

Approved January 17, 2018

CORNWALL PLANNING COMMISSION (CPC)

Regular Meeting,

Cornwall Town Hall, October 18, 2017

MEMBERS PRESENT: Jamie McKenna, Holly Noordsy, Conor Stinson, Jim Duclos, Bobbi Carnwath, Jean Terwilliger

ALSO PRESENT: John Derick, Bethany Barry Menkart, Sarah Pelkey, Andrea Landsberg

The meeting was called to order at 7 pm
Quorum – established.

AGENDA Conor S. MOVED /Jamie M. SECONDED a motion to approve the agenda as posted. Motion passed. – 4 in favor, 0 opposed.

(at this point in the meeting, 2 more members arrived.)

MINUTES – September 20, 2017

Bobbi C. MOVED /Jamie M. SECONDED a motion to approve the minutes as posted. Motion passed - 5 in favor, 0 opposed, 1 abstained.

ANNOUNCEMENTS

- CPC Special Meetings scheduled for November 8, at 6:30 pm and December 6 at 6:30 pm to work on the by-laws
- Information from Vermont League of Cities and Towns regarding municipal planning and zoning workshops on November 1
- State of Vermont seeking local input regarding alcohol, marijuana and tobacco policies.
- Development Review Board (DRB) has 2 openings. Chair has resigned. Alternate position is also open and another Board position is expected to be open in March. DRB is actively recruiting more members.

PUBLIC COMMENTS

- John Derick expressed concerns about the duration of noisy building projects in Cornwall that he said have been disturbing the peace of the neighborhood over long periods of time. For example, he said that back up alarms on vehicles go off all day long. John D. feels that a neighbor who wants to do a project should go and personally talk with his neighbors first as a courtesy. In some communities, neighbors who have been harmed by building projects have received tax relief. John D. stated that the Zoning Administrator (ZA) position should be a paid position. (Jim Duclos, Zoning Administrator, replied that there is compensation for the ZA position in the form of fees.)

OLD BUSINESS

- **Zoning Discussion with LandWorks and ZA** – areas of focus for change:
 1. ZA suggested that the **front yard set back** be changed from 100 feet to 75-80 feet and that a clear definition of “front yard set back” be written. Many houses on Route 30 and other major roads are already non-conforming at less than 100 feet from the center of the road. That would allow people to add a front porch if they wanted to. 100-foot front yard set back is not found in other area Towns with the exception of an agricultural district in the Town of Middlebury. It was agreed that the Board look closely at this issue throughout the Town. The Town plan says we should mirror development already in place but by the current by-laws do not allow this.
 2. Page 8. Change “pre-existing smaller lots” to “smaller lots” LDR should be 5%. Scale should also apply in MDR and LDR.
 3. The phrase “other uses” at the end of the list of uses for each district was left out of the list of uses in the LDR district. Does not need to be added to conservation district. Sarah P. suggested that this phrase be rewritten for clarity.
 4. Page 13 - exemptions. Should there be limitations on fences or walls? Separate definitions for hedges, fences and walls.
 5. Page 16 - Description of “certificate of compliance” is actually a certificate of occupancy. Jim asked if the Town really needs a certificate of occupancy (CO). CO is a tool the state has put in place to reach energy goals. But ZA is not being paid to issue these certificates. Banks ask for CO. Roles of ZA, DRB and planning commission regarding need to be clarified regarding certificate of occupancy.
 6. Page 16 – ZA can grant waivers of setback requirements for renovations if degree of non-conformity is not increased - but only on Routes 30, 74, and 125. ZA thinks he should be able to grant waivers on any road in town.
 7. Page 32, Section 410 - non- conformities - needs to be reconciled with other section about waivers
 8. Better definitions are needed for home occupations and home based businesses.
 9. Page 33, Section 501 - interior lots. There are no front yards in interior lots, only 4 side yards. Language should reference side yards only.
 10. Building envelopes. Trend is away from building envelopes and toward defining areas where building should not occur.
 11. Definitions - building height page 54. Should discuss more thoroughly.
 12. Bed and breakfast, Sir B&B, short term rentals and farm workers housing, all need attention. Vermont is progressive in how “family” is defined.
 13. By-laws don’t have any language about pools, except commercial pools. Should we require permits and should pools have setbacks. Should builders be required to meet performance standards for construction?
 14. Discuss shooting range during working sessions.
 15. Select Board could adopt separate noise ordinance, junk ordinance.
 16. Address situation when you have lots that straddle two difference districts.

Sarah P. will distribute the flood plain overlay and revised purpose statements for each of the districts for board review. This will be the focus of November working session. December meeting will focus on natural resources.

- **Potential New CPC Member Discussion** – Andrea Landsberg and Bethany Barry Menkart met with the Board to discuss their interests in serving on the CPC. At this time, there is one open position on the Planning Commission Board, to be appointed on an interim basis by the Select Board to serve until the election in March.
- **Fire Department Radio Tower** updated 248 application to the Public Service Board is for 100 feet. Conor S. and Jean T. have recused themselves from discussion/decisions regarding the proposed tower. The Select Board and CPC may respond on behalf of the Town in 248 matters. A response from the CPC to the application was drafted when proposal was for a tower of 70 feet. The CPC would like to see the latest application and members have questions. It was agreed to ask Ben Marks to come to a meeting to answer these questions. Sarah P. suggested that a view shed analysis is called for, and that this is a large project that needs to be reviewed properly.
- **Solar Ordinance** – ideas for modifying include language about planting in appropriate seasons, the requirement that projects would count towards Cornwall's energy goal, and adding encouragement to explore natural diverse plantings. Holly will go to Select Board to recommend those changes.
- **Proposed Park update** – plan has been distributed to all members. Next steps include seeking feedback from citizens and identifying sources of funding.
- **School Transfer Deed** – no new information
- **Swamp Road Bridge update** – The Select Boards of Cornwall and Salisbury will meet to discuss next steps.
- **Proposed Amendments to West Street Properties Subdivision Permit**-hearing has been reopened The matter is on the agenda of the next meeting of the Development Review Board on Nov 1.
- **Trails Committee - update on Douglas Pond** – The CPC advises open meetings regarding Douglas Pond, having a member of the CPC involved, and all the neighbors informed and involved.
- **Energy Workshop with Weybridge update** – Bobbie is considering writing something for the newsletter about energy issues.

NEW BUSINESS: none

OTHER BUSINESS: Executive Session for Current CPC Members

Jean T. MOVED/ Conor S. SECONDED a motion to go into executive session for the purpose of discussing the appointment of a candidate to fill the open position on the CPC. Motion passed – 6 in favor, 0 opposed.

The Board went into executive session at 10:20 pm.

The Board came out of executive session at 10:30 pm.

Conor S. MOVED / Jim D. SECONDED a motion to recommend that Andrea Landsberg be appointed by the Select Board to the vacancy on the CPC. The decision was based on the fact that she is a well-qualified candidate and she expressed interest first. Motion passed – 6 in favor, 0 opposed.

Holly N. MOVED / Conor S. SECONDED a motion to adjourn the meeting. Motion passed – 6 in favor, 0 opposed.

The meeting was adjourned at 10:32 pm.

Submitted by Sharon Tierra, Secretary of the CPC