

Approved _____, 2018

Cornwall Development Review Board (DRB)
MINUTES • September 5, 2018 • 7:00–8:30pm
Cornwall Town Hall

MEMBERS PRESENT: Barbara Greenwood, Joe Severy, Gary Barnett, Magna Dodge, Shari Johnson;

ALTERNATES PRESENT: David Anderson, Cheryl Cesario (*recused*)

ATTENDEES: J & C Franklin, applicants, J Donahue, Attorney; J. Bartlett, A. Diehl, L. Sperry, C & M Cesario, M. Brande, G. Wright, J. Raymond, T. Cotter, L. Jarvis, G. Dorsey, R. Billings, B & N Rosenberg, L. Anderson, L. Goldman, J. Brown, R. Fritz

1. CALL TO ORDER: 7:00pm. Barbara opened the meeting.

2. QUORUM: Established.

3. AGENDA: Joe MOVED/Magna SECONDED to approve the Agenda. *Motion passed*

4. MINUTES:

- **June 12, 2018**—Magna MOVED/Shari SECONDED to approve the June 12 Minutes as corrected. *Motion passed*
- **July & August, 2018**—Magna MOVED/Gary SECONDED to approve the pro-forma July and August Minutes re: meeting cancellations. *Motion passed*

5. Process and Procedure

- **Housekeeping**—Barbara opened the meeting by introducing the DRB Members, Alternates, and secretary, noting that Cheryl Cesario, an Alternate, had recused herself. She then proceeded to explain the purpose of the Hearing and described the order in which the presentation and subsequent comment periods would be called. The applicant will present, the DRB members will then ask any questions, and then the members of the public. After the public comments, the applicant will have an opportunity to address the gathering, and the DRB will ask any additional questions they may have.
 - When the time comes for public comment, each commenter shall identify him-/herself and state where they reside. Each will then be allotted three (3) minutes for their commentary or question.
 - Members of the DRB were asked if any ex parte communication had occurred between them and the applicant. Barbara and Magna noted that each had driven by the applicant's site at least once, Joe had also visited—none had had any communication with applicants.
 - Barbara read aloud the Hearing Warning as published in the *Addison Independent* on August 16, and the description of Interested Person as written in Statute. She explained the purpose of the Interested Person status and reminded all who would seek that status to sign in and provide a valid postal address.
 - David then administered the oath to those attendees expecting to participate.
- **Exhibits**—The following items were accepted into evidence and marked as noted:
 - Proof of Notice of Hearing mailing to abutters, *Exhibit A*
 - Warning as published, August 16, *Exhibit B*
 - Application, dated June 7, *Exhibit C*
 - Corrected Map, filed August 9, *Exhibit D1*
 - Google Earth Map, (August 9) *Exhibit D2*

- Conservation Commission Report, August 27, *Exhibit E*—noting that the CCC has no concerns with this application
- Lapin email, August 27, *Exhibit F*
- Aldrich letter, August 31, *Exhibit G*
- Sperry email, September 4, *Exhibit H*
- Bechhoefer email, September 4, *Exhibit I*
- Beaney email, September 4, *Exhibit J*
- Fritz email, September 5, *Exhibit K*
- Diehl letter, September 5, *Exhibit L*

6. PH Ridge Road LLC Conditional Use Hearing

- **Applicant Presentation**—Joan Donahue, applicants' attorney; Janet and Churchill Franklin, applicants
 - Application is for use of the property known as the Pink House as a venue for outside events such as weddings and parties. Applicants purchased property for its agricultural use in April of 2015. They did not want to demolish the existing structure, as was proposed to them, choosing to rehabilitate it instead. The parcel also hosts some excellent trails/trail sites that owners would like to open to the public in the future.
 - Parcel lies in two districts, LDR and MDR, but the portion to be used for the event venue lies within the MDR.
 - Property is currently permitted as a two-family residential unit and is used as a short-term rental property. An outdoor event was held last fall and was felt to be very successful, feedback from others indicated no particular issues although some mention made of noise and road dust. Applicants have received many requests for use as an event venue for private parties (weddings, graduation parties, etc).
 - Application requests 8 events annually, between May 1 and October 31.
 - Based on last fall's event, applicants' rental contract would include:
 - any music to end at 10pm Sunday–Thursday, 11pm Friday & Saturday;
 - events will not be held in the house, may utilize tents, possibly part of the barn; Fire Marshall permitting probably involved re tent capacity;
 - parking will be on-site, not on Ridge Road;
 - field toilettes will be brought in as there are no waste-water facilities on site; no potable water supply available on-site.
 - no kitchen/cooking facilities, events catered;
- **Board Comments/Questions**
 - **Gary**—size of events, maximum number of attendees? *Janet*—last fall's event had around 200-250 people, guests were bussed from the Middlebury site to the Ridge Road property so no parking issues developed. They would not consider anything larger, estimate most events would be around 40–50 people.
 - **Joe**—will transportation issues be stipulated? *Janet*—yes. Parking expected to vary depending on circumstances of the event, if all come from one initial venue, buses could again be used. If attendees come from many different places, buses might not be effective. There are many possibilities for on-site parking, notably the field south of the barn. They plan to set up extensive rules for use of the site, tents, etc, and will require the caterer to be on-site throughout the event.
 - **Magna**—who will manage all the “safety net”/control points as noted in contract as renters' responsibilities (noise, parking, etc.). *Janet*—Regina (“Gina”) Gale is their property manager and will be the responsible party for oversight and direct contact.

