

**Cornwall Development Review Board (DRB)  
MINUTES • June 2, 2021 • 7:00–10:00 pm  
Meeting & Hearing • Virtual via ZOOM**

**MEMBERS PRESENT:** Barbara Greenwood, Shari Johnson, David Anderson, Ross Gregory

**ALTERNATES PRESENT:** Joan Lynch, Cheryl Cesario

**ATTENDEES:** Gale and Tom Synnott, Adam Powers, Brian Gill; Magna Dodge (arrived after Hearing began)

1. **CALL TO ORDER:** at 7:02pm by Barbara, DRB Chair
2. **ESTABLISHMENT OF QUORUM**—Established
3. **APPROVAL OF AGENDA**—David MOVED, Shari SECONDED, to approve the Agenda as proposed. *Motion passed.*
4. **APPROVAL OF MINUTES:**
  - *May 5, 2021* (hearing)—Ross MOVED, Shari SECONDED, to approve the **May 5 Minutes** as amended. *Motion passed.*
5. **PUBLIC MEETING ATTENDEE SIGN-IN:**
  - **Introductions & Housekeeping**—
    - Introduction of the Board members. Barbara noted that she would be chairing the meeting, and David Anderson would be handling the Zoom aspects. She introduced the DRB members in attendance in addition to herself: David Anderson, Shari Johnson, and Ross Gregory. Also present were Board Alternates, Joan Lynch and Cheryl Cesario; Board Secretary, Robin Conway; the Applicant, Cas Chlodnicki; also Tom and Gale Synnott. Brian Gill, Adam Powers.
    - Barbara ended the introductions by noting that the hearing would be conducted in an orderly manner and in accordance with DRB rules of procedure. As there would be no screen sharing during the hearing, Barbara requested that anyone referring to a particular document be very specific about which document, and which portion of it, was the item under discussion. She then handed the meeting over to David for the sign-in and oath-taking portions.
    - David asked for attendees' names and addresses. Once signed in, David administered the oath, swearing in those who planned to speak.
6. **HEARING: Kasia LLC, Request for Variance &/or Waiver**
  - **The Hearing's Procedure**—
    - As set out in the warning that was posted, published in the paper, and mailed to abutters, this is an application for a Variance &/or Waiver approval under §§610 & 611 of the *Cornwall Zoning Regulations* as brought by Cas Chlodnicki on behalf of Kasia, LLC, owner of the property (also known as the Country Store) located at 2513 Route 30, Cornwall, Vermont.
    - Barbara explained that after some housekeeping matters, the Applicant would be asked to present the application, to be followed by Board questions, and then an opportunity for any public comment. The Applicant would have an opportunity to respond to any comments or questions posed by the Board or the public. She noted that the Board may have further questions. Following the public comment period the Board would then either close the hearing or adjourn it, to be resumed at a specified date and time.
    - **Alternate Assignment**—Cheryl Cesario was assigned to stand in for Magna Dodge who was absent, thereby bring the Board to its full size of 5 members for this Hearing

- **Conflicts of Interest**—Board members were asked to disclose any conflict of interest, ex parte communications, or visits to the property:
  - ***Barbara***—Visited the property in mid-May, without contact with anyone.
  - ***Ross and Shari*** visited the property on May 27<sup>th</sup>, no ex parte communications.
  - ***David***—Visited the property today, without contacts.
- **Exhibits**—Barbara then read the list of materials that had been marked as exhibits.
  - ***Exhibit 1***—Warning (which was posted in a timely fashion at the Town Hall, Town Garage, the Town website; and on the property);
  - ***Exhibit 2***—Tear-sheet showing that the Warning was published in the *Addison Independent*, May 13, 2021;
  - ***Exhibit 3***—Proof of service –Copies and original certified mail receipts, together with email exchange between Cas Chlodnicki and Barbara Greenwood confirming he sent a copy of the warning to each abutter, and also an email exchange between Cas Chlodnicki and Gale Synnott confirming that she and Tom Synnott received the notice of hearing;
  - ***Exhibit 4***—Application, filed electronically and declared complete by the ZA on May 7, with paper copies filed at the Town Hall May 11, 2021;
  - ***Exhibit 5***— Revised map, filed as part of Application;
  - ***Exhibit 6***— Cornwall Conservation Commission’s review of Application, dated May 27, 2021.
- **Applicant’s Presentation**—Cas Chlodnicki
  - ***Background:***
    - Property consists of 1.47 acres and was operated as a general store by Hugh Longey for about 28 years beginning in 1959. The store was purchased and its operation continued by Brian Gill and Bob Burton to 1990, then by Burton alone until rented to Greg Lyon. Lyon ran the store until his death. In 2013, the property was subsequently sold to Colin Kriwox, sitting vacant until re-sold to Kasia LLC four years ago.
  - ***Current Situation:***
    - ***Kasia*** purchased the property as a commercial venture, with the idea of returning it to use as a country store or another small-scale enterprise. The property had a redesigned septic system which had never been installed and for which the State-approved permit had expired. A new system was approved in December 2020. A new well has been dug and septic installation has begun.
    - Chlodnicki primarily planned to re-open a country store, hoping to have seating and facilities for in-store food service as well as take out in addition to groceries. The State, however, approved the septic capability only for 4 employees, not for use by the public. Other plans considered included a small office rental facility for use by those forced by the COVID pandemic to work from home, but lacking adequate facilities for this. He remains open to other retail or small scale business ideas.
  - ***Project Proposal***—Current plan calls for razing the building, perhaps salvaging the front to re-use for its historic value. A new structure would be built keeping the same footprint (77' x 32'), but moving the building 20' further east away from the road.
  - ***Lighting*** would be only at the front, with down-facing fixtures, and a motion sensor for night time use.
  - ***A sign*** would be no larger than 4'x 4', same as existing sign.
  - ***Store hours*** would be from 7:00<sup>AM</sup> to 7:00<sup>PM</sup> Monday—Saturday, 9:00<sup>AM</sup> to 2:00<sup>PM</sup> Sunday.

