

Approved ____, 2019

**Cornwall Development Review Board (DRB)
MINUTES • May 1, 2019 • 7:00–9:30pm
Hearing • Cornwall Town Hall**

MEMBERS PRESENT: Barbara Greenwood, Joe Severy, Magna Dodge, Shari Johnson,
David Anderson

ALTERNATES PRESENT: Cheryl Cesario

ATTENDEES: Jason Robart, members of the public (25)

1. CALL TO ORDER: 7:02pm. Barbara opened the meeting.

2. QUORUM: Established.

3. AGENDA: David MOVED/Magna SECONDED to approve the Agenda as presented.
Motion passed

4. MINUTES:

- **April 3, 2019**—David noted that he did recall Joan Donahue speaking at the April 3 meeting. Magna MOVED/David SECONDED to approve the April 3 Minutes as amended.
Motion passed.

5. HEARING—Jason and Sarah Robart Application for Conditional Use: Event Barn

- Barbara opened the Hearing with Board introductions and introduced the following as the first exhibit:

- *Exhibit A*—Proof of Service of Notice to Abutters (the Hearing Warning, certified receipts of mailing to each)

The Warning of the Hearing as published in the *Addison Independent*, April 4th, was then read aloud and subsequently marked along with the relevant page from the *Independent*, as *Exhibit B*.

She then explained how the hearing will proceed: after hearing from the applicant, the DRB will ask questions, and the Conservation Committee representative will present their review of the application. Then interested persons have an opportunity to speak, each person having three minutes to do so, and noting that—if expecting to claim Interested Person status—each should be sure to sign in on the form being circulated in the room. The Applicant will have an opportunity to respond, and the DRB to ask any final questions.

- **HOUSEKEEPING—*Ex parte Communications, Conflicts of Interest, Visits to the Site***—Barbara asked the Board to disclose any *ex parte* communications, conflicts, or site visits noting that she and Shari had walked the property on April 15 and met Sarah Robart, but there was no discussion. Magna and Joe had walked the property April 30, separately. Joe explained who he was to the job site foreman. Magna spoke to no one. David had also visited the property and identified himself to the contractor.

- **Interested Persons**—Barbara then read the relevant portion of 24 VSA 4465(b) regarding requirements for Interested Person status, explaining that only those who qualified as Interested Persons and participate in the proceedings can appeal the DRB

decision. Those present who felt they met the requirements were reminded once again about the sign-in sheet. Barbara then asked David to administer the oath.

• ***Additional Exhibits—***

- *Exhibit C*—the Application, originally filed March 8, 2019 and deemed complete on March 29 by the ZA, after the filing of additional material March 28.
- *Exhibit D*—the Conservation Committee's Review Form, dated April 16, 2019
- *Exhibit E*—Written comments dated April 21, 2019, from Katherine Branch
- *Exhibit F*—Letter from Benjamin Putnam dated May 1, attorney for Price and Vasiliou

• **APPLICANTS' PRESENTATION**

- Jason Robart first presented some background on Sarah and himself, and on their property at 339 Parkhill Road. He and Sarah have been associated with this area for 30+ years. They purchased the Hoops Farm in December of 2016, and almost immediately had requests to rent the barn for various events. At the time it was not feasible. In July 2019, the house was damaged, the carriage house and barn destroyed by arson. He explained that the house has been restored and the carriage house and barn are being restored at this time. He went on to explain their motivations for the application with emphasis on their strong feelings to be good stewards of the land. They wanted the restoration work to maintain the look of the traditional farm buildings, with any new construction to be consistent with the scale of what existed. They look toward maintaining and expanding open land. He noted that they accepted the responsibilities their venture would place upon them and that they had developed a detailed operating plan to ensure those responsibilities were met. The plan:
 - Limits the number of attendees per event,
 - Requires on-site parking only (mindful of sensitive ecological areas),
 - Sites solar panels to the south of the barn, hidden from view,
 - Requires music to be only inside the barn,
 - Establishes an 11:00pm curfew,
 - Requires minimal exterior lighting,
 - Requires portable toilets with screening,
 - Uses native species in plantings,
 - Requires non-impervious materials to be used in the parking lot and on the drive (old farm road access),
 - Promises adherence to all local and State requirements and regulations.

• **DRB QUESTIONS**

- Shari: Noting that this is in the Low Density Residential District (LDR), in what part(s) of the year do they anticipate operating their event venue and how many events do they expect to handle? Jason: The barn has both heat and air-conditioning, so they expect to be open for business throughout the year. The number of events will be based on demand, with no specific number determined at this time.
- David: Do they have any response to the conflict between statements in the letters from Benj Putnam and their own attorney, Eben Punderson? Jason: They had only just received the Putnam letter, he has not had time to read it.
- David: Will the detailed operating plan be shared with the DRB? Jason: Happy to share with the DRB.

