

TOWN OF CORNWALL
2629 Route 74, Cornwall, VT 05753
Development Review Board
FINDINGS AND DECISION

In re: Jonathan & Kim Hescock Subdivision

Hearing Application No. drb#24-003

I. INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding was reviewed under the *Town of Cornwall Subdivision Regulations* (CSR) dated February 5, 2008 and the *Cornwall Zoning Regulations* (CZR), of the same date, §240 *West Cornwall Village*. It was for an application for a Minor Subdivision of a parcel at 2217 Route 74, Cornwall, VT, owned by Applicants Jonathan and Kim Hescock.
2. The application for Minor Subdivision Approval and supporting documents were initially reviewed at a sketch plan meeting on July 15, 2024, when the Application was deemed to be a Minor Subdivision. The Final Application was received at the Town Hall on August 7, 2024. A copy of the Application is available at the Cornwall Town Clerk's Office. Additional materials were received prior to, and at, the hearing on September 4, 2024.
3. On August 15, 2024, notice of a public hearing to be held on September 4, 2024 for review of the Application was published in the *Addison Independent*.
4. Notice of a public hearing for review of the Application was posted at the following places:
 - a. The Town Hall
 - b. The Town Garage
 - c. The Town website
 - d. The property in question.
5. The Application for the Minor Subdivision approval was considered by the DRB at a public hearing held in-person and virtually at the Town Hall on September 4, 2024.
6. Present at the hearing were the following members of the DRB:
 - Barbara Greenwood (*DRB Chair*)
 - Shari Johnson (*Vice-Chair*)
 - Douglas Black
 - Kymerly Breckenridge
 - Molly Daly
 - Joan Lynch, Alternate
 - Adam Eckhardt, Alternate
7. No members of the public attended or provided any written testimony at the hearing. The Applicant Jonathan Hescock and the ZA were duly sworn in at the hearing.
8. The Application was for approval to divide a 2.7-acre parcel on Route 74 into two lots, a 1.7 acre lot with house (Lot 1) and a 1 acre undeveloped lot (Lot 2).

II. EVIDENCE AND RELEVANT TESTIMONIES:

A. Exhibits. The Exhibits received into evidence during the hearing on the Application are listed in *Attachment A* at the end of this Decision. These Exhibits are all available at the Town Clerk's Office. Also at the Town Office are the Sketch Plan Meeting and Hearing Minutes with details of the relevant comments and testimonies heard (ref: *DRB Minutes July 15, 2024* and *September 4, 2024*).

B. Testimonies relevant to the Application (*Exhibit 3*) are noted below.

1. **The property** is in the Town of Cornwall's West Cornwall Village (V2) zoning district, as described on the Town of Cornwall Zoning Map on record at the Cornwall Town Clerk's office and in §240 of the *Cornwall Zoning Regulations (CZR)*.

- **The parcel (ID #08-03-44)** is located on the south side of Route 74 and is further described in a Trust Deed recorded in the Cornwall Land Records in Book 63 Page 226 (*Exhibit 13*).

2. **Project Description.** Jonathan Hescocock explained the proposed subdivision for the property:

a. Property Owner. Jonathan and Kim Hescocock.

b. Current Status.

- The 2.7-acre parcel is currently a residential property.
- The parcel lies on the south side of Route 74, a paved public road beginning at Route 30 and continuing westward into the Town of Shoreham. The property is accessed from Route 74 by a driveway at the house. There is a driveway stub to the east of the house, which originally led to the dwelling that was on Lot 2.
- The frontage of proposed Lot 1 is ±269.78', that of proposed Lot 2 is ±208.57'
- The lot depths are:
 - Lot 1: 282.65' on the west boundary and 269.61 on the east boundary (201.1' shared with Lot 2).
 - Lot 2: 201.1' on the west boundary (shared with Lot 1) and 215.92' on the east boundary.
 - Both proposed lots appear to be in conformance with the V2 district standards. Coverage for Lot 1 is not established, and Lot 2 has no improvements.

c. Proposed Development.

- **Parent Parcel.** The existing 2.7-acre parcel is currently in residential use and has an established Home Occupation on-site.

- **Lot 1.** The portion to be divided off as Lot 1 has the existing 5-bedroom dwelling, several outbuildings, and an approved mound septic system. This Lot will also serve as the location for a mound septic system serving the future Lot 2 dwelling, anticipated as being a 2-bedroom structure when built. Appropriate easement language will be in the deeds.

- **Lot 2.** This Lot is currently unimproved except for the well serving the Lot 1 dwelling. The well is expected to continue to serve the Lot 1 dwelling and to be shared with the future 2-bedroom Lot 2 dwelling. Final approval awaits the result of this subdivision application. The State has determined there will be sufficient water to serve both dwellings. The Lot 2 dwelling may need to have extra water storage included in the design. As with the septic systems, appropriate easement language will be included in the deeds.

- Both lots are expected to be sold.

