

**CORNWALL DEVELOPMENT REVIEW BOARD (DRB)
REGULAR MEETING MINUTES • September 4, 2024 • 7:00–9:15
In Person (Town Hall) & Virtually (via ZOOM)**

MEMBERS: Barbara Greenwood, Shari Johnson, Douglas Black, Kymberly Breckenridge, Molly Daly

ALTERNATES: Adam Eckhardt, Joan Lynch

ATTENDEES: Jonathan Hescok, Lynn Coale

1. CALL TO ORDER: 7:00^{PM} Barbara Greenwood, Chair

2. QUORUM: Established.

3. AGENDA APPROVAL: Barbara asked for approval to add the August Minutes to item 4. Douglas MOVED, Kymberly SECONDED, to approve the Agenda as amended. *Motion passed.*

4. APPROVAL OF MINUTES:

- Shari MOVED, Molly SECONDED, to approve the **Minutes of July 15 and August 7, 2024** as presented. *Motion passed.* This was a revote taken to approve Minutes by full members of the Board.

5. SIGN-INS for members of the public—None

- *Swearing-in of those planning to testify*—Douglas administered the oath to Jonathan and Lynn .

Recording started—Barbara noted that the recording was late in starting, she restated the items covered prior to the restart.

6. SUBDIVISION REVIEW—Hearing for approval of a proposed 2-lot subdivision by Jonathan & Kim Hescok of their ±2.7 acre parcel located at 2217 Route 74, Cornwall.

a. Introduction. Barbara explained the process, noting that the first step in a subdivision application is an informal meeting with the DRB called a “sketch plan review meeting,” which was held July 15. At that point, the Board classified the project as a minor subdivision. Tonight’s warned meeting provides the applicants an opportunity to officially present their proposal which is to divide their parcel into 2 lots of 1.7 acres and 1 acre with existing house.

b. Housekeeping. Before commencing the review, there were a couple of “housekeeping” items for the Board:

(1) *Conflicts of Interest, Ex parte Communications, Site Visits*—None to report.

(2) *Exhibits.* The following were accepted into evidence and marked as shown:

Exhibit 1—Notice of Hearing (which was posted in a timely fashion at the Town Hall and Town Garage, on the Town website, and on the property).

Exhibit 2—Certificates of Mailing for warnings sent to abutting property owners on August 12, 2024, along with the list of such landowners and the Notice that was mailed to them.

Exhibit 3—A copy of the electronic tear sheet showing the publication of the Notice of Hearing in the Addison Independent on August 15, 2024

- Exhibit 4**—Completed form—Application for subdivision dated 8-4-24 and marked as received by the Town 8-7-24
- Exhibit 5**—Description of proposed development plans and statement of compliance
- Exhibit 6**—Vermont parcel viewer picture of Hescok property dated 5-13-2024
- Exhibit 7**—draft plat showing proposed subdivision with contour lines marked, dated May 30, 2024, and prepared by Ronald L. LaRose
- Exhibit 8**—draft site plan showing a subdivision of the lands of Jonathan E and Kim E Hescok dated June 17, 2024 and prepared by Kevin L LaRose
- Exhibit 9**—Proposed easement language prepared by Judson E. Hescok, August 5, 2024
- Exhibit 10**—Undated letter from LaRose Surveys concerning water supply design information
- Exhibit 11**—Vermont Agency of Transportation Notice of Permit Action, approving a new residential access to Lot 2 and the retention of existing access to Lot 1
- Exhibit 12**—list of adjacent landowners
- Exhibit 13**—Trust Deed between F. Rendol Barlow, Trustee of the estate of Edith J. Catchapaw 1998 Trust and Jonathan E. and Kim E. Hescok, dated March 6, 2006
- Exhibit 14**—tax map
- Exhibit 15**—24 x 18 plat showing proposed subdivision survey of lands of Jonathan E and Kim E Hescok dated May 30, 2024 and prepared by Ronald L. LaRose
- Exhibit 16**—full size site plan showing a subdivision of lands of Jonathan E Hescok and Kim E. Hescok and providing sewage design information, dated June 17, 2024 and prepared by Kevin R. LaRose.
- [**NOTE**—Exhibits 4 through 16 were submitted as the application]
- Exhibit 17**—the list of adjacent landowners that was submitted for the sketch plan review meeting, which identifies by tax map # where the adjacent landowners are located
- Exhibit 18**—Conservation Commission report on the application, indicating no concerns
- Exhibit 19**—Photos of previous farmhouse taken years ago, maybe 1950s; submitted September 4, 2024.

c. Jonathan presented their proposal briefly restating what had been presented at the sketch plan meeting and adding some subsequent information.

