont Route No. 125, so-called.

SUBJECT TO covenants and restrictions set forth in the Warranty Deed from Frank O. Bruch and Sally R. Bruch to Jane Q. Cantu (now known as Jane

Quale) dated August 2, 1985 and recorded in Book 31, Page 340 of the Cornwall Land Records.

SUBJECT TO utility easements of record as of the date hereof, if any, although any rights extinguished by the Vermont Record Marketable Title Act are not revived hereby.

PARCEL NO. 2:

All and the same lands and premises conveyed to Fred R. Greenman and Janet Greenman by Warranty Deed of Jane Quale (f/k/a Jane Q. Cantu) dated September 15, 2003, as recorded at Book 57, Page 565 of the Cornwall Land Records and more particularly described as follows:

Being all and the same lands and premises depicted as a 2.89 acre parcel, with two story home, outbuildings, and other improvements thereon, located on Lemon Fair Road, so-called and Vermont Route No. 125 in the Town of Cornwall and being depicted on a survey plat entitled "Lot Line Realignment Lands of Jane Quale, Robert V. Cantu, Victor Wright Quale, Westerly of Vermont Route No. 125 Southerly of Lemon Fair Road Cornwall, Addison County, Vermont" prepared by Timothy L. Short, Vermont Licensed Land Surveyor No. 651 on June 18, 2001 and recorded as Slide No. 163 in the Land Records of the Town of Cornwall and being more particularly described as follows:

Commencing at a point in the presumed westerly edge of the right of way of Vermont Route No. 125, said point marked by a 5/8" iron pin with red plastic survey cap; thence

N 61° 10' 58" W 342.88 feet to a point marked by a 1 1/2" iron pipe found; thence

N 39° 20' 13" E 416.53 feet to a point marked by a 1 1/2" iron pipe; said point being in the southerly edge of the presumed right of way of Lemon Fair Road, so-called; thence

S 38° 26' 55" E 121.00 feet to a point not monumented; thence

S 58° 17' 40" E 95.35 feet to a point not monumented; thence

S 67° 12' 02" E 94.46 feet to a point not monumented; thence

S 00° 35' 49" E 51.83 feet to a point marked by a 1 1/2" iron pipe found; thence

S 39° 14' 40" W 328.14 feet along the presumed westerly edge of the right of way of Vermont Route No. 125 to the point and place of beginning.

Containing 2.89 acres, be the same more or less.

Reference is made to a Warranty Deed from Frank O. Bruch and Sally R. Bruch to Jane Q. Cantu dated August 2, 1985 and recorded in Book 31, Page 340 of the Cornwall Land Records.

Together with a perpetual septic leach field easement as set forth in the Quit Claim Deed from George F. Parton III to Jane Quale dated April 10, 1995 and recorded in Book 42, Page 430 of the Cornwall Land Records.

Also conveyed herewith, but by quit-claim only, are all lands and premises located northerly of the lands and premises described above and the centerline of Lemon Fair Road, so-called and all lands and premises located easterly of the lands and premises described above and the centerline of Vermont Route Number 125, so-called.

SUBJECT TO covenants and restrictions set forth in the Warranty Deed of Frank O. Bruch and Sally R. Bruch to Jane Q. Cantu dated August 2, 1985 and recorded in Book 31, Page 340 of the Cornwall Land Records, and SUBJECT TO covenants and restrictions set forth therein by reference to a Warranty Deed from Andrew M. Yakemore and Edith A. Yakemore to Phyllis B. Parton dated June 23, 1967 and recorded in Book 21, Page 412 of the Cornwall Land Records.

SUBJECT TO terms and conditions of State of Vermont, Agency of Natural Resources, Department of Environmental Conservation Subdivisions Exemption No. HE-9-0320 dated December 8, 1998 and recorded in Book 47, Page 93 of the Cornwall Land Records.

SUBJECT TO utility easements of record as of the date hereof, if any, although any rights extinguished by the Vermont Record Marketable Title Act are not revived hereby.

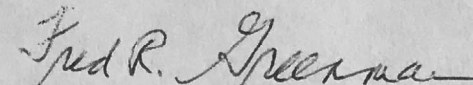
SUBJECT TO AND BENEFITTED by State of Vermont, Department of Environmental Conservation Wastewater System and Potable Water Supply Permit No. WW-9-2609 dated October 30, 2018, as recorded at Book 85, Page 239 of the Cornwall Land Records.

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said Grantee, ELIZABETH A. TODER, her heirs and assigns, to their own use and behoof forever;

And we, the said Grantors, FRED R. GREENMAN and JANET GREENMAN, for ourselves, and our heirs, executors and administrators, do covenant with the said Grantee, ELIZABETH A. TODER, that until the ensealing of these presents we are the sole owners of the premises, and have good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE, except as aforesaid.

And we hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever, except as aforesaid.

IN WITNESS WHEREOF, we hereunto set our hands this 6th day of September, 2019.

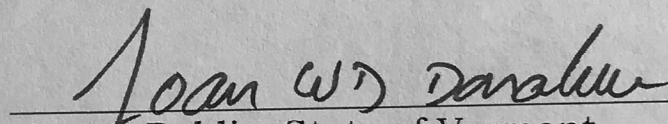

FRED R. GREENMAN


JANET GREENMAN

STATE OF VERMONT
COUNTY OF ADDISON, ss.

