

CORNWALL DEVELOPMENT REVIEW BOARD (DRB)
MINUTES • January 4, 2023 • 7:00–8:51 pm
Meeting • In-Person (Town Hall) and Virtual via ZOOM

MEMBERS PRESENT: Barbara Greenwood, Shari Johnson, Ellen Whelan-Wuest, Douglas Black

ALTERNATES PRESENT: Joan Lynch

GUESTS PRESENT: Justus DeVries, Jr. (representing the Pyles); Don Burns; Mary Dodge (CCC)

1. CALL TO ORDER: at 7:00pm by Barbara Greenwood, DRB Chair

2. ESTABLISHMENT OF QUORUM—Established. The Chair noted that as Board Member Cheryl Cesario would be unable to attend hearings on this project, Joan Lynch would be appointed to fill her seat.

3. APPROVAL OF AGENDA—Barbara requested approval to add a short discussion of the 2022 DRB report for the Town Meeting Report. Ellen MOVED, Douglas SECONDED, to approve the Agenda as amended. *Motion passed.*

4. APPROVAL OF MINUTES

- *December 7, 2022*—Douglas MOVED, Shari SECONDED, to approve the **December 7 Minutes** as amended. *Motion passed.*

5. MEETING SIGN-INS—Attendees DeVries' and Burns' names and postal addresses were recorded by the Board Secretary. Ellen then administered the oath to the two attendees. Mary Dodge arrived at 7:30 and was sworn in prior to testimony, with address recorded by the Secretary. The recording of the meeting was begun.

- *Justus DeVries, Jr.*—Bristol, VT 05443
- *Don Burns*—Cornwall, VT 05753
- *Mary Dodge*—Cornwall Conservation Committee; Cornwall, VT 05753

6. Pyle Sketch Plan Review—Proposed subdivision of property at 2846 VT Rte 30, Cornwall:

A. Introduction—Barbara gave a short review of the process to be used for this sketch plan review meeting: after some housekeeping matters, Justus DeVries, representing the Applicants, Mike and Julie Pyles, would present the proposal for the project review, followed by Board questions, and an opportunity for the Applicant to respond. An opportunity for public comment would follow Board questions, then an Applicant response, and a final opportunity for additional Board questions.

Barbara noted that the meeting would be conducted in an orderly manner and in accordance with the Board's rules of procedure.

Barbara then explained that this is a Sketch Plan Review for the proposed subdivision of a 12.8-acre parcel at 2846 Route 30, Cornwall, into 2 lots. This Review is not a warned hearing, no newspaper warning was published, no abutters were notified, nor were any posting made within the Town. The Review is simply an informal opportunity during a regular Board meeting for the applicant and Board to review the proposal and the specific requirements of the *Cornwall Subdivision Regulations* (CSR) that would be applicable, ask questions, make suggestions. After the review, the Board would determine if the project is a Major or a Minor Subdivision, would advise the Applicant of materials that should be submitted prior to the

Preliminary Hearing, and decide any technical review fee that might be required to be held in escrow.

B. Housekeeping—Before opening discussion on the review, the following housekeeping issues were dealt with:

- **Conflicts of Interest, ex parte communications, or visits** to the property
 - Barbara. She and Joan visited the property on December 29, 2022.
 - Joan. She revisited the property on December 31, 2022, with Douglas.
- **Pyle Exhibits**—The following documents had been filed and were marked as exhibits for the this review:

On December 2, 2022 the following were filed:

Exhibit 1—Sketch Plan Review Materials

- 1A**—Cover page
- 1B**—Completed Application Form, dated December 1;
- 1C**—Aerial Map
- 1D**—Tax Map
- 1E**—Tax Map with Neighboring Property Owners
- 1F**— 8.5x11 Draft Site Design, Jeff Kelley, dated July 12, 2017
- 1G**—Itemized Property Costs, dated February 15, 2022
- 1H**—Sketch / Area Table Addendum
- 1I**—State of Vermont DEC letter to Michael and Julie Pyle with Wastewater System and Potable Water Supply Permit # WW-9-9037; dated June 13, 2022
- 1J**—Orthophoto map of the property
- 1K**—Two pages of photographs of the property

On December 12, 2022, the following were filed:

Exhibit 2—Additional Materials

- 2A**—Copy of email from Gary Barnett to the Pyles requesting three additional items; dated December 9, 2022
- 2B**—Narrative for proposed project; December 13, 2022
- 2C**—Copy of Draft Site Design
- 2D**—Tax Map indicating abutting property owners
- 2E**—List of Names and Addresses of abutting property owners
- 2F**—Warranty deed for property

The following materials were submitted, and marked, prior to this meeting:

- Exhibit 3**—Comments from the Cornwall Conservation Committee; December 31, 2022
- Exhibit 4**—Updated Site Design map, dated (per State WW permit) March 21, 2022
- Exhibit 5**—Enlarged 3/21/22 Site Design map, 11x17, Jeff Kelley; dated December 31 2023(sic)
- Exhibit 6**—Copy of Proposed Site Design with measurements of parcel boundaries marked
- Exhibit 7**—January 2, 2023, email from Kelley to DeVries with copy of Zapata Courage email of March 30, 2022, confirming wetland information.

