

CORNWALL DEVELOPMENT REVIEW BOARD (DRB)
REGULAR MEETING MINUTES • May 7, 2025 • 7:00–8:40^{PM}
In Person (Town Hall) & ~~Virtually (via ZOOM)~~

MEMBERS: Barbara Greenwood, Molly Daly, Kymberly Breckenridge, Adam Eckhardt,

ALTERNATES: Joan Lynch, Ashley Glass

ATTENDEES: Gisela and Mike Palmer (applicants), Jason Laroque, Nathan Claessens (Otter Creek Engineering); Don Burns (Cornwall Conservation Commission)

1. CALL TO ORDER: 7:10^{PM} Barbara Greenwood, Chair

ZOOM connection failed

2. QUORUM: *Established.* Barbara noted that the Selectboard had appointed Ashley to be an Alternate Member. Barbara appointed Joan as a regular Board Member for this meeting.

3. AGENDA APPROVAL: Kymberly **MOVED**, Molly **SECONDED**, to approve the Agenda as presented. *Motion passed.*

4. APPROVAL OF MINUTES:

Organizational Meeting, April 2, 2025—Adam **MOVED**, Joan **SECONDED**, to approve the Minutes of April 2, 2025, as amended. *Motion passed.*

5. SKETCH PLAN REVIEW for a proposed subdivision of Parcel 06-01-24, owned by Gisela and Mike Palmer, 295 Bardon Drive in Cornwall. This parcel is ±22.18 acres with a 4-Lot subdivision proposed. **Lot 1**, ±8.8 acres, accessed from Bardon Drive, to be retained by the Palmers; **Lot 2**, ±4.6 acres, to the North of Lot 1, to be accessed from Bardon Drive; **Lot 3**, ±4.3 acres, to the East of Lot 1, without public road frontage; **Lot 4**, ±4.5 acres, North of Lot 1, without public road frontage.

A. *Oath*—Kymberly administered the oath to those planning to testify at the Review

B. *Introductions and Sketch Plan Review process*—Barbara and the Board members introduced themselves to the attendees, who introduced themselves to the Board. Barbara then went on to explain the purpose and process of a Sketch Plan Review, noting that it is an informal part of a regular DRB meeting and is not a warned hearing. She noted that there would be time for public comment and at the end of the review the Board would make a decision as to the Major/Minor status of the proposed subdivision. The Board will indicate if funds will be required for an escrow account to cover any technical or other expenditures the Board might incur.

C. *Exhibits*—The following materials were noted and marked as Exhibits:

1. Cover letter from Otter Creek Engineering to Lynn Coale, ZA—April 9, 2025
2. Application for a setback waiver on Lot 2 from 100' to 75'—April 9, 2025
3. Application for a Subdivision—April 9, 2025
4. Project Narrative—April 9, 2025
5. Warranty Deed, Chandler to Palmers (January 31, 2000; Book: 49, Page: 73), with reference to ANR Deferral Permit No. DE-9-1176 dated June 27, 1995, with 8.5" x 11" Vt ANR Project Location Map dated Feb 20, 2025, and 8.5" x 11" Otter Creek Engin. Overall Site Plan.
6. 11" x 17" ANR project location map, dated February 20, 2025
7. 11" x 17" OCE Overall Site Plan, dated April 7, 2025

8. Full size Site Plan (24" x 36"), dated April 7, 2025
9. Cornwall Conservation Commission comments, dated May 4, 2025

D. DRB Conflicts of Interest, Site Visits, Ex Parte Communications—

1. Barbara and Shari drove down Andrus Pitch to visit the project location, did not exit the car.
2. Molly visited the site this day, via both Andrus Pitch and Bardon Drive, did not exit her car.
3. Adam did not visit for this project, but had visited during McFadden subdivision.

No Conflicts of Interest, ex parte communications, or other visits were noted.

E. Review Presentation—The applicants were then invited to explain the proposed project. Jason Larocque presented the plan for the subdivision. Lots 2–4 are intended to remain undeveloped until sold, when sold they will include issued State Water/Wastewater Permits for 5-bedroom dwellings.

