

Approved February 20, 2019

CORNWALL PLANNING COMMISSION (CPC)

Public Hearing
January 16, 2019

PUBLIC HEARING: To consider adoption of the draft Land Use and Development Regulations (hearing draft 12-12-18)

NOTE: The audio-recording of this hearing is available on request at the Town Office.

MEMBERS PRESENT: Holly Noordsy; Al Thalen, Jr.; Sarah Pelkey, Jim Duclos, Conor Stinson

ALSO PRESENT: Lew Castle, Magna Dodge, Benjamin Marks, Barbara Greenwood, Jim Pugh, Churchill Franklin, Eric Blair, Emerson Blair, Sarah Robart, John D. E. Roberts, Craig Burnham, Joan Donohue, Mimi Tabah, Beth Ann Aldrich, Margaret Brande, Stan Grzyb, Donna Joyce, Philip Joyce, Gayl Braisted, Judson Bartlett, Richard Manshak, Nancy Kemp, Ben Wood, Gary Barnett, Joshua Stearns, Sean Stearns, Bronwen Kent, Brad Koehler, Sue Byers, Bruce Byers, Liz Marino, Randy Martin, Eben Punderson, Ingrid Jackson, Michael Quesnel, Noel Smith, Dena Greenman, Marc Lapin, Raph Worrick, Robert Gerlin, Marjorie Drexler, Anya Wrede, David Black, Joseph Severy, Vane Ogden, Lise Anderson, Miles Reteshe, Martin Abel, David A. Dodge, Monica Przyperhart, Christina Hodges, Barney Hodges, Gabe Hamilton, Rebeca Muller, Chenoa Hamilton, Brian Howlett, Sigrid Howlett, Matt Bonner, Ben Rosenberg, Nancy Rosenberg, Brian Kemp, Cheryl Cesario, Mary Jane Broughton, Mike Broughton, Rebecca Kinkaid, Jean Terwilliger, Whitney Hargraves, Coe Hargraves, Rhonda Kents.

The Hearing was called to order at 7:05 pm.
Quorum - established.

Introduction: Cornwall Planning Commission Chair Holly Noordsy thanked all the planning commissioners (current and past) who worked on this update of the Cornwall regulations over the past two years, and the many other individuals, groups, and organizations who participated in the many meetings involved in the process, including the Development Review Board, the Conservation Commission, the Select Board, the Zoning Administrator, LandWorks, Addison County Regional Planning Commission, and the grantor Vermont Agency of Commerce and Community Development. Holly N. explained the intent and purpose of the proposed regulations, the date last amended (February 5, 2008), the relationship of Town Regulations to the Town Plan, and the process of development and approval of these regulations, including another hearing or hearings to follow, including the required Select Board hearing. Holly N. mentioned that a public meeting to present the first draft of these regulations was held on April 18, 2018, and all meetings of the Planning Commission are open to the public, and that

written comments on the proposed regulations can be submitted by email, mail, or in person at the Town Office.

The following persons spoke at the hearing:

1. **Craig Burnham** - objects to regulations about earth and water extraction and feels they are directly targeting his brother and “zoning him out” of business. Zoning Administrator/Planning Commissioner **Jim Duclos** responded that regulations regarding earth and water extraction apply to new businesses only and that current businesses operating as previously approved, such as his brother’s business, are “grandfathered in”.
2. **Anja Wrede** - is concerned about Section 301-3 regarding lapsed uses. They have a conditional use permit granted more than two years ago, that they have not been able to use yet, but plan to. She is upset that regulations regarding lapsed uses might cause them to lose this permit and does not feel it is fair that they should have to apply again. **Holly Noordsy** replied the the CPC would look into her issue.
3. **Barney Hodges** - is also concerned about the language used regarding lapsed uses. Would like the CPC to provide more clarity in this section.
4. **Stan Grzyb** - is concerned that event venues are allowed as conditional uses in the Agricultural Residential District, specifically “party barns.” Stan said he serves on the Regional Planning Commission, reviews these documents for other towns, and feels this one is excellent.
5. **Martin Able** - objects to regulations regarding short term rentals. Feels that the State provides enough regulations and taxes on short term rentals.
6. **Coe Hargraves** - feels that this document gives too much power to “un-elected bureaucrats,” has too many rules. Thinks that people in Cornwall self-regulate, don’t need rules like this. **Jim Duclos** responded that it is the duty of the Planning Commission to draft needed updates of the Town regulations. Holly added that the current Town Plan includes a goal to update the regulations, which were last updated in 2008. The Town Plan is the guiding document for developing Cornwall’s Land Use and Development Regulations.
7. **Raph Worrick** - stated that the Town does not enforce its’ regulations. He added that outcome is that some people are too poor to comply, some are so rich they don’t have to, some won’t comply, and then there are those that follow the rules, even if they think they don’t make sense. Raef W. thinks these regulations are like condo rules. Why so many pages? And must we regulate screening? Raef W. added that the language of the screening section is an improvement over the first draft. **Holly Noordsy** explained that this document combines three documents - Zoning Regulations, Subdivision Regulations, and the Solar Screening document into one document, with an expanded definitions section, adding and revising 70 definitions. **Sarah Pelkey** responded that the State does not mandate that Towns regulate screening, but tthat if a town wants to have input on solar screening, it must be treated the same as business uses in the community and that the language in the draft regulations is less restrictive than the solar ordinance currently in place.

