

CORNWALL DEVELOPMENT REVIEW BOARD (DRB)
MINUTES • March 1, 2023 • 7:00–8:35 pm
Meeting • In-Person (Town Hall) and Virtual via ZOOM

MEMBERS PRESENT: Barbara Greenwood, Shari Johnson, Douglas Black; Ellen Whelan-Wuest (arrived 7:25)

ALTERNATES PRESENT: Joan Lynch

GUESTS PRESENT: Ron LaRose (representing MacFadden); Kymberly Breckenridge; Mary Dodge

- 1. CALL TO ORDER:** at 7:00pm by Barbara Greenwood, DRB Chair
- 2. ESTABLISHMENT OF QUORUM**—Established. The Chair noted that Ellen would be arriving at 7:15. Joan will serve in place of Cheryl who is absent.
- 3. APPROVAL OF AGENDA**— Shari MOVED, Joan SECONDED, to approve the Agenda as amended. *Motion passed.*
- 4. APPROVAL OF MINUTES**
 - **January 4, 2022**—Douglas MOVED, Joan SECONDED, to approve the **January 4 Minutes** as amended. *Motion passed.*
 - **February 1, 2022**—Shari MOVED, Joan SECONDED, to approve the **January 4 Minutes** as presented. *Motion passed.*
- 5. HEARING SIGN-INS**—Attendees’ names and postal addresses were recorded by Robin. Douglas administered the oath to Ron and Mary. The recording of the meeting was begun.
 - **Ron LaRose**—LaRose Surveys, 25A West St., Bristol, VT 05443
 - **Kymberly Breckenridge**—Rte 74, Cornwall, VT 05753
 - **Mary Dodge**—Cornwall Conservation Committee; Cornwall, VT 05753
- 6. HEARING: MacFadden Subdivision Final Application**
 - A. Introduction**—Barbara gave a short review of the process to be used for this Final Application Hearing: after some housekeeping matters, Ron LaRose, representing the Applicant, presents the Final Application for the proposed subdivision, followed by Board questions, and an opportunity for the Applicant to respond. An opportunity for public comment follows Board questions, then Applicant’s 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 Final Application review for the subdivision of a 17.33-acre parcel at 625 Route 30, Cornwall, into 3 lots. This hearing was warned and posted as required. The review will be under the specific applicable requirements of the *Cornwall Subdivision Regulations* (CSR). The Board determined the project to be a Major Subdivision at the June 1, 2022 Sketch Plan Review meeting, and reviewed the Preliminary Application on November 2 and December 7, 2022. A technical review fee of \$2,500 was set and required to be held in escrow. On January 13, 2023, the Board issued a decision approving the Preliminary Plan and Plat, with Conditions.

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. Talked with Ron LaRose February 6, 2023, as the Town Hall was closed, to clarify and satisfy Condition #1 in the Board’s January 13, 2023 decision.
- ***Exhibits***—The following documents had been filed and were marked as exhibits for this review:
 - Exhibit 13***—Warning (which was posted in a timely fashion at the Town Hall and Town Garage, on the Town website, and on the property)
 - Exhibit 14***—Electronic Tear sheet with warning as published in the *Addison Independent*, February 9, 2023

Application materials filed February 3, 2023:

- Exhibit 15***—Index to DRB packet
- Exhibit 16***—Completed application form
- Exhibit 17***—Letter from Rose Torrey dated November 5, 2022 authorizing Ron LaRose to proceed with this subdivision application
- Exhibit 18***—February 3, 2023 narrative describing the 3-lot subdivision
- Exhibit 19***—Tax Map depicting the property to be subdivided
- Exhibit 20***—Warranty Deed from M. Hartley MacFadden to Rose Torrey, Trustee of the M. Hartley MacFadden Trust
- Exhibit 21***—List of Abutting landowners
- Exhibit 22***—February 2, 2023 letter from Benj Putnam to the DRB providing the certification required by Condition #4 of the DRB’s decision of January 13, 2023
- Exhibit 23***—Draft Easement and Road Maintenance Agreement between Rose Torrey, Trustee and Michael P. Palmer and Gisela Palmer
- Exhibit 24***—Plat Showing a Proposed Subdivision of lands of Rose Torrey, Trustee of the M. Hartley MacFadden Trust, dated March 1, 2022 and revised 2/3/2023—*which we will call the “Final Plat”*
- Exhibit 25***—February 3, 2023 Narrative on the Water and Wastewater Disposal Systems
- Exhibit 26***—Landowner Signature Sheet submitted for Wastewater Permit
- Exhibits 27 & 28***—Sheets 1 and 2 of the Wastewater design plans submitted for Wastewater Permit

C. MacFadden Hearing:

1. Applicant’s Presentation & Update—Ron LaRose

- ***Proposed Subdivision***
 - The property is Parcel ID #06-01-25, a 17.33-acre parcel at 625 Route 30 in Cornwall. The Proposal is to divide the property into 3 parcels: an 8.88-acre lot with the existing dwelling, lying to the east of Bardon Drive; a currently undeveloped 4.31-acre lot in the north east corner of the parcel lying along Route 30; and an also undeveloped 4.14-acre lot west of Bardon Drive.