1. The Warranty Deed for the parcel grants the Applicants the right to access the parcel from both Bardon Drive and Andrus Pitch.
2. As parcels lacking frontage on a public road, all lots require setbacks to equal the required front-yard setbacks in the district. The lots are in the LDR District which sets a front setback at 100'.
3. All the interior lots require a 50-foot wide permanent easement for access to & from a public road. Both private roads, Bardon Drive and Andrus Pitch, provide the public road access, the new lots will have individual driveways to the private roads—Lot 2 to Bardon Drive, Lots 3 and 4 to Andrus Pitch.
4. Wastewater test pits are completed, but not yet submitted to the State. Four mound sites are proposed, one being a replacement for Lot 1. The replacement area was selected and permitted prior to the plan to subdivide, so exploration will be done regarding possibilities of moving the replacement closer to the Palmer's house. All mound calculations will be finalized as the project moves ahead.
5. Otter Creek does not anticipate any Act 250 permit needs as the number of lots are fewer than would trigger the need and the Palmers have no other subdivisions in the area that would trigger Act 250. There are no Act 250 issues currently noted for the existing parcel.
6. No stormwater permits anticipated though that could change.
7. All lots exceed the LDR minimum lot size of 4 acres and comply with other LDR standards.
8. Otter Creek and the Palmers have reviewed the Conservation Commission's comments, but have not yet spoken with each other about them.

Lot 1

1. To have an easement from Lot 1 for replacement septic on boundary between Lots 1 & 2, extending into Lot 2.
2. existing drive, setbacks, to remain as they are.

Lot 2

1. Waiver requested to decrease boundary between McFadden and Lot 2 from 100' to 75', the remaining boundaries to have 100-foot setbacks.
2. In addition to its own septic system, Lot 2 has easements for the Lot 3 septic and the Lot 1 replacement septic systems.
3. The proposed well site location is depicted.
4. The proposed locations of the dwelling and the driveway from the 50' wide access easement of Bardon Drive are depicted.

Lot 3

1. The proposed dwelling and driveway locations are depicted, the drive accessing the site via Andrus Pitch, a private road.
2. The Lot 3 septic easement from Lot 3, across Lot 4 to the mound location on Lot 2 is depicted. The proposed well site is depicted.
3. No setback waiver(s) requested for this lot, all are at 100'.

Lot 4

1. The proposed dwelling and driveway locations are depicted, the drive accessing the site via Andrus Pitch, a private road.
2. Lot 4's proposed septic and well sites are depicted, as are the driveway from Andrus Pitch, and the dwelling site.
3. No setback waiver(s) requested, all are proposed at 100'.

F. Board Questions, Comments

1. Has an attorney reviewed and approved the deed language as satisfying the Andrus Pitch private road access? **OCE:** Not yet.
2. Is there a road maintenance agreement in which these lots will participate? **OCE:** There is one for Bardon, Lot 2 to be incorporated. Andrus Pitch may have one, but Lots 3 and 4 are not yet included if there is such an agreement. It will be checked out.
3. Can Lot 2 dimensions be modified to eliminate the need for a setback waiver? **OCE:** Yes, the waiver of the North setback is one way; mounds, driveway, building envelope may change as well. **Palmers** noted they are undecided as to whether or not they will sell Lot 2.
4. Currently, the Lot 1 replacement septic system encroaches on Lot 2, and the Lot 3 system is also proposed for that same lot. Has the wooded area on Lot 3 caused problems with testing? **OCE:** They did not want to get deep into the woods when setting the test pits. The current cleared area is not suitable for a non-pretreated system. When Lot 3 is cleared further, the septic location may change.
5. Must mounds be regularly mowed? That could be problematic for the 3 mounds on Lot 2. **OCE:** Regular mowing is not necessary, an annual bush-hogging will suffice. Trees are the main problem for septic mounds. There would be a maintenance agreement for mounds located on someone else's parcel.
6. Is the access for construction of the Lot 3 mound from Lot 3 or is there another path? If Lot 2 is sold before Lot 3, what happens to the Lot 3 mound? **Palmers:** They do not plan, at this point, to sell Lot 2 and see no problem. **OCE:** Generally, the access to Lot 3's mound site, for construction, maintenance, repair depends on sequencing, on what is sold first. If 3 is sold first access via Bardon Drive is likely as it is easier, It is possible that mounds could be shared, if the daily flow does not exceed the permit's limit.
7. The usability of Lot 2 is questionable, the 3 mound systems take up ±50% of the lot. With the mounds on the East side of Lot 2, there are bound to be heavy equipment needs to cross the lot, as well as owner uses, that would be impaired by the inability to move heavy traffic over the systems' lines. **OCE:** It's not unusual for parcels to have areas constrained by restrictions. There is usable space available between the mounds and much of the systems are in the 100-foot setback area.
8. Is there an existing survey? **OCE:** No; the town tax map and existing deeds were used and were matched up with some iron pins on-site to create the initial plan.
9. Are there wetlands? **OCE:** That has not yet been delineated, but will be done.
10. The submitted Deed mentions "Parcel 2" being 2.71 acres, Deferral of permit, nothing can be built—? **OCE:** The deferral language is common when the ANR issues a WW permit

under certain circumstances. It's intent is to warn a buyer that a permit will be needed if there is a plan to develop the parcel.

