

**Cornwall Development Review Board (DRB)
MINUTES • October 3, 2018 • 7:00–9:10pm
Cornwall Town Hall**

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

ALTERNATES PRESENT: David Anderson

ATTENDEES: J & C Franklin, applicants, J Donahue, Attorney; M. Brande, T. Aldrich, B. Aldrich, J. Duclos, C. Ellison, M. Bonner, E. Blair

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

2. QUORUM: Established.

3. AGENDA: Gary MOVED/Shari SECONDED to approve the Agenda. Motion passed

4. MINUTES:

- **September 5, 2018**—Joe MOVED/David SECONDED to approve the September 5 Minutes as corrected. Motion passed

5. Process and Procedure

- **Housekeeping**—Barbara opened the meeting by introducing the DRB Members and secretary, noting that She has asked David to sit-in as a regular member taking Magna's place as she is away. 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.—*None*
 - Barbara noted that this is a continuation of the Pink House LLC. Conditional Use hearing begun on September 5. She then reiterated 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 had been accepted into evidence in September 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*

Subsequently, the following written testimonies and requested items have been received and accepted into evidence at this hearing, marked as noted:

- Comments from the Cornwall Fire Chief and Road Foreman, submitted by Att. Donahue as authorized by each:
 - September 25 (Rheaume) , *Exhibit M*
 - September 12 (Sunderland) *Exhibit N*
- Department of Public Safety—Division of Fire Safety, Submitted by Att. Donahue, September 27, regarding additional permits needed; *Exhibit O*
- Additional Fire Marshall-related documentation , *Exhibit P*
- Fritz second email, September 24, *Exhibit Q*
- Goldman email, September 24, *Exhibit R*
- Dorsey email, October 1, *Exhibit S*

6. PH Ridge Road LLC Conditional Use Hearing

- **Applicant Presentation**—Joan Donahue, applicants' attorney; Janet and Churchill Franklin, applicants
 - **Fire Chief/Road Foreman Comments:** *Joan*—The following comments were related per her conversation with Mike Sunderland, Cornwall Road Foreman (relayed via *Exhibit N*): Event traffic might call for one additional grading on Ridge Road over the proposed 6-month season. Mike cautioned that grading is weather -dependent. Likewise, chloride might be applied, though its use is weather-and grading-dependent. He suggested that all event traffic access the site via the Route 30 end of Ridge Road, that one or more flaggers be employed to help keep traffic disruption to a minimum, and that road signs be placed along Ridge Road and Route 30 to advise traffic of possible event impacts.

Additionally, from Denny Rheaume, Cornwall Fire Chief—Event attendees should use the lower drive rather than the upper drive right at the corner. The upper drive could be used for any needed drop-offs, or for emergency vehicle access. He noted that there is ample turn-around area for emergency vehicles and expressed no other concerns regarding on-site safety.
 - **Other Permits**—If the barn were to be used for anything other than storage, in terms of public access, there will be DPS Fire Safety permits needed. Possible installation of such items as sprinkler/smoke suppression systems, hand-rails, other safety systems.
 - **Event Addendum**—The submitted event addendum to the lease agreement addresses several concerns noted by the applicants and brought up at the previous hearing, notably: contact person, caterer, electrical needs, toilets, parking, alcohol use, smoking, fireworks, open fires, noise, end times, clean-up.

- **Board Comments/Questions**

- **Gary**—Any change to number of events contemplated after previous hearing? **Churchill**—*No. It is up to the DRB to make any changes to what has been requested.*
- **Barbara**—Are applicants comfortable with the suggestions made by the Fire Chief and Road Foreman regarding use of flaggers, access by event attendees be via Route 30? How would Rte.30 access be ensured? **Churchill**—*yes. Flaggers a good idea, question how to determine need—by size of event (150)? The Rte. 30 access would be noted on venue directions, invitations, vendor and lease contracts.*
- **Barbara**—The Fire Safety Inspection Results document (3/13/18) notes that the barn be used only for storage, and identifies 4 issues:
 - 1) Shall provide 3 feet working space in front of and to the sides of the exterior electrical equipment.
 - 2) Shall provide protection for gas lines that supply the generators on the driveway side.
 - 3) The exterior side stairs are not built to code.
 - 4) Shall submit a final construction valuation form.