- Permits—would like DRB to be supplied with a list of all anticipated & received permits from town and various state regulatory agencies, both general (covering all events) and specific (per event), noting responsible party for each (owner/renter).
- Have applicants considered providing notices to neighbors and/or along roads (Ridge Road, Rte 30, and their intersection) to advise traffic? *Janet—Very good idea, will keep it in mind.*
- Are there any plans to connect water to the barn? *Churchill—Not at present; Janet—possibly an outside hose, no running water inside, at this time.*
- How is DRB to be assured that event “rules”/DRB stipulations will be followed to the extent that DRB can be comfortable with them? *Churchill—As this project will impact their reputation, as well as the comfort level of neighbors and the DRB, they will make sure that staffing will be at a level that ensures compliance in all areas.*
- **Gary**—Lighting? *Janet—Only inside tent(s) and along walkways. Possibly string lights. Definitely to mark areas such as access to & from parking.*
- If barn to be used, what is the occupancy limit? *Janet—an informal estimate from the Fire Marshall was under 299 persons.*
- **Barbara**—has the Cornwall Fire Department been contacted about this project? *Attorney—not yet, but will be asked to review the site.* How do they see this project fitting in to the existing listed Conditional Uses of the MDR, and how will it affect the character of the area? *Attorney—referred to list of named Conditional Uses in §250 of the zoning regulations and page 100 of the Town Plan. The MDR allows, conditionally, uses such as B&Bs, vet clinic, day care, outdoor recreation (defined as: “Low-impact dispersed outdoor commercial recreation including: a golf course or practice facility, outdoor educational facility, hunting preserve, skating rink, park, beach, swimming pool, cross country skiing facility, playground, ball field, or other similar places of outdoor recreation.”) and “Other uses with impacts similar to those noted above that do not significantly change the character of the area as envisioned in the Cornwall Town Plan.” A number of the listed uses allowed do not seem to be too dissimilar in nature from the applicants' proposal. Some would be more intensive (daily use for several months), where as this project proposes more intermittent use (8 events over 6 months amounting to one day of traffic each—45 minutes twice per day). This should have little impact on the area's character. Applicants have considered the use of screening where appropriate and having an on-site overseer during events. How would the Franklins feel about holding a lesser number of events? Janet—OK with that.*
- **Additional Board Comments**—None
- **Public Comments/Questions**

Barbara—Commenters were reminded to state name and location, and that they had 3 minutes.

- **R. Fritz**—Ridge Road is much used by bikers and walkers, so there is concern about increase vehicular traffic. Feels that suggesting just 1 day of traffic per event is inaccurate as there will be traffic for pre-planning prior to event, haulers bringing in and removing field potties before and after, catering and other party supplies before the event, trash removal and general clean-up, after. More likely 4–5 days of increased traffic.
- **L. Sperry**—concerned with traffic at both ends of the road; dust will be exacerbated; real concerns over safety (kids, dogs, walkers, ...)
- **L. Goldman**—very concerned about traffic, especially “rush hour” as so many cars use Ridge Road as a cut-through between Rtes 125 and 30.; would like to see a couple of trial runs first, rather than setting out 8 events at the start; afraid that bulk of events would take place over holidays which are busy times for residents and their own family-generated traffic as well. *Janet—they had inquired about trial-runs and were told by the ZA that was not a possibility.*
- **B. Rosenberg**—Last fall's event was hearable but not over-whelming; wonders how these events would compare to the Old Lantern and Round Barn Inn events—both are in similar MDR

districts, what issues, what impacts on local area? He would like to know and would like the DRB to know prior to making a decision. Later, voiced question regarding permit permanency similar to Aimee Diehl's question below.