G. **Public Comment**—(Don Burns) Per the CCC's comments, the primary concern is that the property lies on a wildlife connectivity block which provides a corridor for wildlife transit between the Southeast swamp area habitats and the forest block wildlife area North of Route 30. The connector is in the middle and though relatively narrow and fragmented is an important safe passage for wildlife. The CCC's goal is to ensure the Applicants and DRB are fully aware of the importance of this connecting corridor and other area natural resources. Other concerns focused on what could be done to mitigate the impacts of new development, such as moving house-sites, creating a shared driveway for Lots 3 and 4.

1. **Gisela Palmer**—They are well aware of the corridor traffic and have been watching, and recording wildlife passage for some time. They've noticed the path moving closer and closer to the wooded areas. Any type of disruption, including the addition of buildings, pets, vehicles, causes changes in the animals' patterns.
2. **Board**—Consider moving the house on Lot 3 further North away from the high priority area? By how much? **OCE:** *As far as practical.* **Board:** The Board might be inclined to consider a waiver in order to move the house north. Perhaps moving the line between Lots 3 and 4 to decrease the North setback for Lot 3. **OCE:** *If the entire 3-lot subdivision's perimeter setbacks were kept at the 100' level, but the interior bounds between the 3 lots were reduced, even to the LDR's normal 50', they would have significantly greater flexibility in the building envelop placement and size. The houses sites for Lots 3 and 4 could be moved closer together and more to the North, away from the connector corridor area.* **Palmer:** *Lot 2 could possibly be removed entirely, opening up greater flexibility in design and location.* **Board:** Was not a PUD considered? **OCE:** *It was, but would have required a common road which was not wanted. The idea was not pursued beyond that point.*

H. **Wrap**—The Board classified the subdivision as Major, and set a technical review fee of \$3,000 to be held in escrow. Additionally, the following are expected to be submitted:

1. When the Preliminary Plat is submitted it should show all septic and water systems, all items clearly labeled.
2. In order to approve development of interior lots there must be access by a permanent easement or right of way at least 50 feet in width. The language in the deed does not suffice for Andrus Pitch. The Board will need proof of a right of way or easement over Andrus Pitch at least 50' in width. This will need to be depicted on the Plat and included in the relevant deeds.
3. Board will need to see the road maintenance agreement and ROW easement for Bardon Drive, and for Andrus Pitch with §§406 and 620 of the *Cornwall Zoning Regulations* addressed as applicable.
4. §320, lists the submission requirements. If something is not applicable answer with N/A.
5. Updated application. When submitted, the new, signed Preliminary Plan application must include 10 copies of all updated/revised materials and one complete electronic copy.
6. By the time the application is submitted, the markers, as noted in §320, are to be set on-site so the Board can walk the property and see the basic layout of the lots and infrastructure.
7. Design standards (Article IV), many are not applicable to this project, but those that are should be addressed.
8. Letter from Road Foreman.
9. Updated abutter list (Board suggests reviewing for accuracy with the Town Clerk).

Applicants warned not to wait until the last minute hoping to get on the next month's agenda

6. OTHER BUSINESS

A. Old:

1. ***Articles VI–VIII of PC’s Revised Regulations***—Short discussion on review of the updated provisions. Barbara will respond to Katherine’s email with Board’s thoughts on off-street parking and the proposed timeline for receiving comments.
2. ***Questions for VLCT***—Only a few questions posed for the June 4 presentation, Barbara will send to Carl Andeers. More questions likely after the presentation.
3. ***Ethics Certification***—Barbara will resend the submission information so that Board members can certify compliance.

B. New:

1. ***Possible Project***—The Board’s *Rules of Procedure* need to be brought into compliance with the State Code of Ethics.
2. ***Materials from the DEC***, forwarded by Barbara, may be useful.

7. MEETING AVAILABILITY

- ***June 4***—All expect to be available.
- ***July 2***—All present expect to be available.
- ***August 6***—All expect to be available.

ADJOURNMENT: At 8:40^{PM} the meeting was adjourned.

Respectfully Submitted,

Robin Conway, DRB Secretary