

To: Cornwall Select Board and Planning Commission
Re: Testimony at SB Hearing on the Proposed Bylaws
From: Cornwall Conservation Commission
Date: June 27, 2019

The Conservation Commission wishes to acknowledge the deep commitment of time and effort by the Planning Commission in the creation of the revised Zoning and Subdivision Regulations. We thank them for this service.

The CC worked with the PC as they considered the natural resources sections of the Regulations. We supported the inclusion of a Special Features Overlay as an effective way to identify the town's significant natural features, those worthy of protection as development applications are being considered. The SFOs also ask applicants to demonstrate that they have developed the subdivision in a manner that provides due regard for natural resources by avoiding or minimizing impacts on these areas. Because the maps will be available to the applicant and to the reviewing board in advance of the submission of the application, we feel that the permitting review process is simplified. We envision the SFO Districts as a helpful tool to guide development, while supporting the preservation and protection of existing features.

The CC does have a concern about the Ecologically Significant Sites and Interior Forest and Connectivity Blocks SFO in the current revision. In the January draft, the Ecologically Significant Sites and Interior Forest and Habitat Connectivity Blocks applied to all development: minor subdivisions of up to 3 lots, major subdivisions, PUDs and variances. In the current draft, minor subdivisions have been excluded from this regulation.

Minor subdivisions are prevalent in Cornwall. This is an important piece. In the absence of the protection under this SFO, the CC looked elsewhere in the Draft to see if this guidance could be found. It is not there. There are brief, general statements about how minor subdivisions should affect the ecology of the land. In Planning Standard 502.1.b & c, it states that "All land to be subdivided shall be, in the judgement of the DRB, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment" and "Due regard shall be given to the preservation and protection of... natural resources." This means that applicants are not asked to identify the presence of these features and, even if there, they are not asked to demonstrate that they have worked to minimize any negative impact. (209.5.b)

The CC was not a party to this change in the 3.1.19 draft and is unaware of the reasons why it was made. We are, however, very worried about the change. Without the addition of adequate supporting language elsewhere, it removes the definitional standards and regulatory need in minor subdivisions for applicants to do what is set out in the document's Statement of Intent (102.1.c): that development "preserve the natural ecology of the town and protect native and

resident plant and animal species by considering the impact of land development on their environment.”

The CC asks that the current draft be amended so as to ensure that there is adequate guidance and review in the minor subdivision application process for consideration of ecological significant sites, interior forest and habitat connectivity blocks.

We respectfully request that a short-term working group be created that will recommend additional language so that the minor subdivision process protects the town’s natural features, while also giving focus and support for landowner options.

Submitted by Mary Dodge, Cornwall Conservation Commission