- Joe: What was the rationale behind the location chosen for exiting the property onto Parkhill Road? Jason: The choice was based on trying to strike a balance between the quality of the land and attempts to keep head lights from neighbor homes. The land where the farm road meets Parkhill is very wet, land further west and further east is drier, but lights might have more neighbor impact.
- David: He noted the wetness of the gate area marking access to the farm road, and that the area eastward is much drier. Has the Road Foreman reviewed the exit location?
Jason: No.
- Cheryl: Does he plan to remove top soil and put down gravel in the parking and drive areas? Jason: They are looking to use non-impervious, natural materials, no blacktop/paving.
- Magna: Regarding previous requests to rent, were they for any particular season?
Jason: No, the barn at that time had no heat so the assumption was warm-weather use.
- Magna: Does the barn have running water, cooking facilities, or in-house toilet facilities? Jason: Water and 1 or 2 toilets, yes. There are no cooking facilities, nor plans for any, but there will be a warming place to keep food hot.
- Magna: How are people (possibly in party clothes and shoes) to get from the parking area to the event venue? How was the number of attendees arrived at? Who will be on site at the events? Jason: They are still working out access details. There may be some dropped-off at the barn. The number of attendees was estimated by the square footage available, table space requirements, and information from similar ventures. The maximum of 200 is not expected at each event. He and Sarah will be onsite at the events.
- Shari: How was the 11:00pm curfew arrived at? Jason: It was based on ads for events at similar venues. Some were 10:00pm, some 11:00pm, some as early as 9:00 and as late as 1:00am.
- Magna: What is their tolerance for the frequency of events? Jason: Depends somewhat on type of event, dinners being different than parties. Probably two per month maximum (at 200 attendees).
- David: Do they anticipate guidance on the number of attendees from the State Fire Marshall? Jason: Yes, so the maximum is yet to be determined.
- Magna: Would they permit the number to be increased by the use of tents in addition to the barn use? Jason: No tents.
- Barbara: Would you please identify the part(s) of the barn to be used during events and the location of the 5-acre portion to be used? Jason: The 5 acres consists of the farm road/drive, the parking area, the area south of the barn, and the barn itself. In the barn, the second floor will be the event space. The first floor consists of the family's garage and office/storage space. Before the fire there had been four outbuildings. The restoration attempts to combine the four uses (carriage house, barn, garage, workshop) into two buildings (carriage house and barn).
- David: Will the entire barn be used? How will the event space be reached? When would set-up/take-down time be planned? Jason: There will be stairs to the event space. They are looking into accessibility options, and plan to have multiple ingress/egress options. Set-up/Take-down will take place on the day before the event and the day after, with hours determined..

- Barbara: What surface will be used for the farm road? The Road Foreman needs to be consulted on the capacity of the road for the additional traffic, and on whether or not a curb-cut will be required for the updated farm road. The DRB would like this information. Jason: The road surface will be gravel or similar, much like the parking area. Understood re: consultation with Road Foreman.
- David: Do they have an agreement written up for use with event sponsors? Should include items like camping, fires, fireworks, alcohol use,... Jason: Not written up yet. They have agreements from other similar ventures to review. No camping, no fires or fireworks!
- Magna: The DRB would like a copy when done. Jason: They will share it.
- Shari: Will they notify neighbors about upcoming events? Jason: Yes.
- Joe: Why was the parking lot placed as shown on the map? Could it move south toward the woods? Jason: They wanted to have parking that is sufficient and not an eyesore. The proposed placement is less visible. It can move.
- David: What noise pollution safeguards are planned? Jason: To limit noise from the barn, the double-paned windows will be kept closed. The barn will have heat and air conditioning, as well being well-insulated. All should help reduce noise.
- Barbara: Has the Fire Department been consulted? As with the Road Foreman letter, the Board would like a letter from the Fire Department Chief with their opinion in the use of the barn as an event venue, and any conditions they might place on that use. Jason: Not yet, but he understands the need.
- Barbara: Just to clarify: the Barth's parcel, to the west, where the farm road enters, has been purchased by the Robarts between when the application was first submitted and now? Jason: Yes. It has been in the works for a while and the purchase was recently completed.
- Barbara: Would you clarify, vis-a-vis the letter from your attorney, Eben Punderson, the basis on which the Board could grant this application, given that there is no catchall section for LDR conditional uses as there is for the MDR (e.g. the Pink House application). Eben's letter suggests the "home-based business" use fits. Could you take us through that legal argument? Eben: The argument could be made that the impacts from a home-based business would approximate the impacts of the event barn business on the neighborhood. The only real thread available to follow would be that of the home-based business as there is not much to work with regarding customary uses in the area. The basic analysis has to be based on how allowed uses (childcare, group home, etc;) impact the neighborhood and how an unlisted use can be evaluated related to listed uses.
- Jason: He recalled a question about employees and noted that he and Sarah will be the only employees. Any additional staffing will be sponsor supplied.
- **CORNWALL CONSERVATION COMMITTEE**
 - Rene Langis, representing the Conservation Committee, presented their results of a review of the Robarts application.
 - Their main issue centers on the parking lot which is planned to lie within the wildlife corridor, between two large wooded wildlife areas. The wooded areas are a 200-acre parcel to the north and a 150-acre parcel (Douglas Pond parcel) to the south. The wildlife corridor passes between them across Parkhill Road and through the proposed parking area. These wildlife parcels have been graded as high and moderate in terms of

their importance to wildlife. The trees on them have been uncut since at least 1942 (when the first aerial photos were taken). A lot of 80 plus spaces would cut a large segment into the corridor and narrow it by half. The wetness of the proposed location is also of concern. They would rather the lot be moved to the east, toward the house, rather than south toward the woods. The east being the drier area.

