

Approved September 18, 2019

**CORNWALL PLANNING COMMISSION (CPC)**

Regular Meeting, Cornwall Town Hall

August 21, 2019

**MEMBERS PRESENT:** Conor Stinson, Jim Duclos, Don Burns, Al Thalen, Jr.

**ALSO PRESENT:** Mary Dodge, Ben Marks (by phone for the discussion about Land Use and Development Regulations)

The meeting was called to order at 7:04 pm.

Quorum - established

**AGENDA** - Jim D. MOVED / Don B./ SECONDED a motion to approve the agenda as posted. Motion passed - 4 in favor, 0 opposed.

**MINUTES**

- **May, 2019** - Don B. MOVED /AI T. SECONDED a motion to approve the minutes with one typo corrected. Motion passed - 4 in favor, 0 opposed.

**ANNOUNCEMENTS** - Vermont League of Cities and Towns (VLCT) Town Fair will be held this year on Oct 2-3 in Killington.

**CORRESPONDENCE REVIEW**

- Written comments on the proposed Land Use and Development Regulations (LUDR) received from Cornwall citizens Stan Grzyb and from John and Sherry Klinck.
- Copy of Town of Shoreham Zoning Regulations - recently updated.

**PUBLIC COMMENTS** - Mary Dodge said that the Conservation Commission (CCC) seeks to have a closer relationship with the CPC and to that end, their members would like to attend CPC meetings, whenever possible. Mary D. also mentioned the Conservation Summit at the end of September and her hopes that someone from the CPC join with CCC members in attending the summit. Mary D. also mentioned the comment period for the National Environmental Policy Act Compliance proposed new rule. Proposed changes would drastically weaken public involvement on projects in the Green Mountain National Forest and national forests nationwide. The deadline is Monday, August 26.

**OLD BUSINESS**

• **Flood Resilience Document**

- Follow Up with Addison County Regional Planning Commission - Conor S. learned that ACRPC is not updating a flood resilience document, as the CPC previously thought they were.
- Don B. presented a first draft of the Flood Resiliency section for the Town Plan. He wrote this draft after first consulting with Jim D. and later with Conor S.

Content of the draft is drawn from the Flood Ready Vermont website, the Capital Plan, and the Local Hazard Mitigation Plan, and references the Local Emergency Management Plan, and the Town Road and Bridge Standards. The Town of Cornwall River Corridor Map will be attached to identify flood hazards. The Board discussed the format and content of the draft, and thanked Don B. for his excellent work on this working draft. Conor S. will work on a second draft and at the next meeting, the Board will discuss goals.

## **NEW BUSINESS**

**Discussion with Select Board Chair Ben Marks regarding the proposed Land Use and Development Regulations (LUDR)** Ben M. called in and was put on speaker phone for the discussion.

Ben M. informed the CPC of the Select Board (SB) process and progress in reviewing the LUDR. He said that because the SB found the format with cross references hard to understand, the Town has hired Sarah Pelkey of LandWorks to create linear documents for the sections on Minor Subdivisions and Major Subdivisions to facilitate the Select Board review. After the SB reviews the LUDR in linear format, Ben M. then said the SB plans to edit for substance, changing the document into one that the SB would support, tracking those changes, and then would send the document back to the CPC for review, any further changes, and public hearing. Ben M. said this is expected to be a 6-9 month process.

Response by Jim Duclos (speaking as an individual):

- “Why are you (the SB) obstructing due process of law?”
- “ You said that it would take the SB nine months to a year to evaluate the LUDR in March, and then in June you said that it would be nine months to a year, and again tonight you are telling us as much as nine months!”
- Jim D asked “ Has the Select Board been listening to the public comments in the two public hearings? Jim D. added that “no one had complained that the document was difficult to follow or understand, so why was the Select board claiming that this was an issue?”
- Jim D stated that it was a fact that the SB did not like the special features overlays, and that he regretted that the CPC submitted to the SB’s intimidation and reduced the scope of the overlays to major subdivisions only. He went on to ask if they noticed that at their own public hearing 80% of the dialog was in favor of including the overlay in the regulation of minor subdivisions as well. “ Were you listening to that? And are you going to recommend that as a change?”
- Jim D. said that “in the last two years six planning commissioners had either resigned or decided not to run again, in large part because of the disrespect of the SB.” He went on to say that the SB had “disrespected the planning commissioners and the work that they had done, disrespected the opinion of the town’s attorney, disrespected the help from the ACRPC, disrespected the States mapping data, and disrespected the Cornwall Conservation Commission.”

Ben M. replied by saying that he was previously unaware of planning commissioners feelings of disrespect. He said that due process was taking place and reiterated the reasons why the process was taking time. Ben M. said he would welcome collaboration from the CPC in the SB review process and invited members of the CPC to the next SB meeting in September.

Response by Al Thalen, Jr.

Al T. expressed his frustration with the time being taken by the SB to review the document. He stated that the CPC held long meetings weekly to meet the deadline for producing the LUDR, and would encourage the SB to have working sessions if needed, to speed up their process of review, and meet their deadline as well. Al T. added that he also shared Jim D.'s feelings about disrespect from the SB and reminded Ben M. that one planning commissioner who resigned wrote a letter to the Select Board to express disrespect from the Select Board as the main cause of that member's resignation.

The CPC and Ben M. continued the conversation by discussing options for collaboration, bridging gaps. The CPC told Ben M. they would discuss further as Board and would get back to him with any decisions made.

The CPC had a long discussion to follow up the call with Ben Marks. The discussion included mention that it is part of the role of the Zoning Administrator to assist landowners in understanding the regulations and completing their applications. It was agreed that the LUDR is now in the hands of the Select Board. The Board believes that if substantive changes to the LUDR are made, those changes should be based on public feedback expressed at the hearings or in writing.

Don B. MOVED / Jim D. SECONDED a motion to adjourn the meeting. Motion passed - 4 in favor, 0 opposed.

The meeting was adjourned at 9:50 pm.

Submitted by Sharon Tierra, Secretary of the CPC