The Fire Safety Meeting Report (3/13/18) notes that the barn may be used by the caterers, but only food warmers are to

be used within. Also that if use by the public were to be expanded, or if used by more than 299 persons would be inside, a sprinkler system would be needed. *Joan—The four issues have been corrected. Use as a public building would require a change of use and a revisit by the DPS for permitting. As a private barn it does not need anything more.*

- **Barbara**—An issue from the previous hearing related to the possibility that the DRB would make any permit non-transferrable. Are Janet and Churchill the members (owners) of the LLC? *Churchill—yes. Jim—As ZA, he commented that, in general, permits do follow the land. However this is not always the case. Joe—said he thinks the DRB can make this a condition. Janet—Their hope is that they can leave this business and property to their heirs. They would appreciate a permit that will allow this. The Franklins are OK with prohibiting a transfer to a third-party.*

- **Additional Board Comments**—None

- **Public Comments/Questions**

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

- **T. Aldrich**—They moved to Ridge Road 42 years ago because of the friendliness of the neighborhood, the views, and the rural nature of the road. They are concerned that the intrusion of a commercial establishment will destroy—or at the very least—have a negative impact on what they hold dear about the area. They see no real way that traffic access to the site can be mandated and that traffic will come in via Route 125. Traffic and the safety of children on bikes is a real concern.
- **B. Aldrich**—Made a plea for retention of the neighborhood as it is. It is a real community of neighbors and is afraid the sense of community will be lost. Also, Beth Ann questioned what was meant by “event.” Eight events are requested in the permit, but—in the case of weddings, for example—there are actually 3 events happening: the rehearsal dinner, the main event, the post-wedding breakfast. This means 3 times the comings/goings of vendors, set-ups/tear-downs, event attendee arrivals/departures, not just one. If 8 weddings were scheduled that would be 24 events. And if renters of the short-term housing had a party would that be one of the venue property's events. Could involve same/similar issue of noise, attendee traffic. *Churchill—noted that they considered a wedding (together with the rehearsal dinner and breakfast after the wedding) to be 1 event, not 3, and that the attendees of the rehearsal dinner and post-wedding breakfast typically numbered far fewer than for the main vent.*
- **C. Ellison**—Who will oversee the drivers, watching for anyone who may have had too much to drive, as they head out onto the road? *Joan—Liability issue regarding drunk drivers (for party hosts, caterers) are enormous and caterers in particular, as liquor permit holders, work very hard to mitigate any potential issues on that score. Vermont laws hold hosts responsible for accidents involving party attendees.. For some events, bussing might be the answer whenever possible.*
- *Joan—Just to clarify: this hearing concerns a property that has two relevant portions: a house with a long-term and a short-term rental units, and another portion of the property to be the event venue. This is about a Conditional Use for the portion of the piece of property in the MDR as a venue for events. This is not a hearing about parties held in a private (rented) residence, or held on the residential property by renters. Janet—Applicants' view is that the rental event use does not cover gatherings hosted by short-term renters such as dinner parties, or team parties.*
- **Barbara**—Suggested that an event put on by the house renter (short-term) would have the same local effect as any other event regardless of whether the Franklins have rented the property for use as an event venue. *Franklins—Renters should be able to host a dinner or small party without triggering an “event.” They see it as a matter of scale; perhaps more than 40 people makes it an event? Also, they sometimes use the house for private family gatherings and those would not be considered events.*

- **M. Brande**—As a family gathering, with no rent—no event. “If you rent it to me, and I have a party, that is an event.”
- **J. Duclos**—Noted that there is recent State legislation regarding short-term rentals, and the pending *Cornwall Zoning Regulations* will have short-term rental provisions as well.
- **Additional Board Comments—**
 - **Barbara**—The Pink House is a duplex with a long-term rental at the rear and short-term at the front. What is “short-term?” *Joan—The front is typically a weekend or 1-week rental period.*
 - **Gary**—Perhaps a 40-person trigger could be applied as to whether an event is an *Event*?

HEARING CLOSED—With no additional comments from Board or attendees, and no additional information requested, Barbara closed the PinkHouse LLC Conditional Use Hearing at 8:15pm. The Board now enters its deliberative phase and will issue its decision with 45 days.

7. DELIBERATIVE SESSION—

Short deliberative session followed.

8. OTHER BUSINESS—

- **Newsletter Article**—Barbara presented her newsletter article for discussion. Gary MOVED, David SECONDED, that the article be approved and submitted to the Town Clerk for inclusion in the next newsletter. *Motion passed.*

9. MEMBERS’ AVAILABILITY FOR UPCOMING MEETINGS—

- **November 7, 2018**—all expect to be available.
- **December 5, 2018**—all expect to be available.

NEXT MEETING: November 7 at 7:00 pm, Town Hall

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

Respectfully Submitted,
Robin Conway, DRB Secretary