

CORNWALL DEVELOPMENT REVIEW BOARD (DRB)

Regular Meeting March 6, 2024 7:00 -9:15pm

In Person (Town Hall) & Virtually (via ZOOM)

MEMBERS PRESENT: Barbara Greenwood, Shari Johnson, Molly Daly, Kymberly Breckenridge, Douglas Black

ALTERNATES: Adam Eckhardt

ATTENDEES: Gail Isenberg, Angela Landsberg, Stan Grzyb, Meg Harris, Liz Marino, Sue Johnson, Lynn Coale, Robert Gill

1. **CALL TO ORDER:** 7:00 pm Barbara Greenwood, Chair
2. **QUORUM:** Established
3. **AGENDA APPROVAL:** Shari MOVED, Molly SECONDED, to approve the Agenda as presented. *Motion passed.*
4. **BOARD ORGANIZATION**—As the first meeting after Town Meeting, a quick bit of board organization is needed:
 - **Chair:** Kymberly MOVED, Shari SECONDED, that Barbara be nominated for Chair. *Motion passed.*
 - **Vice-Chair:** Barbara MOVED, Molly SECONDED, that Shari be nominated for Vice-Chair. *Motion passed.*
 - **Regular Meetings:** Douglas MOVED, Shari SECONDED, that DRB regularly scheduled meetings be held the first Wednesday of the month, at 7:00^{PM}, at the Town Hall. *Motion passed.*
 - **Newspaper of Record:** Molly MOVED, Shari SECONDED, that the *Addison Independent* be the DRB's newspaper of record. *Motion passed.*
5. **APPROVAL OF MINUTES:** Shari MOVED, Douglas SECONDED, to approve the **Minutes of February 7, 2024** as amended. *Motion passed.*

Board Agenda paused, recording begun

6. **SIGN-INS for members of the public:** Members of the public attending this hearing are asked to sign-in and swear an oath. People attending in person were asked to add their name and mailing address to the attendance sheet that was circulating. Douglas and Robin will take the same information from those attending via Zoom. Douglas swore-in those who plan to present testimony.
 - **Gail Isenberg, CORA Committee Chair**—signed-in on the attendance sheet
 - **Angela Landsberg**—signed-in on the attendance sheet
 - **Stan Grzyb**—signed-in on the attendance sheet
 - **Meg Harris**—signed-in on the attendance sheet
 - **Liz Marino**—signed-in on the attendance sheet
 - **Sue Johnson**—signed-in on the attendance sheet
 - **Lynn Coale**—via Zoom
 - **Robert Gill**—via Zoom

7. HEARING: Application brought by Cornwall Outdoor Recreation Area (CORA) for a Site Plan Review of a proposed outdoor recreation space.

This hearing involves an application brought by the CORA Committee for Site Plan Review of their plan for a proposed outdoor recreation area to be located in the Cornwall Village, just off School Road across from the Cornwall elementary school parking lot. The proposed recreation area is located on Town land and is planned to be community owned and operated. The proposed project thus falls under the “Special Public Use Exception” provision of the *Zoning Regulations*.

This provision presumes the use of the property is appropriate for the Cornwall Village zoning district. The DRB is required to conduct a Site Plan Review of Special Public Use Exceptions to ensure proper development within the site. The “Exception” provision limits the Board’s review to matters such as location, size, height, building bulk, yards, setbacks, density of buildings, off-road parking, traffic, noise, lighting, and landscaping or screening, only to the extent that the *Regulations* do not have the effect of interfering with the intended functional use. The DRB also needs to take into consideration objectives outlined in the Site Plan Review criteria (§394) such as parking & loading areas, traffic and pedestrian circulation within the site and between the site and adjacent public roads and pedestrian facilities, structure design, reasonable energy conservation measures for commercial structures, and hours of operation.

Barbara commended the entire CORA Committee on all their work developing this project and obtaining impressive amounts of grant funding for it. Andrea was thanked for putting together a well-organized and clear application, and committee members Woody Jackson and Liz Marino were thanked for staking the property to facilitate individual DRB members’ walking of the site. This hearing was noted as being the first of two. The second hearing meeting will review the survey the Committee has ordered and which will help with the determination of the precise site boundaries and location vis a vis School Road.

A. Introduction—Barbara explained how the hearing will be conducted, and that it will follow an orderly manner, in accordance with the DRB’s rules of procedure.

