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CORNWALL SELECT BOARD

Special Meeting
Cornwall Town Hall
June 27, 2019

MEMBERS PRESENT: Ben Marks, Ben Wood, Brian Kemp, Magna Dodge

ALSO PRESENT: Misse Smith, David Anderson, Cy Tall, T Tall, Katherine Branch, Mike Quesnel, Sarah Pelkey, Mary Dodge, Barbara Greenwood, Joan Lynch, Bob Kirkpatrick, Joanne Kirkpatrick, Kevin Fleming, Jim Duclos, Ellen Cronan, Elizabeth Napier, Raph Warrick, Brad Armstrong, Alysa Breau, David A. Black, Jean Terwilliger, Daniel Cooperrider, Logan Price, Brian Howlett, January Stearns, Sean Stearns, David Dodge, Jackson Burnham, Q Quinttus, Sharon DeHaven, Fred DeHaven, Conor Stinson, Ed Peet, Emily Givens, Andrew McWilliams, Don Burns, Bethany Menkhart, William Vassillio

PUBLIC HEARING: Town of Cornwall Proposed Land Use and Development Regulations (LUDR)

Select Board Chair Ben Marks called the hearing to order at 7:00 pm.

After the members of the Select Board introduced themselves, Ben M. explained that by State Statute the Select Board is required to hold a hearing within 120 days of receiving the LUDR drafted by the Planning Commission. The purpose of the hearing is to hear comments from the citizens. Ben M. added that the Select Board is still in the process of examining the document in several different ways and has encountered some obstacles in terms of “user friendliness”. The LUDR is a merger of the current Zoning Regulations and the Subdivision Regulations, is a major update of the current regulations and is more complex to navigate. In terms of the format, the Board suggests a simpler, more user friendly format would assist applicants in finding and understanding information, and the Development Review Board in their work. Ben M. said this is not the last meeting on the LUDR and will not be the last chance for citizens to have their say.

Citizen Comments?Questions:

T Tall: Asked who wrote the new LUDR, why the changes in the LUDR are not highlighted, and why a district that used to be have a lot size minimum of 4 acres is now 2 acres.

Ben Marks: Replied that the LUDR was drafted by the Planning Commission with grant-funded assistance from Sarah Pelkey and that because two documents (Zoning and Subdivision regulations) were merged into one document and major changes made in format and content, highlighting was not possible. The Select Board hopes to be able to highlight changes in the draft going forward.

Jim Duclos: Zoning Administrator replied to the question about acreage size by stating that there were no changes in lot size between the current and proposed regulations.

Sarah Pelkey: Clarified that it was LandWorks that provided contracted assistance to the Planning Commission (CPC), and that there were others at LandWorks besides herself who assisted the CPC on this project.

Misse Smith: Expressed her appreciation to the members of the Planning Commission for their thoughtfulness, hard work and dedication to the Town that this LUDR represents and the same appreciation to the Select Board, as they continue their process on the document. She commented on the applicability of special features (page 19, 5b), that it seems to exclude minor subdivisions. She wonders if this is a typo, because special features applicability to minor subdivisions was included in the April draft. She also could not find mention of an expiration date on permits - thinks there should be one, for example 3 years.

Bob Kirkpatrick: Is concerned that the LUDR allows an event venue as a conditional use. His neighbor has proposed operating an event venue for up to 200 people (such as wedding receptions). His questions included - How would noise violations be enforced? How do you measure "characteristic volume"? How would you measure and enforce rules about lighting?

Alysa Breau: Said if she had known an event venue would be established near her home, she would have never moved here. She feels that the peace of this quiet neighborhood would be greatly disturbed by the traffic, noise, and other issues that events of this magnitude would likely cause.

Jackson Burnham: Commented on Section 405, Section H - concerned about the impact on existing businesses. Asked the Select Board to solicit input from at least one of the existing excavation companies.