- **Parking**—For a store of this size, zoning provisions call for about 15 parking spaces (9' x 20'), screened from view from the road (§610 (1)), and no closer than 50' to boundary lines (§610 (3)). Chlodnicki indicated the North boundary is about 60' from the store, the South boundary about 25' from the store.

- **Request for Variance &/or Waiver**—The provisions of §610 and §611 are not all feasible given the layout and size of this parcel, as well as customer volume given septic limitations. For these reasons, one or more Waivers or Variances are requested.

1. **Fifteen spaces** (§611(1)(a)) is felt to be more than is necessary for the potential number of customers, particularly given that there are no public restroom facilities, therefore basically a grab-and-go venue.

- **Applicant requests** a reduction in number of spaces to 6 spaces (one to be ADA compliant), per §611 (3).

2. **Setbacks:**

- **Front**—35' road center-line to structure (§230 (C)). Chlodnicki believes State requires a 75' setback from the center-line. Moving store 20' further from road brings front setback to 75'. This allows for driveway (one “lane” as traffic to be one-way—entering from south, exiting from north), a parking lot 20' deep, and area for store access between parking and store front (per Revised Map, Exhibit 5).
- **Sides**—15' required (§230 (C)). Lot's front width of 121' negatively impacts placement of the parking lot at 50' from the North/South boundary lines. (§610(3))
  - North side has roughly 60' between boundary and store, some of which is needed for delivery drive, possibly employee parking (3 or 4 spaces at 20' x 9' each).
  - South would have 25' from store and 15' from end of parking area to boundary (if parking is at front and is 54' long [for six 9-foot wide spaces] from edge of delivery drive across front of store) This does not meet the 50'-from-boundary requirement for parking lots (§610(3)).
  - *Septic and lot width* combine to make parking lot placement on the South (side) of the building unfeasible (§610 (2) & (3)) and §230 (C)). There are parts of the septic system (1,000g grease trap for deli, 1500g sewer tank) located on the south side of the building which would not be good to have heavy traffic over. Distance from building to south boundary 25' per testimony
- **Applicant requests** that setbacks as required by (§610 (2) & (3)) be waived.

3 **Topography** negatively impacts parking lot placement to the East (rear) of the building. (§394 (1)) There are septic and hill considerations to the East side. Some accommodations are possible, uncertain if full compliancy is possible.

4 **Screening**—Parking lots are required to be screened from view from roads (§610(1))

- Applicant's plan is to screen along the North and South boundary lines (with evergreens, 6 wooden fence) to screen parking lot from neighbors' views and mitigate noise.
- **Applicant requests** that screening from road (across front of parcel) be waived due to safety reasons when entering and exiting driveway (§610 (1)).

• **Board Questions for Applicant**

- **Shari**—References made to moving the building back 20'. Can it actually be moved? **Cas:** *No, building will actually be demolished, perhaps some materials salvaged. Construction of existing building not up to current code standards. A new structure will be built having the same footprint as the demolished building, but placed 20' further away from the road, toward the East, as recommended by builder. There is roughly 10' to 15' of level ground behind current structure location, requiring some leveling be done, about 3' into the hill, to*

accommodate this.