- Changes were made to the map, as requested, but the Regulations said only the Preliminary map should be submitted, so he was confused as to which map was actually wanted. **Barbara:** The Preliminary Plat is needed for the Town Records and has been received with the signature block as requested. A ‘Final Plat’ filed as *Exhibit 24*, incorporating the requested changes is what was wanted by the DRB for this hearing, to review and confirm the amendments have been made, with any additional changes from this hearing, on the mylar that is recorded as the “Final Plat.
- The WasteWater application was submitted to the State February 9, permit expected by mid-March. Despite one or two lots being under contract, no property can be transferred to a buyer until both the WW permit and any municipal permits are issued. There is also the 30-day DRB appeal period after decision issuance to be considered..
- Adjustments have been made to the building envelopes as requested.
- Benj Putnam, attorney for the Applicant, has requested that the DRB approve the application without finalization of the Road Maintenance Agreement. The Palmers have responded and it is expected that they will participate, but percentages of responsibility have yet to be finalized for the Agreement. Putnam hopes to be able to achieve this with the Town Counsel’s approval as a Condition.
- The revised Agreement (*February 27 Revised Draft Easement and Road Maintenance Agreement*) was presented and accepted as **Exhibit 29**.
- The utilities will come in, underground, from accessing utilities on Route 30 and branch off to Lots 2 and 3. Lot 1 and the Palmers are already served.

2. Board Questions/Comments:

- **Barbara:** Just a couple of comments for the record.
 - First, she commended and thanked Ron for great work on this subdivision application—both the preliminary application and now this final application. He’s been well-organized and clear, as well as cooperative with the Board and patient with the subdivision approval process, which can be complicated and confusing.
 - Second, for the record: the Town Attorney is satisfied with the certification letter provided by Benj Putnam (*Exhibit 22*), in which he certifies that the proposed subdivision will not violate or interfere with any easements or other property rights of record belonging to abutting property owners or third parties. So, the Applicant has complied with Condition #4 of the DRB’s January 13, 2023 decision.
 - Also, the Applicant has satisfied Condition #1 of the DRB’s decision, which required that 3 copies of the Preliminary Plat with a particular signature block added be filed.
- **Shari:** Happy the Palmers are on-board with the Maintenance Agreement. Her questions focused on the percentages to be allocated in the Agreement and though not yet done, she feels comfortable that all will be finalized as anticipated.
- **Barbara:** the State WW permits are the only State permits needed, to her knowledge. Are these two permits (water plus wastewater) or one (water & wastewater combined) **Ron:** The wastewater requires that water be included, so just one permit covering both.

3. Public Questions/Comments, Applicant response:

- **Mary:** Thanked all for addressing the concerns expressed by the CCC regarding the wildlife passage through the property. The forested area and related shrub-land, though not of great importance or value in so far as the DRB issues are concerned, nonetheless represents great value to the wildlife and their traffic corridor. **Ron:** Encourages the CCC

to submit a pamphlet to him or to Rose Torrey so that wildlife issues can be brought to the attention of new owners.

4. Board last questions or comments: None.

5. Applicant last response: None

6. Wrap Up—Board closed the hearing at 7:35. Barbara noted that the Board has 45 days to issue its decision, and if approved, the mylar must be presented for recording within 180 days of the decision.

- The word “proposed” should be removed from the plat in reference to the turn-around and building envelopes. This will be specified in the Board’s decision.

Business meeting Agenda resumed at 7:45. Recording ended.

7. CANDIDATE

- **Kymberly Breckenridge**—Kymberly was invited to address the Board, to add any newer information to her resume and explain her interest in joining the DRB. She is from Vermont, and moved to Cornwall about 5 years ago with her husband and 2 children. Her primary interests are Natural Resources and education. She is on several area boards (Teen Center, Skate Park, and others). Kymberly finds the land use subject very interesting and sees a tie-in between land use and her interest in Natural Resources. She believes her experience on Boards will be of value in working on DRB issues and hearings.
- The DRB will recommend that the Select Board appoint Kymberly to the DRB. Kymberly is willing to serve either as a regular member or as an alternate member.

8. DRB OPERATION

- **Deep Dive Team**—Barbara began by expressing her own pleasure as to how well the Deep Dive Teams have been operating and thanked all for their support of the concept and hard work in participating on the teams. She explained that although all DRB members are expected to read hearing materials and formulate questions for the applicants, the two Deep Dive Team members are expected to be prepared to thoroughly examine materials, have an intense focus on questions to be asked and ensure that all bases are covered prior to the hearing being closed. Deep Dive members are the primary applicant questioners and are responsible, with Barbara, for the initial decision writing. Short discussion followed with members expressing their views on the functionality of the team approach, what has worked well and what not so much.
- **Emails**—Barbara reminded members to please check their DRB email daily.
- **Forms**—There was a brief discussion of the application forms and of whether the Board should revise them. It was agreed to continue this discussion at a later meeting.
- **Resources**—Also available is the Town Counsel, although in the interest of keeping communications clear and succinct, Barbara should be the only DRB member contacting him.

9. OTHER BUSINESS

- **Old**—The Pyle property is under contract, the buyer is interested in pursuing the subdivision application.
- **New**
 - **April 5**—The Town wants to build a new salt shed on its property on South Bingham. The Town’s application for waiver and site plan review will be on the April agenda.

10. AVAILABILITY FOR NEXT MEETINGS

- *April 5, 2023*—All available; Joan will be recused as she is an abutter to the Salt Shed project.
- *May 1, 2023*—All available.

11. Deliberations

- MacFadden

ADJOURNMENT—Douglas MOVED, Shari SECONDED, that the meeting be adjourned. ***Motion passed.*** Meeting adjourned at 8:35^{PM}.

Respectfully Submitted,

Robin Conway, DRB Secretary