- First, some housekeeping matters,
- then, the Committee will present this application;
- the presentation will be followed by Board questions and an opportunity for public comment, then a further opportunity for Board questions.
- the Applicants will have opportunities to respond in each of those stages.
- when all questions and comments are done, the Board will confer to determine if they are ready to close the hearing and begin deliberations, or if there is a reason to recess the hearing and reschedule.

B. Housekeeping: Conflicts of Interest—Board members to disclose any conflict of interest, ex parte communications, or visits to the property:

- **Barbara** noted that she and Shari visited the property on February 20; she stopped by again, briefly, on March 5th. Also, for several years Barbara has worked on the Master Gardener project at the school garden, but does not think that presents a conflict.
- **Shari** visited the site a second time with Molly, on March 4. She, like Barbara, feels her Master Gardener association presents no conflict.
- **Douglas** visited the site on March 4, alone.
- **Molly** noted that in addition to her March 4 visit with Shari, she is an officer of Friends of the Cornwall School, but does not feel this presents a conflict.
- **Adam** visited the site recently, alone.
- **Kymerly** visited on March 3, alone. She noted she has been employed at the school, but sees no conflict with this.

C. Housekeeping: *Exhibits*

- **Exhibit 1**—Warning, also called Notice of Hearing, posted in a timely fashion at the Town Hall and Town Garage, on the Town website, and on the property.
- **Exhibit 2**—Certified mail receipts for warnings sent to abutting property owners, including email correspondence between Andrea Landsberg and Barbara Greenwood confirming the address of one of abutters.
- **Exhibit 3**— Application materials. The original application was filed on Feb 8 and ruled complete. The final package was filed on Feb 16. Application contents for the record:
 - Completed application form
 - Document headed “*CORA Site Plan Submission to the Development Review Board*”
 - List of abutting neighbors
 - Tax maps showing the property and the abutting property owners
 - Aerial image of the existing property marked to contour lines and existing structures
 - Drawing or image showing existing parcel with contour lines and outside dimensions
 - Warranty Deed from Hugh and Mildred Longey to the Town of Cornwall, dated October 25, 1973
 - VOREC Community Grant Program Workplan Template, which CORA has submitted as a “Construction Schedule”
 - Document headed “*Application Question 9: Description of how the application satisfies the Site Plan Review Criteria of the Regulations*”
 - December 2, 2023 letter to CORA from Joan Lynch of the Inner Garden setting out the Wind Turbine area planting recommendations.

[Note for the record: Joan is an alternate on this Board and is absent from this hearing]
- **Exhibit 3A**—CORA site plan of proposed outdoor recreation area—colored image with a legend at the top identifying the various things to be constructed on the parcel. Marked as a separate Exhibit, though submitted as part of *Exhibit 3*.
- **Exhibit 4**—Copy of Engineering map showing Proposed Replacement Wastewater system and Boundary Adjustment of Gill property, dated Aug 20, 2011. Filed Feb 26.
- **Exhibit 5**—Copy of Survey of Anna Stowell Sunderland Bingham Memorial School, prepared by Ronald LaRose and dated January 28, 1981. Filed Feb 26.
- **Exhibit 6**—Additional materials filed by Stan Grzyb of the CORA Committee including information about grant funding as well as various letters of support.
- **Exhibit 7**—Email from Mary Dodge with CCC review of the CORA project and map of the parcel; submitted March 6.

D. Applicant Presentation—Angela and Gail began the presentation with an introduction of Committee members present, a history of how the group began, and their initial plans.

- **Background**
 - Gail developed the group after broaching the topic of pickleboard courts to a friend; they then approached the Rec Committee and other similar groups and received their support; grants were applied for (3 received and a fourth being worked on), and spoke with the SB for support of the concept and the possibility of funding. The group has had a number of ups and downs but has been successful in funding efforts and in gaining support of both organized groups beyond the town and town residents.
 - Angela: the Committee conducted a survey of residents with very favorable outcomes; the group’s plans have a heavy focus on ADA issues and on itinerant workers, as well as educational and recreational opportunities for the school and the town; the plan is to

have the park open to all, not just Cornwall residents; in addition to pickleball, they anticipate tennis courts, a picnic pavilion, bocce ball court, horseshoe pitch, exercise stations, a gathering spot, a walking path, a pollinator garden and the planting of a variety of trees and shrubs, and opportunities for a wide assortment of topics for educational presentations/workshops (gardening, wildlife, etc).