- **Ross**—Concerned about a State construction permit and the extensive Department of Public Safety requirements. Has the State construction permit been applied for? **Cas:** *Will apply for a Town construction permit as required, but has not yet done so as it depends on the outcome of this hearing. He is unaware of a State construction permit requirement, but believes that the 2,500 sf footprint exempts him from this, and that Department of Environmental Conservation regulations govern all aspects of this project.*
- **Ross**—Do you have an architect? **Cas:** *Not yet.*
- **Shari**—What is your time-frame? **Cas:** *Does not have his construction permit yet, but believes it will be good for two years once issued.*
- **Joan**—Regarding the retaining wall mentioned: what is its size? How deep is the footing to be? **Cas:** *Not clear on definition of “retaining wall”, but moving the building back 20' will mean cutting about 3' into the hill. He plans to install boulders, possibly 2 layers of large boulders, to a height of 3' to 5' against the hill cut.*
- **Joan**—Three feet is not so much of a problem, but lots of code involved in retaining wall construction, also issues of water drainage and flow. Where will the water off the hill be directed? **Cas:** *He has been working with Steve Revell from Lincoln Applied Geology on these issues. The hill cut can not likely go more than 3 feet into the hill for reasons of proper distancing from the septic and the new well locations. As far as natural run-off is concerned, he feels that the septic engineers took all that water flow into consideration when designing the new system. Currently, natural run off from the hill, as well as run off from the Gill property on the North., the Blaise property on the South, and run-off from the store roof is all handled by culverts and/or ditching along the boundary lines and road*
- **Cheryl**—Two comments:
  - (1) regarding parking: neither Pratt’s nor Buxton’s has over 10 parking spots (Buxton’s only 5 or 6), feels 15 or 16 spaces is too much,
  - (2) feels the screening requirement presents a safety issue. **Shari:** *Agrees*
- **Barbara**—How many employee spaces could go on the North side or rear of the building? **Cas:** *Probably 2 to 4 spaces. Also needs to keep space for delivery truck.*
- **Barbara**—People would stop in to purchase sandwiches, grocery items? **Cas:** *Yes, would like to sell value-added things also as margins are higher.*
- **Joan**—What is the 6-car space request based on? Would operating as a small office rental space enterprise change this? **Cas:** *The six spaces are based on the history of the previous stores, estimated customer dynamics of the planned store, and the limitations posed by the septic permit. Those limitations would also limit the number of office rental spaces to 4, so 6 spaces would still be applicable.*
- **Barbara**—Please clarify plans for the proposed fencing: How far back? Where begin? **Cas:** *The fencing would be as required by the Regulations, but wants to start several feet from the road to avoid blocking visibility when exiting and entering. Will go at least to where parking ends on both North and South boundaries, maybe 25' to 30' (i.e. in line with front of the store), though probably the length of the store on the North to mitigate delivery driveway issues. The primary purpose is to hide the parking from neighboring properties. Plans to work with neighbors to see that concerns are met. **Brian Gill** advised that there was some screening already in place on the North, a barn and lilac bushes.*
- **David**—Just wants to recap what he’s heard so far: there will be no public restrooms, a business plan is under development, final building placement and design still to be determined? **Cas:** *Correct. These have not been factored in yet, but he does not favor “box”-style stores.*

- **Barbara**—Read an excerpt, sent by Gary Barnett, ZA, from a VPIC article regarding their thoughts on municipal parking: “ ... *Municipalities, at minimum, should consider reducing or allowing exceptions under commonly accepted standards to avoid excessive parking and basic design standards, to ensure that parking does not dominate the local landscape. ...* ” Gary noted that he did not see any problem with a reduction in parking spaces.
- **Public Comment**—
  - **Gill**—Noted that he would like to know more about what the store will sell. Thinks employee parking can be on North side, maybe at the rear. **Cas:** *Could work, just needs to keep delivery truck access clear.*
  - **Synnotts**—None
- **Applicant Additional Comments**—
  - Nothing more, just reiterated that he believes the project will significantly benefit the town.
- **Final Board Questions**—None
- **Wrap Up**—
  - After short discussion, the Board felt it had sufficient information for deliberation. Barbara closed the hearing at 9:15.

The Board then resumed its business meeting and proceeded with the Agenda.

- **Procedural Question**—**Adam** had a procedural question related to the Trillium application: Is it necessary that the mylar be filed and recorded prior to the Board issuing its decision? **Barbara:** *No the mylar does not need to be filed prior to the decision.*

## 7. AVAILABILITY FOR NEXT MEETINGS—

- July 7, 2021—Barn on The Flats hearing to resume. All expect to be available.
- August 4, 2021—All expect to be available., although maybe Barbara will be away.

## 8. FORM REVISIONS—

- Discussion about revisions to the proposed Variance/Waiver/Conditional Use/ZA Appeal application Barbara sent for review. General agreement as to revisions (primarily for Conditional Use information). Magna thought forms should be fillable on-line. Cheryl thought a manual option must be available for those who prefer that route.
- David MOVED, Ross SECONDED, that the proposed changes be accepted. **Motion passed.**

## 9. OTHER BUSINESS—

- **Old**—Reminder to pick up application copies and materials at the Town Office.
- **New**—Short discussion about resumption of in-person meetings. Decision to wait until September, consider a hybrid of in-person and virtual meetings from that point forward.

## 10. DELIBERATIVE SESSION—Short discussion.

**ADJOURNMENT**—At 9:55pm David MOVED, Ross SECONDED, to adjourn. **Motion passed.**

Respectfully Submitted,  
Robin Conway, DRB Secretary