

**Cornwall Development Review Board (DRB)
MINUTES • February 2, 2022 • 7:00–8:10 pm
Meeting & Hearing • Virtual via ZOOM**

MEMBERS PRESENT: Barbara Greenwood, Shari Johnson, David Anderson, Cheryl Cesario,
Ellen Whelan-Wuest

ALTERNATES PRESENT:

ATTENDEES: Randy Laframboise, Applicant

1. **CALL TO ORDER:** at 7:00pm by Barbara Greenwood, DRB Chair
2. **ESTABLISHMENT OF QUORUM**—Established
3. **APPROVAL OF AGENDA**—Barbara asked for Board approval to amend the Agenda by adding a Deliberative session, if needed, as Agenda item #11. Shari MOVED, David SECONDED, to approve the Agenda as amended *Motion passed*.
4. **APPROVAL OF MINUTES:**
 - *January 5, 2022*—David MOVED, Shari SECONDED, to approve the **January 5 Minutes** as presented. *Motion passed*.
5. **PUBLIC MEETING ATTENDEE SIGN-IN:**
 - Barbara noted that she would be chairing the meeting, and David Anderson would be handling the Zoom aspects. She introduced the DRB members in attendance in addition to herself: David Anderson, Shari Johnson, Cheryl Cesario, Ellen Whelan-Wuest, and Board Secretary, Robin Conway. Also present: Randy Laframboise, the Applicant. No members of the public were in attendance.
 - Barbara advised that the hearing would be conducted under the Board's Rules of Procedures.
 - She then indicated that sign-in of attendees was first up, and noted that there were no members of the public in attendance.
6. **HEARING:**
 - **Introduction & Housekeeping**—
 - This hearing is for approval of a Variance or a Waiver in order that the Laframboises may apply for a Boundary Line Adjustment from the ZA.
 - Before commencing with the hearing, Barbara indicated that several housekeeping measures would be handled. The hearing procedure was then explained. The Applicant will be asked to make the project presentation, followed by questions from the Board. Once Board questions are ended, the Applicant will have a chance to respond, then any additional Board queries and a short Board conference to determine whether to close or to adjourn the hearing to a specified date, time, and place. First the housekeeping:
 1. **Disclosure of Board conflicts of Interest, ex parte communications, site visits**—
 - Barbara visited the site via a drive-by on January 20, 2022.
 - Cheryl and Ellen walked the parcel on January 28, 2022.
 - David drove by and viewed the parcel on February 1, 2022.
 - Shari also did a drive-by, but not sure of the date.
 2. **Exhibits**—Materials submitted and accepted into evidence, marked as follows:
 - **Exhibit 1**—*Warning* (which was posted in a timely fashion at the Town Hall and Town Garage, and on the Town website; the property was also posted)