C. Pyle Sketch Plan Review:

1. Applicant's Presentation & Update—Justus DeVries

• **Proposed Subdivision**

- The property is Parcel ID #80321, a 12.8-acre parcel at 2846 Route 30 in Cornwall. The Proposal is to divide the property into 2 parcels: Lot 1—a 2-acre lot with the existing 2 bedroom house and garage and Lot 2—a currently undeveloped 10.28-acre lot on the north, west, and south sides of Lot 1.
- The property was purchased in 2014 and recorded, per Warranty Deed dated November 4, 2014, in Book 78, pages 66-67 on November 7, 2014. It has been used as tenant quarters and as a rental house, the land has been used by neighbors for cattle grazing.
- Proposed Lot 1—The 2-bedroom house was built in 1979. It has a State WW permit for a replacement septic system sized for a 3-bedroom house. The lot has a garage and a driveway.
- Proposed Lot 2—Currently undeveloped. There is a State WW permit for a 4-bedroom house. The Site Plan shows a proposed driveway off Route 30 which has not yet been approved by VTRANS. The lot has significant wetlands, but the setbacks for the septic system meet the required wetland setback distance.
- It is possible that a shared driveway for the two lots might be proposed. It would be easier to get the VTRANS permit, but is still being discussed. If done, the existing Lot 1 drive would likely be the access point, with the to-be-constructed Lot 2 drive branching off to the SW to the Lot 2 house site.
- The Kelley Draft Site Design Plan was drawn based on tax map data and does not have fully accurate acreage delineations. Its primary purpose was for the State WW application. Tim Short has been contacted to produce a completed, accurate survey.

2. **Board Questions/Comments:**

- The map shows the property being 11.8 acres, but the testimony indicates 12.8 acres. The discrepancy is causing confusion among Board members, please explain. **Justus:** *The submitted map was based on tax maps not a field survey. The Pyles were not ready to subdivide at the time Kelley drew the design plan, which was made for submission to the ANR for the State water/Wastewater Permit. A field survey will be produced which will show the lots with accurate measurements.*
- What is/are the zoning district(s) where the property lies? The survey needs to include district boundaries.
- What sort of septic system does the existing house have? **Justus:** *It has a conventional leach field. The system works and there are no plans to replace it at this point. The Pyles feel it might be easier to sell if the permit for a replacement septic is already granted and Kelley was already doing the design for the Lot 2 septic.*
- Please clarify current use of the property. **Justus:** *As noted, the property is currently used as a house rental and for grazing. The plan is to sell as 1 parcel, but as it might be easier to sell as 2 lots or as 1 with a subdivision permit approved, the current subdivision application is proposed.*
- What will be done about utilities? **Justus:** *There is a power pole near the well, lines will probably be underground. There is a possibility that the Lot 1 well, with appropriate water rights, might be used to supply the Lot 2 house as it is an excellent aquifer. If so, there would be a water easement to the Lot 2 house from the existing drilled well.*
- **Barbara:** Just a note about the property owner map: the owner to the north is shown as Donald Jones, but should be Don Burns? **Justus** confirms.
- **Barbara** and **Justus** reviewed the wetland areas and possible erosion and construction mitigation controls for Lot 2.

3. Public Questions/Comments, Applicant response:

- **M.Dodge, CCC**—The importance of these particular wetlands is indicated by the State’s designation as “High Priority” and warrants extreme care during the driveway and other construction activities. They saw no evidence of rare or endangered species, but what *is* important is the surface water and riparian area protection on the property.

4. Board last questions or comments: None.

5. Applicant last response: None

6. Wrap Up—Board discussed the proposed project in light of the exhibits and testimony and classified as a Minor Subdivision.

- As a Minor subdivision, there is only one hearing (including any resumptions of the hearing if recessed);
 - the hearing will require a newspaper 15-day warning, notices to abutters, and local postings pursuant to CSR §242
 - pursuant to CSR §251, the applicant shall submit a complete application for approval of the subdivision within six (6) months of the classification of the project as a Minor Subdivision;
- Board may decide to request a technical review fee, to be held in escrow per CSR §233, at a later date as they do not yet have sufficient information to make that determination.
- Board had no changes to suggest for the project plan.
- the Board requested the following documentation to be submitted with the application for the hearing:
 - the required provisions of CSR §320 (ie: 1, 2, 3, 4, 6, and 7) plus the first part of (5), and 11(a)(b) & (c), and §412 regarding mitigation of any impacts on wetlands. The remaining provisions of §320 waived or noted to be on the survey.
 - additionally, the markers (provision §320[14]) should be set to mark the boundaries of Lot 1, and the building envelopes, house sites, wells, and septic system locations of both lots.
 - other provisions of §320 are waived
 - a survey should accompany the complete application, showing the zoning district boundaries, district setbacks, proposed building envelopes, existing and proposed house locations, wells, septic systems, utility and other easements including driveway, and property boundaries for the lots.
 - the Sketch Plan documents and other documents exhibited for the Sketch Plan Review need not be resubmitted., unless changes were to be made to them. Any revised documents should be submitted with the application.

Business meeting Agenda resumed. Recording ended.

7. OTHER BUSINESS

- **Old**—None
- **New**
 - **2022 DRB Report**—Discussion on the report on the 2022 activities of the DRB requested by the Town Auditors. Any suggested rewording to be submitted to Barbara.
 - Short discussion on recruitment of volunteers for the position of Board Alternate.

8. AVAILABILITY FOR NEXT MEETINGS

- **February 1, 2023**—Shari probably will not be available, Joan perhaps away as well, all others expect to be present.
- **March 1, 2023**—Shari perhaps not, others expect to be present.

9. Deliberations

- MacFadden

ADJOURNMENT—Ellen MOVED, Shari SECONDED, that the meeting be adjourned. *Motion passed*. Meeting adjourned at 8:51^{PM}.

Respectfully Submitted,

Robin Conway, DRB Secretary