- (1) The parcel at 2217 Route 74 is ± 2.7 acres; the proposed subdivision would create 2 lots: **Lot 1**— ± 1.7 acres, with dwelling and outbuildings, primary mound septic system (SE corner); **Lot 2**—1 acre, drilled well on west side.
- (2) Water and Septic. **Lot 1** has the septic system for the existing 5-bedroom house. House was originally the tenant house for the previously existing farm. Lot 1 may need its own drilled well, it currently uses the well on Lot 2, or if sharing there would need to be an easement to the well. **Lot 2** has the property's drilled well, formerly was the site of the original farmhouse. The proposed septic would be for a 2-bedroom house with its mound located on Lot 1 adjacent to the existing 5-bedroom mound. There is no plan for the septic system to be shared, an easement will be necessary, providing access to the new mound on Lot 1.
- (3) Several photos were presented showing the original farmhouse, perhaps in the 1950s. It was suggested that copies be made to keep with the application. The copies to be marked as *Exhibit 19*.

- (4) Also presented was proposed easement language drafted by the Hescocks' lawyer. The language may need adjusting when the lots are sold as a result of negotiations between buyer and seller. Easements needed for Lot 2's septic location on Lot 1, and for Lot 1's shared access to the well on Lot 2.
- (5) The VAOT approved the Lot 2 proposed driveway access, presently shown as a stub on the Site Plan (*Exhibit 16*).
- (6) Both septic locations are depicted on the *Exhibit 16* site plan. The Lot 2 septic was located on Lot 1 because Lot 2 does not have a location as suitable as the location selected on Lot 1.
- (7) Well water tested in early spring and is compliant with State requirements; when a house is built on Lot 2, the engineer may need to enlarge the water storage in order to comply with State requirements. Kevin LaRose has prepared the water/wastewater application but is waiting until the subdivision decision is made before submitting (per letter marked as *Exhibit 10*).

d. Board comments and questions.

- (1) Where was the front setback (35') on *Exhibit 15*, the draft survey plat, measured from?
Hescock: From the edge of the parcel.
- (2) Board noted the setbacks and building envelopes, for both lots, must be added to the Plat. The front yard setbacks must be measured from the center of the road, as required by the regulations. The driveway for Lot 2 should be shown. Both septic systems should be shown.

e. Wrap

- (1) Board discussed need for additional materials or more time with the applicant, decided that sufficient material and testimony had been received for them to enter into Deliberations.
- (2) Short discussion on the overall process and time for subdivision hearings. Barbara noted that the Board's decision likely would not take the entire 45-day allowed time.
- (3) Barbara closed the hearing 7:58.

7. OTHER BUSINESS

• **Old:**

- ***Waivers and Variances***—Follow up to Douglas' suggestion, tabled for DRB discussion at a later date, added below to suggestions for PC.

• **New:**

- ***Suggestions for updated Bylaws for the PC***—Shari and Barbara planning to attend next PC meeting, others also invited. Among the revisions discussed:
 - Consider addition of ZA Administrative Reviews of minor subdivisions pursuant to Statutes (24 VSA 4463(a), 4464(c)).
 - Consider smaller lot sizing to increase affordability.
 - Clarify differences and use of Waivers and Variances.
 - Put all parameters for Minor and Major subdivisions in one place. Reduce the need for moving back and forth from one section to another to gain understanding of any particular topic.
 - Reduce setbacks in LDR and MDR.
 - Expand ZA's authority in CZR §328 so he/she can grant permits "waiving" setback requirements for additions or renovations to pre-existing non-conforming structures everywhere and not just along Routes 30, 74, and 125

- Options for dealing with issues raised by filing deadlines and requirements for notice publication
- Consider Short-Term Rental (STRs) provisions.
- Clarify Home Occupations and Home Businesses.
- Eliminate “basket clause” in lists of permitted conditional uses
- Highlight/emphasize in some way the fact that Final Plats must be filed/recorded within 180 days of approval or they expire and applicant must start over.
- Cemetery provisions
- Make sketch plan review meetings optional for minor subdivisions
- Clarify provisions on ADUs

8 MEETING AVAILABILITY

- **October 2**—Shari away
- **November 6**—All expect to be available.

Recording stopped

9. DELIBERATIONS—Hescock

10. ADJOURNMENT: At 9:15^{PM} Kymberly MOVED, Douglas SECONDED, to adjourn the meeting. ***Motion passed.***

Respectfully Submitted,
Robin Conway, DRB Secretary