At Middlebury this 6th day of September, 2019, personally appeared FRED R. GREENMAN and JANET GREENMAN, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me:


Notary Public, State of Vermont

Joan W.D. Donahue
Notary Public
State of Vermont
Commission No. 0004921
Commission Expires: 1/31/21

Survey Notes

1. Reference survey and basis of MAGNETIC bearing "Survey Plat. of Victor Wright Quale, Jr. and Victor W. Quale, West of Vermont Route No. 125, South of Lemon Fair Road, Addison County, Vermont," surveyed by Short Surveying, Inc., dated May 29, 1996.
2. Reference survey "Property of Frank O. and Sally R. Bruch, Addison County, Vermont," surveyed by Lee H. Lowell, dated 1978-1979 and filed in the Cornwall Land Records as Map No. 31.
3. Reference survey "Property of: Harry and Brigitte Conway, Vermont Route 125, Addison County, Vermont," surveyed by Lee H. Lowell, dated 1979, 1980, 1981, 1989 and filed as Map No. 70 of the Cornwall Land Records.
4. Reference survey "Portion of Property of George and Harriett Carey, Addison County, Vermont," surveyed by Lee H. Lowell, dated January 3, 1980 and filed as Map No. 57 of the Cornwall Land Records.
5. Reference survey "Property of: Walter J. Anderson, Addison County, Vermont," surveyed by Lee H. Lowell, dated Jan. 22, March 20, 1979 and filed as Map #14 of the Cornwall Land Records.

6. The 4.12 acre lot may be subject to water rights reserved in a Warranty Deed to Phyllis Parton dated June 23, 1987 Ref. 21/412. There are building restrictions set out in this instrument as well. see also 21/387 and 21/135.
7. This lot is also subject to a sewer easement in favor of the 10.02 acre lot Ref. 41/281, 31/340.
8. The 2.89 acre lot is subject to various building and water rights as referenced in 21/412.

Lands of
Joy Blix
32/352

Lands of
Victor Wright Quale
4.12 Acres ±
51/315
Ref. 28/73

Lands of
Jane Quale &
Robert V. Cantu
10.16 Acres ±
44/598
Ref. 27/186
21/297
21/388

Lands of
Nobuo and Carole
Ogawa
36/468
Ref. 28/419

Lands of
Nobuo and Carole
Ogawa
36/468
Ref. 28/419

Lands of
Jane Quale
2.89 Acres ±
31/340
Ref. 21/412

Legend

- 5/8" IRON PIN FOUND WITH RED PLASTIC SURVEY CAP OR AS NOTED
- 1 1/2" IRON PIPE FOUND OR AS LABELLED
- BLAZED LINE FOUND NEAR LINE
- WIRE FENCE / REMAINS OF ON OR NEAR LINE
- PROPERTY LINE
- 48/202 • CORNWALL LAND RECORDS, VOLUME AND PAGE.
- POINT NOT MONUMENTED
- OVERHEAD WIRES AND UTILITY POLE

Short Line Courses

LINE	BEARING	DISTANCE
L1	S 58°17'40"E	95.35'
L2	S 67°12'02"E	94.46'
L3	S 00°35'45"E	51.83'
L4	N 08°35'01"W	45.27'
L5	N 52°30'45"W	87.58'
L6	S 08°27'04"E	63.53'
L7	S 10°22'08"E	71.04'
L8	S 22°12'04"E	62.32'

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. on the _____ day of _____, 20____, in Plan Book _____, Page _____ of the Town's Land Records.

Signature: _____ Title _____

Surveyor's Certificate

This survey is based on recorded deeds, field evidence and previous surveys as noted hereon.

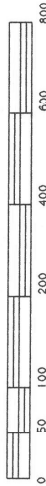
TIMOTHY L. SHORT
VERMONT LICENSED LAND SURVEYOR No. 651

SHORT SURVEYING, INC.
135 SOUTH PLEASANT STREET
MIDDLEBURY, VERMONT 05753
TEL: 802 368-3511

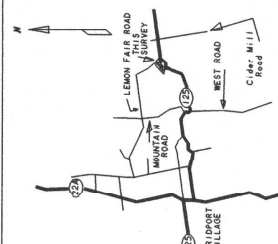
SURVEY PLAT

Lot Line Realignment
Lands of
Jane Quale,
Robert V. Cantu,
Victor Wright Quale

WESTERLY OF VERMONT ROUTE NO. 125
SOUTHERLY OF LEMON FAIR ROAD
CORNWALL, ADDISON COUNTY, VERMONT
Scale: 1" = 100'



Vicinity Map





BOLDER
ARCHITECTURE, PLLC

19-47 Toder-VT

Property Owners Adjacent to 39 Lemon Fair Road Cornwall, VT 05753
SPAN: 162-051-10428 Parcel ID# 50103

79 Lemon Fair Road SPAN: 162-051-10429 Parcel ID# 50103.1
Robert Alberts & Sarah Raunecker 1641 Mountain Road Bridport, VT 05734

1390 Route 125 SPAN: 162-051-10390 Parcel ID# 50104
Nobuo Ogawa & Carole Cavanaugh 1390 Route 125 Cornwall, VT 05753

1512 Route 125 SPAN: 162-051-10239 Parcel ID# 50105
Roman Graf 132 Blinn Lane Middlebury, VT 05753

183 Lemon Fair Road SPAN: 162-051-10052 Parcel ID# 50160
Cynthia Haynie 3026 Alabama Court Houston, TX 77027

20 Lemon Fair Road SPAN: 162-051-10466 Parcel ID# 50202
Gregor & Bronwen Kent PO Box 887 Middlebury, VT 05753

1273 Route 125 SPAN: 162-051-10284 Parcel ID# 50204
Emily May & Daniel Kane 1273 Route 125 Cornwall, VT 05753

1341 Route 125 SPAN: 162-051-10117 Parcel ID# 50213
Catherine Cannon 1341 Route 125 Cornwall, VT 05753