Mary Dodge: Summarized how and why the Conservation Commission (CC) worked with the Planning Commission as they considered the natural resources section of the LUDR and why the CC supported the inclusion of a Special Features Overlay as a way to identify significant natural features in Cornwall. In the April draft of the LUDR, the Ecologically Significant Sites and Interior Forest and Habitat Connectivity Blocks applied to all development. Mary D. said that the CC is concerned that in the current draft, minor subdivisions have been excluded from this regulation. Mary D. added that

the current draft weakens existing protections and does not reflect what residents have been stating that they value about Cornwall in surveys, in the Town Plan, and in values mapping workshops, over the past ten years. The CC recommends adding language that affords due regard for significant natural resources in the minor subdivision process, while also giving focus and support for landowner options. (Written comments also submitted)

Kevin Fleming: Is concerned that the current draft of the LUDR makes it easier for development of event venues. He feels that allowing event venues as a conditional use should be reconsidered in all districts, and a closer look into what it means to allow them. He also feels the Town should be very careful about minor subdivisions, as they represent most of the development in Cornwall.

Logan Price: Requests that event venues not be allowed in the Ag Residential District.

Rafe Warrick: Said that the Town has a long history of not enforcing regulations. Why add more regulations that won't be enforced and are difficult to comply with, due to the cost? Suggests that unless there is a way to enforce, "shall" should be replaced with "should."

Jean Terwilliger: Agrees with Mary Dodge. Jean T. supports the overlay district and feels it should apply to minor subdivisions.

Katherine Branch: Thinks the 2008 regulations do a better job of protecting the environment. Feels that the lack of environmental protections in minor subdivisions is at odds with the stated intent and purpose of the regulations on page 1 of the LUDR. Katherine B. urged the Select Board and the Planning Commission to make sure the natural environment is protected.

Brian Howell: Thinks the Planning Commission is very brave to address this issue (of environmental protection) with the Special Features Overlay.

Bethany Menkhart: Concerned about removal of the SFO from minor subdivisions. She talked about the community values mapping project that identified what a large group of citizens value about Cornwall. Bethany M. encouraged landowners to see themselves as stewards of the land. She believes that the SFO should apply to all land use and development in Cornwall, not just to conditional use, major subdivisions and PUDs. She added that studies have shown that \$1 invested in conservation yields \$9 in benefits.

Ellen Cronan: Is opposed to event venues in rural residential neighborhoods. How are nightclubs, which are not allowed, different from event venues, which are allowed conditionally? Ellen C. added that SFO should apply to all development.

Jim Duclos: Agrees that SFO needs review. Wanted to correct his statement that no minimum acreage changes were made to districts. The two village districts were merged into one and the minimum acreage was changed from 1/2 acre to 1 acre, because it is almost impossible to site a septic on 1/2 acre. Jim D. also said that, in terms of uses allowed, if a specific use is not listed it is not allowed. The gray area of allowed use from the 2008 regulations has been eliminated. He added that plans are underway to form a working group for language about Short Term Rentals, which are indeed becoming a problem for towns in Vermont.

Sarah Pelkey: Clarified that there are some protections for the natural environment in the minor subdivision process. The Planning Commission did not want to have fewer regulations than the Town had in 2008.

William Vassillio: Opposed to event venues. Does not want Select Board to codify event venues.

Daniel Cooperrider: Expressed his gratitude for the SFO and the work of the Planning Commission.

Ben Marks made sure that everyone had a chance to speak. He explained that additional comments can be submitted by email. Going forward, the Select Board has 3 options:

- Rubberstamp the current draft;
- Make minor changes and approve;
- Make substantive changes and return to the Planning Commission for review and hearing.

Ben M. stated he believes the Board will proceed with the third option, and that process will take time, 6-9 months. He thanked everyone for coming and for their valuable participation in the process.

The hearing was adjourned by Ben M. at 8:02 pm.

Submitted by Sharon Tierra, Secretary of the Select Board