- **J. Bartlett**—supports the proposal; has had great communications from the Franklins in the past and trusts it will continue.
- **L. Anderson**—(owner Cornwall B&B) supports concept and appreciates similar uses; fears the impact of noise on their guests, 11pm is a bit late for some who come up for relaxation and quiet.
- **A. Diehl**—concerned about traffic, dust, and noise; feels that the blind corner, uncomfortable intersection with Rte. 30, and road maintenance issues should all be concerns and be addressed; fears venue may grow from 8 events to 12, to 20, ...; reminds that Town Plan exhorts that the “*quality of life for people in the area*” be kept in mind. Asked if permit, if granted, would follow the land? **Board**—*not necessarily*.
- **G. Dorsey**—Franklins have a history of acting responsibly and expects that to continue; Board is able to address many “fixable” issues, other issues (dust) were bought-into when residents purchased property where they did (e.g. on dirt road); the bigger issue is that the Town tax base need to be considered and grown and to do so requires change—never an easy thing to adjust to.
- **J. Brown**—moved here recently, in part due to appreciation of old architecture; those who are able to maintain old structures should be encouraged and allowed to reap some reward for doing so.
- **C. Cesario**—runs cattle on the Pink House land (and elsewhere in Cornwall); town extolls agricultural heritage and open lands, but she receives complaints about the moo-ing of cows as being a disturbance, finds it a bit odd; people seem to want to purchase property in country settings but complain about the attendant country characteristics; noted that farmers keep land open and that agritourism is a growth industry that helps farmers survive when commodities are constantly under diminishing returns, this helps keep land open and allows a return on farm investment.
- **M. Cesario**—land owners should be allowed to derive income from their land; growing disparity in Cornwall between those who derive income from their property and those who do not.
- **J. Raymond**—concerned with event size, road wear; would prefer a limit on size no greater than 100 attendees, and 5 or 6 events rather than 8.
- **G. Wright**—would like to see DRB decision made on a provisional basis.
- **Additional Board Comments—**
 - **Magna**—would like to hear a bit more from G. Dorsey. **Dorsey**—*sees little correlation between this proposal and the Round Barn Inn operation, the latter being far more extensive and intensive; similar thought regarding this proposal and the Old Lantern; Franklins' proposal is minuscule compared to either.* Permits—page 5 of the rental agreement notes requirements and responsibilities for permits, especially public safety permits—? **Attorney**—*public safety includes Fire Marshal permits for both barn and tent capacities; other public safety issues might include wastewater permit for change of use, and various other.* Regarding contracts and lists of licenses and permits—perhaps it would help if, in addition, applicants provided DRB with list of items they would want in a contract in order to protect themselves. This as a base from which to delineate responsibilities.
 - **Gary**—would appreciate it if DRB could receive a copy of the contract used last fall, it would be a good starting place for contracts going forward.
- **Applicant Final—**
 - **Churchill**—appreciates all the thoughts, ideas, sensitivity, and support found at this hearing and from outside feedback.

HEARING ADJOURNED—The DRB wishes additional information on several items before deliberating on the application. The PH Ridge Road LLC Conditional Use Hearing was adjourned to October 1 at 7:00pm at the Town Office.

• **Additional Materials Requested**

- **List of licenses and permits, general and event-specific**
- **Copy of event rental contract last used, with list of self-protection provisions to be incorporated**
- **Letter from Cornwall Fire Department giving approval for the project**
- **Size and number of events**
- **Advice from Road foreman regarding access safety to Ridge Road and the event site, dust mitigation, traffic control.**
- **Copy of event rental contract**

7. CORRESPONDENCE

- **CC Reviews**—Letter from Mary Dodge laying out final proposal for application reviews. Board felt that only one change is desired, that being related to ¶2 §a. Barbara will respond with DRB's thoughts/suggestions.
- **Raph Worrick**—Letter sent to PC, SB, and DRB (July 15) with comments from Raph regarding the level of requirements detailed in the proposed zoning draft.

8. OTHER BUSINESS—None

9. MEMBERS' AVAILABILITY FOR UPCOMING MEETINGS—

- **October 1, 2018**—Shari uncertain, possibly late arrival, Magna away; others all available.
- **November 3, 2018**—all expect to be available.

NEXT MEETING: October 1 at 7:00 pm, Town Hall

ADJOURNMENT—Joe MOVED, Magna SECONDED, to adjourn at 9:03PM. *Motion passed*

Respectfully Submitted,
Robin Conway, DRB Secretary