- **Easements.** As noted above in 2.c, there will be easements for the 2nd septic system to be located on Lot 1 and for the shared well located on Lot 2.
- **Septic & Water.** See above in 2.c *Parent Parcel and Easements*
- **Lot access.** Lot 1 is currently served by an existing driveway; Lot 2 has a stub drive, formerly a driveway to a no longer existing dwelling. The VAOT has approved access from Route 74 for both drives.

III. **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

Based on the Application, relevant Testimony, and Exhibits, the DRB finds the following:

A. **FINDINGS OF FACT:**

1. **The Applicants and Owners** are Jonathan and Kim Hescoock.
2. **The subject property** (ID #08-03-44) is located off Route 74 in the Town of Cornwall and is further described in a Trust Deed (*Exhibit 13*) dated March 6, 2006 and recorded in the Cornwall Land Records in Book 63 at Page 226. The parcel consists of 2.7 acres more or less.
3. **The property** lies in Cornwall's West Cornwall Village zoning district, as described on the Town of Cornwall Zoning Map on record at the Cornwall Town Clerk's office and in §240 of the *Cornwall Zoning Regulations* (CZR).
4. **The minimum dimensional standards** of the district within which the parcel lies are: lot size of 1 acre minimum; front setback of 35 feet minimum; rear setback of 25 feet minimum; side setbacks of 15 feet minimum.
5. **Site Plan & Survey.** The Site Plan and draft Survey (*Exhibits 7, 8, 15, and 16*) depict the following:
 - Approximate proposed Lot sizes, property boundary lines with distance measurements, existing and proposed septic on Lot 1, existing well on Lot 2, land contours;
 - Existing house and 2 outbuilding locations on Lot 1, a driveway and a solar panel location on Lot 1;
 - A building envelope is depicted on Lot 2, but not on Lot 1.
6. **Final Plat**, not submitted.

B. **CONCLUSIONS OF LAW**

1. **Authority**—The DRB has the authority pursuant to State statute, *Town of Cornwall Zoning Regulations* (CZR) [§331(5)], and *Town of Cornwall Subdivision Regulations* (CSR) to hear and approve or deny Subdivision (§140) applications.
2. **Compliance with CSR Provisions**
 - a. The Application was submitted in a timely fashion pursuant to CSR provisions §251 *Final Plan Application Submittal*, and in compliance with the application requirements of §340, with the exception of items in §320 waived by the DRB.
 - b. The Application demonstrated that the project will be compliant with §§420 and 430 of *Article IV* as well as any other pertinent *Article IV* provisions.
 - c. **District dimensional standards**—DRB concludes that the proposed lots, as depicted and testified to, will comply with the lot standards for a West Cornwall Village District parcel as noted in the CZR §240.
3. **Final Plat**—No final plat was submitted for approval before the hearing was closed.

IV. DECISION AND FINAL APPROVAL WITH CONDITIONS:

Based upon the Findings of Fact and the Conclusions of Law herein, and the evidence presented in the form of Exhibits and Testimony at the hearing, the Development Review Board hereby grants approval of the proposed Minor Subdivision of Parcel #08-03-44 as requested in the application (*drb#24-003*) submitted by Jonathan and Kim Hescoock on August 7, 2024, and of the draft plat (*Exhibit 15*).

All approvals are subject to the Conditions hereinafter set forth.

CONDITIONS

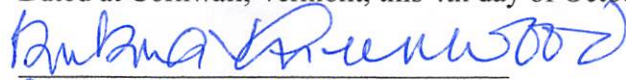
A. Final Plat & Mylar—approval is conditioned on the following:

1. The recording of a mylar of a Final Plat within 180 days of this approval, with the Final Plat the same as the draft plat (*Exhibit 15*), but revised to reflect:

- (a) building envelopes and all setbacks for both Lot 1 and Lot 2;
- (b) front yard setbacks measured from the center of Route 74;
- (c) the location of Lot 2 driveway; and
- (d) the addition of the existing septic location for Lot 1.

B. Additional Permits—Prior to the commencement of any land development, construction, or sale of Lot 1 or Lot 2, the Applicants shall file a copy of the State Wastewater and Potable Water Supply permits with the Zoning Administrator and with the Town Clerk for recording.

Dated at Cornwall, Vermont, this 4th day of October, 2024.



Chair, DRB

NOTICE: This decision may be subject to appeal before the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 VSA 4471 and Rule 5(b) of the *Vermont Rules for Environmental Court Proceedings*.

ATTACHMENT A—Application #24-003
JONATHAN and KIM HESCOCK: Minor Subdivision
LIST OF EVIDENCE FILED

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 August 8, 2024 and marked as received by the Town August 7, 2024.

Exhibit 5—Description of proposed development plans and statement of compliance.

Exhibit 6—Vermont parcel viewer picture of Hescocock 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. Hescocock dated June 17, 2024 and prepared by Kevin L LaRose.

Exhibit 9—Proposed easement language prepared by Judson E. Hescocock, 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. Hescocock, 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. Hescocock dated May 30, 2024 and prepared by Ronald L. LaRose.

Exhibit 16—full-size site plan showing a subdivision of lands of Jonathan E. Hescocock and Kim E. Hescocock 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.