- ***Soil Maps***—Cheryl presented the DRB with a series of soil maps she feels might be useful when the Board deliberates. The soil in the proposed parking area looks to be of a well-drained type, but it rests on a clay substrate that is not well-drained. The maps were accepted and marked as *Exhibit G*.

• **PUBLIC COMMENT**

- *B. Kirkpatrick*: Regarding parking and curfew, he is skeptical of full owner-control.
- *R. Potter*: [1] this project will dramatically impact the character of the neighborhood. [2] Concerns for the future if a current approval runs with the land, has seen many instances where projects change from original plan with successive owners. [3] Concerns that an approval will lead to others seeking approval for event venues. [4] Ridge Road is zoned differently so can not be used for comparison.
- *J. Potter*: Feels project does not fit this location. She fears loss of quietude if approved. Fears also a loss in property value if this project is approved.
- *J. Miller-Lane*: Appreciates the thoughtfulness of the applicants, but does not want the noise, traffic, etc. that will come with the project.
- *B. Putnam*: (representing Price and Vasiliou) Noted there are a myriad of concerning issues. There is no category for this project in the LDR and the project won't hold up to the home-based business criteria. The application does not have sufficient detail for a decision by the DRB.
- *L. Price*—Spoke to several of the issues of concern, noise, safety, neighborhood changes.
- *A. Vasiliou*: Noise definitely a concern; they moved out of Buttolph Acres for the quiet life in the LDR. Questions that the barn—permitted for storage use just a few months ago—is so soon being proposed for vastly different use.
- *L. Swanson*: Opposes the project regarding noise, safety, lights, dangers to neighborhood children, damages to quality of life and property values. Noted that moving the parking lot further eastward, moves it closer to them.
- *A. Brightman*: Noted that Parkhill is already used as a pass-thru, with traffic traveling over-speed as it is. His opposition is primarily safety/traffic-based.
- *A. Powers*: Traffic safety is his big concern. Feels a traffic study is needed, and would like a liability condition attached to any approval.
- *M. Black*: Opposes the project for all the noted reasons, added that bikers and walkers also at risk.
- *B. Fleming*: Noted the excessive speed of traffic on the road, especially since paved. Concerned re the approval following the land.
- *W. Vasiliou*: Noted there are a number of legal issues, especially regarding the ADA.

No further public comments, 8:37pm.

• **APPLICANT RESPONSE**

- *Jason*: Thanked attendees for their responses. Noted four primary categories of concerns expressed: safety, neighborhood character, noise, and environmental issues.

They will be reconsidering the parking lot and the parking/drive surfaces. As far as safety issues go, they have this evening's input and welcome additional input and suggestions. He acknowledged that there are many unanswered questions and indicated they were purposefully left unanswered as input was sought. He reiterated that they would adhere to all local/State requirements, and believe that—if managed properly—their project can be done well.

• **DRB ADDITIONAL QUESTIONS**

- No further questions from the Board.
- Barbara reiterated the additional information requested by the Board to this point:
 - copy of the operating plan
 - copy of proposed event-sponsor contract
 - letters from Road Foreman and Fire Chief

- **HEARING ADJOURNED**—DRB found there was currently insufficient information to close the Hearing. Therefore, at 8:40, Barbara adjourned the Hearing to Monday, June 3, 2019, 7:00pm, at the Cornwall Town Hall.

6. DRB Current Forms—Discussion

- From Cheryl and Joe:
 - Noted that the instructions call for 9 forms, but 10 are needed.
 - Noted that a caveat should be added to the meeting day to indicate that it is subject to change.
 - “Waiver” to be added to list of purposes for one form.
 - Two deletions: #1 on page 4, page 5 in its entirety.
- Barbara has Magna's changes already and will take the above and redo the forms.

7. Upcoming Meetings—

- **June:** Previously rescheduled for **Monday, June 3**—all expect to be available.
- **July:** Rescheduled for **Tuesday, July 9**—all expect to be available.
- **August:** Rescheduled for **Thursday, August 1**—all expect to be available.

8. Other Business—None

NEXT MEETING: June 3 at 7:00 pm, Town Hall

ADJOURNMENT—Meeting was adjourned at 9:30pm.

Respectfully Submitted,
Robin Conway, DRB Secretary