• **Regulatory Issues**

- Cornwall Village—(§230) Review brought out that while indoor recreation is allowed, there is no mention of outdoor recreation (as listed in the Conservation and MDR districts);
- Outdoor Recreation—the definition provided in *Article X*, seems to limit outdoor recreation projects to those of a commercial nature, though “park” is among the uses noted;
- Special Public Use Exemptions—(§411) listed “community-owned and -operated” uses as being exempted from the normal Conditional Use approval process, with review limited to Site Plan Review criteria & standards.
- Town Land—There is sufficient town-owned land adjacent to the Bingham Elementary School, that could serve the purpose of a recreation site.
- Waivers—(§380) The parcel under consideration is a 2 acre tract deeded to the town by the Longeys in 1973 (district minimum is ½ acre); the land is currently the site of the school’s windmill. Waivers may be needed once the pending survey is completed and actual property lines delineated. Setbacks estimated to be:
 - 15' from the north, south, and west;
 - the east setback will be 65' to accommodate State buffer requirements for Class II wetlands.

• **Funding & Timeline**

- Village Center Designation—with the help of the ACRPC, the application for designation as a Village Center was approved. This opened the door for grant opportunities.
- Estimated cost for the proposed project, at this point, is \$447,000.
- Grants and donations have provided ±\$140,000 received or committed amounts to-date:
 - Rural Economic Development Initiative—\$10,000 (grant-writer assistance)
 - Addison County Athletic Association—\$7,000 (for tennis court construction)
 - ARPA Funds—the Selectboard has allocated \$70,000 from the ARPA money
 - Private donations—\$14,000 (costs of the survey, Site Plan Review, permit fees)
 - Pending:
 - VT Outdoor Recreation Economic Collaborative —decision pending on the Community Grant Program application that was submitted.
 - A crowd-sourced fundraiser is underway which is hoped will yield \$20,000.
 - The crowd-sourced funds will be used to satisfy the matching fund requirement of the \$40,000 *Better Places* grant from the Housing and Commerce Development Agency’s VOREC Community Grant Program.

• **Goals**

- The project is proposed to be brought to fruition and available for use within 2 years.

• **On-going Work:**

- Survey—RFP deadline for engineering firm responses was March 6; CORA Committee will review responses and select a firm to work with. Work to include property survey to establish project boundaries, topographic plan, and plans for development of paths,

gardens & plantings, fitness stations, tennis/pickleball/bocce ball/horseshoe pitch areas.

- Fundraising—Grants; decision on fees; annual fundraising events; other fund sources (auctioning of the benches that are planned for placement throughout the park?)
- Pavilion Uses—Develop list of potential educational resources at the pavilion , aside from school’s uses
- Waivers—(§380) based on pending land survey, develop list of waivers that may be needed;
- Meetings with local school officials—School safety a priority; establishment of programs for pavilion’s use as outdoor classroom; necessity for limitation of distraction for students during school hours;
- Pending costs—Parking, ADA requires paved areas (\$60,000); underground power lines to the pavilion (\$80,000)
- Other Considerations—Considering a porta-potty, but how to pay for it? Hope is for volunteers and possibly the Master Gardeners, to handle garden maintenance.

E. Board Questions

- **DRB:** *Concern expressed about maintenance.* **CORA:** This has not yet been fully developed, by they expect to be working on a plan for on-going maintenance of grounds, gardens, courts, equipment. CORA Committee plans to remain a committee within the Recreation Committee with a focus on maintenance of the park area.
- **DRB:** *Questioned control of noise levels, pickleball in particular is known for its noisiness. The Regulations limit decibel volume to 70 decibels until 9:00^{PM}, then not to exceed 60 decibels overnight. There are ways to measure decibels.* **CORA:** They are working on that, but do not see noise as a big problem. The courts will be sufficiently distanced from residences not to bother them. Also, border plantings (trees and shrubs) may mitigate noise.
- **DRB:** *The back portion of the property is in a Class II wetland area. How will the Committee deal with this?* **CORA:** Wetland requirements will be complied with. The path and exercise stations in that area have been moved further to the west by an additional 30 feet.
- **DRB:** *Asked about drainage.* **CORA:** Engineers will address this.
- **DRB:** *Are there plans for porta-potties?* **CORA:** Yes, a contract will be needed as well as funding as noted above under “Other Considerations.”
- **DRB:** *Concern expressed about traffic on School Road and safety of students, particularly during drop-off/pick-up times. How much control does the school have over access on its property?* **CORA:** The PC also noted parking concerns. The Committee redesigned the parking area, moving it further away from the school. In terms of congestion on School Road during access and egress times, they expect park users will learn when the congestion occurs and will avoid, as much as possible, coming into or leaving the parking lot at those times.
- **DRB:** *How else might this be resolved?* **CORA:** Some places use an app which allows users to sign up for and reserve specific time slots, they can also post notes about pending issues.
- **DRB:** *Noted that the site map indicates parking may be 35' from the School Road front setback and 15' from sides; district requirements also call for a 25' setback from the rear boundary (south boundary).* **CORA:** Paths in the setback areas can be planted with shrubs and trees between the path(s) and lot boundaries. They will be discussing measurement requirements with the engineer.

