

Approved February 20, 2019

**CORNWALL PLANNING COMMISSION (CPC)**

Special Meeting, Cornwall Town Hall

January 23, 2019

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

**ALSO PRESENT:** Woody Jackson, Matt Bonner, David Black, Anja Wrede

The meeting was called to order at 6:32 pm.

Quorum - established.

**AGENDA -** Sarah P. MOVED / Al T. SECONDED a motion to approve the agenda as amended with addition of Public Comments. Motion passed - 5 in favor, 0 opposed.

**CORRESPONDENCE REVIEW**

The following email correspondence has been received by the CPC in response to the Hearing Draft 12/12/2018 (proposed) Town of Cornwall Land Use and Development Regulations:

- 1/14/19 from Ingrid Jackson to Holly Noordsy
- 1/15/19 from Barbara Greenwood on behalf of the Development Review Board to Holly Noordsy
- 1/16/19 from Jack Watts to Holly Noordsy
- 1/17/19 from Ingrid Jackson to Holly Noordsy
- 1/17/19 from Martin Abel to Holly Noordsy
- 1/17/19 from Matt Bonner to Holly Noordsy
- 1/23/19 from Gary Anderson to Sue Johnson
- 1/23/19 from Gregor Kent to Sue Johnson
- 1/22/19 from Joe Brown to Sue Johnson
- 1/23/19 from Woody Jackson to Sue Johnson
- 1/21/19 from Jack Doyle to Sue Johnson
- 1/22/19 from Benj Deppmann to Sue Johnson
- 1/23/19 from Churchill Franklin to Sue Johnson
- 1/23/19 from Sarah Peluso to Sue Johnson
- 1/23/19 from Anja Wrede and David Black to Sue Johnson

**PUBLIC COMMENTS /DISCUSSION**

- Woody Jackson asked what prompted the “sudden” change regarding short term rentals and said they seemed Draconian. Holly N. replied that the proposed regulations about short term rentals have been discussed in several CPC open meetings for the past two years and were drafted in response to concerns from neighbors about neighborhood identities and housing affordability (these being goals in Town Plan as well as in the grant received to update Town regulations).
- General discussion of short term rentals and event venues ensued.

- Matt Bonner said he is concerned about unintended consequences. Wondered if there is a way to “grandfather in” old users of this use.
- Holly N. asked those present what their ideas about short terms rentals are.
- David Black suggested a tax of some kind, 1% tax as per State.
- Anja Wrede thinks “we should put this off” until there is a broader discussion.
- Matt Bonner is concerned about 802, 3. In terms of submissions, feels they should be digital, not hard copy, which is an irresponsible waste of money and materials. Holly N. and Sarah P. replied that they understand the concern and appreciate this issue.
- David Black and Anja Wrede are concerned about limits of days in temporary uses. Section 426, 2.
- Anja Wrede is broadly concerned about changes. She asked if there are any documents made to track changes from the current 2008 document and the 2018 draft. Holly N. explained that because the proposed regulations combine three existing documents in a new format, it was not possible to create one that marked as tracked changes.
- David Black asked why the term “permitted uses” was changed to “allowed uses” Holly N. said the change was made to resolve longstanding confusion.
- David Black said he does not support Section 423 but would support a 1% tax.
- Anja Wrede said that the State leaves this to cities and towns, in exactly these words, leaves a burden on the Town.
- David Black does not think Section 423 is right for the community.

## **OLD BUSINESS**

### **Board Discussion on Comments**

The Board discussed the comments received, before, during and after the hearing on January 16. Comment categories included lapsed uses, short term rentals, extraction of earth and water, gas stations, screening, Internet and broad band, event venues, and general comments.

The Board decided that no changes were warranted in response to public comments on the following topics/sections and for the following reasons:

- Lapsed Uses - Hearing draft only clarifies Section 323 about lapsed uses in the 2008 by-laws, and does not represent a change to existing regulations
- Extraction of earth and water - comes out of Town Plan goal and desire to avoid recent experiences of towns such as Bristol and Middlebury on this topic.
- Gas Stations - in 2004 town-wide survey 62% of citizens said they were against a gas station and 87% said they wanted a store, so the support of a store and gas station are not connected. In 2011 town-wide survey, 19% wanted a gas station (fewer than in the 2004 survey). Also, towns are required to follow State energy goals, to deter fossil fuel use. It was also mentioned that the Hearing Draft contains provisions for EV stations, in development of stores with a certain number of spaces in parking lots.
- Screening - Proposed regulations on screening are derived from interim solar siting by-law, adopted by the Town in 2015 , recently adopted as a stand-alone by-law by the Town, and to take effect 60 days after the Select Board voted to approve. and

Proposed regulations on screening are less restrictive than the solar siting stand alone by-law. Additional updates to Section 420 are based on existing solar siting by-law. Town Plan needs to be updated with Energy Plan information and State regulations prior to stand alone by-law being nullified. The new Land Use and Development Regulations need to be adopted and Town Plan needs to be updated before the current stand alone solar siting by-law to be nullified. The drafted Section 412 regulations apply to conditional uses and all major subdivisions, not single family homes.

- Internet and Broad Band - Board recognizes that this is an important topic, but Town by-laws is not the right venue in which to address. Citizens might bring concerns to the Select Board to see what might be done to advocate for OTT expanding broad band/ installing fiber optics in Cornwall.
- Event Venues - Allowed only as conditional use and adequate protections for neighbors are provided through the process.
- General Comments - Cornwall has had zoning since 1972. By-laws were last updated in 2008. In general, the CPC believes that changes in the proposed update are incremental, appropriate, and advance the goals of the Town Plan.

Continued Discussion Needed

Short Term Rentals - after a long discussion, it was decided to continue discussion at the next meeting, before deciding if changes should be made.

## **NEW BUSINESS**

Holly N. reported that the CPC has been approached to engage in conversations with Middlebury College about the future use of college-owned land in Cornwall. The Board will follow up in the next few weeks after its' work on the Land Use and Development Regulations is completed.

Next Meeting: Scheduled for January 29 at 6:30 pm.

Conor S. MOVED / Jim D. SECONDED a motion to adjourn the meeting. Motion passed - 5 in favor, 0 opposed.

The meeting was adjourned at 9:48 pm.

Submitted by Sharon Tierra, Secretary of the CPC, compiled from notes taken by Conor Stinson at the meeting, with some details clarified by Holly Noordsy by phone.