- **Exhibit 2—Proof of service.** Email from the applicant, with the certified mail receipt for Peter Laframboise, together with a copy of the warning provided to Peter. The email indicates that Peter is the only abutter.
- **Exhibit 3—Application** as filed on December 23, 2021, consisting of:
 - **3A**—Application form dated December 22, 2021;
 - **3B**—List of attachments;
 - **3C**—Attachment 1, narrative setting out the reason for the waiver/variance request;
 - **3D**—Attachment 2, Warranty Deed from Ronald L. Van Dusen to Susan C. Bourdon and Randy Laframboise, dated April 27, 2018;
 - **3E**—Attachment 3, Tax Map or part thereof showing parcel;
 - **3F**—Attachment 4, Boundary Line Adjustment Application;
- **Exhibit 4**—Electronic tear sheet showing publication of the warning in the *Addison Independent*, January 13, 2022;
- **Exhibit 5**—Cornwall Conservation Commission’s review of the application, dated January 6, 2022, indicating no concerns with the application.
- **Applicant’s Presentation**—David swore in Randy Laframboise.
 - The property (Parcel ID 09-01-14) is located at 578 Morse Road. It is a non-conforming parcel consisting of one-half-acre. It lies in the Low Density Residential District.
 - The property was owned by Randy’s father as part of the Laframboise farm. It was sold to Ron Van Dusen 35 or 40 years ago. Randy and Susan purchased it from Ron Van Dusen on April 27, 2018 (*Exhibit 3D*).
 - When the farm was put into the Vermont Land Trust, a one-half-acre piece abutting the Van Dusen lot to the south was withheld from the VLT agreement on the assumption that someday, the lot 09-01-14’s owner might want to add it to the lot.
 - Lot 09-01-14, now owned by Randy and Susan, can not meet the 4-acre minimum in the LDR because of the abutting acreage being in the Vermont Land Trust. The only option they have is to add the one-half-acre parcel that had not been included in the VLT agreement. This requires a BLA between Randy & Susan and Randy’s brother, Peter, who now owns the farm.
 - Randy and Susan need a Variance or a Waiver as, even with the BLA addition of the one-half-acre lot, the minimum LDR lot size can not be met. In reviewing the Waiver/Variance provisions in the CZR, neither Randy nor the ZA could understand which would apply so they decided to leave it to the Board to make that determination.
 - Randy’s future plans are uncertain at this time, but he is considering the construction of a garage and perhaps a small “mud room” addition to the house. The setback on the front in the LDR is 100’ so any house expansion would need to be on the rear (south side) of the dwelling. The rear setback is 50’. Front and rear setbacks equal 150’ on a lot with a depth of 158’. Enlarging the lot with the half-acre parcel will make Parcel ID 09-01-14 more usable.
- **Board Questions**
 - **Cheryl & Ellen:**
 - Cheryl commented that the VLT map was very helpful, that she has seen many VLT agreements and understands the restrictions placed on lands under VLT authority.
 - Ellen asked for confirmation that the possible future additions (garage, small house addition) are all permitted, not conditional uses. **Randy:** *They are all permitted, by-right uses.*
 - **Questions from other Board members:**
 - **Barbara:** Any concerns regarding lot frontage (parcel has 149’, LDR requires 300’)? **Randy:** *The ZA had not mentioned anything about the frontage being an issue.*

- To clarify: If a Waiver or Variance is approved, then Randy will apply for a BLA, possibly use the application originally files with the ZA and included with the application for the hearing? **Randy:** *Yes, would likely submit the included BLA application to Gary as originally planned.*
- Noted that there are provisions in the CZR (§§370, 380) for Variances and for Waivers, and also in the Subdivision Regulations (CSR §150 Waivers and Variances). She read aloud the CSR provisions where §151 focused on the DRB's authority to vary requirements if "extraordinary and unnecessary hardships" would result from adherence to the regulations.
- Barbara also noted CSR §222(3) requires all BLA lots to meet dimensional requirements of the underlying district.
- **Public Comments**—None
- **Board last opportunity**—No questions
- **Applicant closing comments**—None
- **Board Conference**—Board agreed they had the information they needed in order to make their decision. Barbara closed the hearing at 7:35 pm. She advised the Applicant that the Board would issue its decision within 45 days.

The Board resumed its business meeting and proceeded with the Agenda.

7. **POTENTIAL CANDIDATES**—None

8. **SB RECOMMENDATION**—Barbara proposed that the DRB make the following recommendations to the SB for consideration at the March meeting when they make their appointments:

- Cheryl and Barbara be appointed to 3-year terms, both expiring in 2025.
- David's seat be filled with an appointment for 1 year (to 2023), then on a 3-year schedule (first expiration 2026)
- Shari and Ellen 3-year terms currently expire 2024.

This would ensure no more than 2 terms would expire in any year and would allow a 3-person quorum to be available at all times. Board agreed

9. **AVAILABILITY FOR NEXT MEETINGS**

- **March 2, 2022**—All expect to be available; David's term expires, he may not attend if there is no hearing. Ellen has agreed to take over the Zoom handling.
- **April 6, 2022**—The organizational meeting. All expect to be available.

10. **OTHER BUSINESS**

- **Old**—None
- **New**—None

11. **DELIBERATIVE SESSION**—Board held deliberative session on Laframboise #22-001 Application.

ADJOURNMENT—Meeting adjourned at 8:10pm.

Respectfully Submitted,
Robin Conway, DRB Secretary