8. **Ingrid Jackson** - asked how will the Town enforce regulations regarding short term rentals and why limit permits for Short Term Rental Lodging (where no owner resides) to 20? She feels this is discriminatory and that unintended negative economic consequences will result from this regulation. **Holly Noordsy** replied that the CPC reviewed the options and possible regulatory tools with both the Town attorney and Addison County Regional Planning Commission.
9. **Sarah Robarge** - expressed concerns about the short term rental regulations. Conor Stinson explained the 3 tiered approach. Sarah R. then said she realized that what she was concerned about, does not apply to her situation.
10. **Mimi Tabah** - is also concerned about short term rental regulations and how it will affect their situation. They own a home in Cornwall, plan to move here someday, have strong family and friends connections here, and currently have their home listed with Air B&B.
11. **Joan Donahue** - is opposed to the regulations on short term rentals, especially the limit of 20 permits. Said we have an affordability crisis in Vermont and sees short term rentals as part of the solution.
12. **Chris Hodges** - is concerned about regulations regarding short term rentals and wonders if it would apply to an opportunity they are considering, having to do with short term specialized campers on their land.
13. **Sean Stearns** - feels the regulations are “anti-business.” Objects to gas stations not being allowed in any district. The Town wants a store, but most stores in small towns also need to sell gas. Why is the Town trying to eliminate so many things?
14. **Lise Anderson** - appreciates the special overlay for natural resources. Added that comments at this meeting that put the regulations down in a vague way are not helpful.
15. **Lou Castle** - spoke about the long State process toward approval of a Fire Department tower to improve emergency communications. Is concerned about over-regulation in Cornwall.
16. **Matt Bonner** - does not feel that we have a problem with short term rentals in Cornwall. He does not feel that the Town should get involved, and would like this section removed in it's entirety.
17. **Randy Martin** - objects to rules about campers. Feels like the document further erodes his rights as a property owner. Thinks that the CPC should always ask “How does this affect property owner's rights” when drafting regulations. **Holly Noordsy** responded that the CPC does always consider that.
18. **Rhonda Kents** - is concerned about short term rentals, has two Air B&Bs and wonders how it will affect her. **Jim Duclos** responded by explaining the 3 tiered approach.
19. **Jean Terwillinger** - expressed her appreciation for the amount of work and consideration that the CPC has put into the proposed update of regulations.
20. **Jed Bartlett** - feels that one of the biggest problems in Cornwall is the lack of high speed internet and broadband.
21. **Marc Lapin** - is glad to hear the support of the special features overlay, which informs property owners and does not limit rights.

- 22. Bob Gerlin** - spoke about the dangers of unregulated development. Feels that it is an extraordinary document and thanked everyone who participated in the development of these reasonable regulations.
- 23. Barney Hodges** - suggests that gas station be added as a conditional use in the village district. If the Town wants a store/community center, allowing the sale of gas as a conditional use would be a good thing. Barney H. spoke about the connection between maintaining the working rural landscape and enterprises like Air B&B and event venues. **Holly Noordsy** suggested that he take a look at the Rural Enterprises section, which addresses some issues he has raised.
- 24. Coe Hargraves** - would like to go back to less regulation, not add more. He added that this document should be 10 pages long, no more.

Holly Noordsy thanked everyone for coming. The hearing was adjourned at 8:35 pm.

Submitted by Sharon Tierra, Secretary of the CPC