- **DRB:** *Operating hours are listed in the proposal as ending at 11:00^{PM}. The Regulations, however, indicate 9:00 as the preferred end time.* CORA: Thought the operating hours referenced businesses. This is a negotiable factor. They will come to the next hearing with more information.
- **DRB:** *Where will movable equipment be stored (balls, paddles, rackets, etc)?* CORA: Initially a padlocked box will be used.
- **Barbara:**
 - *Could a path be added for kids to use when moving between the school and park? There is concern that, for safety reasons, they not enter via the park's parking lot.*
 - *Re: the curb cut permit, will it be requested before or after the survey?* CORA: After.
 - *Re: the Waivers. Noting that the pending survey will help identify any district dimensions that might need a Waiver. Her list currently includes:*
 - Frontage—requirement is 100'
 - Lot depth—requirement is 200'
 - Front Setback—requirement is 35, rear is 25'
 - Lot Coverage—maximum is 15% (includes all impermeable surfaces—roofs, parking areas, tennis/pickleball courts, etc). CORA noted that the site plan submitted (*Exhibit 3A*) is just a representation. Once the survey is received, the engineers can prepare an accurate site plan with all dimensions noted.

F. Public Questions

- *Robert*—No questions, favors the project.
- *Lynn*—Noted that the property will need a curb cut and a 911 address, and while development is excluded from within setbacks, paths may not be, he will do some research on this. Waivers may be an option.

G. Additional Applicant Response—None

H. Additional Board or Public Questions

- **Public:**
 - *Robert*—No questions, but expressed appreciation for the CORA Committee's work and is in favor of the park project.
 - *Lynn*—Referred the Committee to Articles 6, 7, and 8 covering noise, signs, lighting, hours of operation, and buffers. He felt buffers would provide additional noise mitigation and noted that the parking lot needs to be 35' from the School Road center-line. He wants to see a final plan for lighting (lights must shine downward) and is concerned that people might forget to turn lights off.
- **Board**—No additional questions

I. Wrap

- **Barbara** led the Committee in a discussion of next steps, mainly whether to recess or close this hearing. There was enough uncertainty regarding when the survey might be delivered, that it was decided that rather than scheduling a resumed hearing, the Committee would let Barbara know when the survey is ready and the next hearing meeting will be scheduled and warned in the usual manner
 - Any new material should be submitted to the Board no less than two weeks before the rescheduled hearing date.
 - The Board would like the Committee to identify and submit any Waivers they will be seeking.
- **Hearing was closed at 8:35**

Recording stopped, Board Agenda resumed.

8. OTHER BUSINESS

• **Old:**

- **Zoom:** Screen sharing during meetings—Douglas has determined how best to handle this. It is a setting found in the account's Zoom website, Douglas will write out the set up process so it is available to anyone needing to do this.

• **New:**

- **Suggestions for revised Town website:** The DRB has been asked if they have any suggestions they would like to have implemented when the Town website is revised and updated. Barbara has indicated several things she would like to see and asked for the DRB to add any others. The Board was pleased with Barbara's List and accepted it for submission to the website review lead.
- **Reappointments**—Barbara will request the Selectboard re-appoint Shari and Molly to the DRB.

9. MEETING AVAILABILITY

- **April 3:** All available.
- **May 1:** All available.

10. ADJOURNMENT: At 9:15^{PM} Kymberly MOVED, Douglas SECONDED, to adjourn the meeting. *Motion passed.*

Respectfully submitted,
Robin Conway, Board Secretary