

TOWN OF CORNWALL
2629 Route 30, Cornwall, VT 05753
Development Review Board
FINDINGS AND DECISION

In re: Town of Cornwall—CORA

Hearing Application No.: drb#24-001

I. INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involved review under the *Town of Cornwall Zoning Regulations (CZR)* of an application for a Site Plan Review and approval of four waivers submitted by the Cornwall Outdoor Recreation Area Committee (CORA), on behalf of the Town of Cornwall.
2. The application for Site Plan Review and supporting documents were initially received by the Development Review Board (DRB) on February 16, 2024. A copy of the application is available at the Cornwall Town Clerk's Office. Additional materials, including the application for waivers, were received prior to the second hearing on May 1, 2024.
3. Notice of a public hearing for review of the Application was posted at the following places:
 - a. The Town Clerk's Office
 - b. The Town Garage
 - c. The Town website
 - d. The property in question.
4. The application was considered by the DRB at a public hearing held in-person and virtually on March 6, 2024. The hearing was recessed to May 1, 2024 to allow CORA time to receive and submit additional material including a survey and final Site Plan drawing. The DRB reviewed the application under the *Town of Cornwall Zoning Regulations ("CZR")* dated February 26, 2008, specifically §230 (District V1), §501 (Interior Lots), §380 (Waivers), §411 (Special Public Use Exceptions), §394 (Site Plan Review Criteria).
5. Present at the hearings were the following members of the DRB:

<i>March 6—</i> <ul style="list-style-type: none">• <u>Barbara Greenwood</u> (DRB Chair)• <u>Shari Johnson</u> (Vice-Chair)• <u>Molly Daly</u>• <u>Douglas Black</u>• <u>Kymberly Breckenridge</u>	<i>May 1—</i> <ul style="list-style-type: none">• <u>Barbara Greenwood</u> (DRB Chair)• <u>Shari Johnson</u> (Vice-Chair)• <u>Molly Daly</u>• <u>Douglas Black</u>• <u>Adam Eckhardt, Alternate</u> (<i>appointed to replace Kymberly Breckenridge who was absent</i>)
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6. A record of the names and addresses of attendees and a record of their participation at the hearings is available at the Town Clerk's Office. Those persons wishing to participate were duly sworn in at each hearing.
7. This application was for approval to develop a 2-acre parcel off School Road, across from the Bingham Elementary School in Cornwall, as an outdoor recreation park ("Rec Park") with walking paths, a picnic/event pavilion, bocce ball and horseshoe pitches, pickleball and tennis courts, and a 12-spot parking lot. There was a request for approval of four waivers in order to facilitate the development and useability. The development is to be under the direction of the

Cornwall Outdoor Recreation Area Committee and is to be a community-owned and -operated facility, falling under §411 *Special Public Use Exceptions* in the CZR. Facilities named in §411 are deemed to be approved for the district wherein located and are subject to review only under DRB Site Plan Review procedures.

II. EVIDENCE AND RELEVANT TESTIMONIES:

A. Exhibits. The Exhibits received into evidence during the hearings on the Application are listed in *Attachment A* at the end of this Decision. These Exhibits are all available at the Town Clerk's Office. Also at the Town Office are the Hearing Minutes with details of the full testimonies heard (Ref: *DRB Minutes March 6 and May 1, 2024*).

B. Testimonies relevant to the application (*Exhibit 3*) are noted below.

1. **The property** is in the Town of Cornwall's Village (V1) zoning district, as described on the Town of Cornwall Zoning Map on record at the Cornwall Town Clerk's office and in §230 of the *Cornwall Zoning Regulations* (CZR).

- **The parcel (ID #08-03-07.1)** is located on the south side of School Road and is further described in a warranty deed recorded in the Cornwall Land Records in Book 24 Pages 138 and 139 (*Exhibit 3*).

2. **Project Description.** Members of the CORA Committee, on behalf of the Town of Cornwall, explained the proposed project for the property:

a. Property Owner. The Town of Cornwall.

b. Current Status.

- The ±2-acre parcel across from the Bingham Elementary School, Cornwall, VT, is currently undeveloped though in use by the School for its wind turbine, several small structures, a garden, and an outdoor classroom.
- The parcel lies on the south side of School Road, a paved public road which ends at the school parking lot. The Town Right of Way for School Road extends into the parking lot ±30 feet. There is a Perpetual Easement and Right of Way extending beyond the East end of the ROW by another ±78 feet (a total of 100+ feet). *Exhibit 13*. These rights of way provide access to the parcel by Town residents although there is no frontage on School Road. (The Perpetual Easement is depicted on a 1981 survey by Ron LaRose (*Exhibit 12*) and noted by a clause in the Quit Claim Deed (*Exhibit 11*) from the Town of Cornwall transferring the Bingham School to the Addison Central School District in 2018, recorded in Book 84 Page 216.)
- The lack of frontage on a public road makes the parcel subject to the provisions of §501 *Interior Lots*.
- The lot depth is ±167' or 168' so does not meet the V1 district lot depth requirement of 200'. [*This is the subject of one of the four waivers requested.*]

c. Proposed Development.

- **Parking Lot.** Located adjacent to the West boundary with spots for 12 vehicles; two of the spots will be ADA compliant and the lot will be paved per ADA requirements; gravel paths leave the lot at its North and South ends, leading eastward to the pavilion, pitches, and courts. Two of the parking spots lie within setback areas, one on the North, one on the South.
- **Pavilion, Bocce Ball and Horseshoe Pitches.** The Pavilion is a 24' x 40' roofed structure for use as a picnic area, an outdoor school event area, a place for workshops and other community events. The bocce ball and horseshoe areas lie to the North of the Pavilion.

The school's wind turbine is located between the pitch area and the court area and is where gardens are planned.

- **Pickleball and Tennis Courts.** This area is at the East end of the parcel, separated from the East boundary by a 65' buffer zone as required by the Agency of Natural Resources' Class II wetlands provisions. The wetlands lie adjacent to the parcel's east boundary line.
- **Paths.** According to CORA paths ($\pm 12,455$ sf, per *Exhibit 15*) will be crushed stone, traversing the perimeter of the parcel as well as leading into its interior for access to the pitches and courts. *Exhibit 15* refers to the paths as #3 Pike Plant mix and also as gravel. Barnard & Gervais consider the gravel type to be permeable, but advised a State jurisdictional determination. A number of benches and exercise spots are planned along the lengths of the paths. A path extension leads from the North side of the parcel to the lawn of the school, providing safe access between the two for the students, keeping them away from vehicular traffic in the school and Rec Park parking areas. *[Some sections of the perimeter paths, and small portions of the parking lot and tennis courts lie within the setback area and are the subject of one of the four waiver requests.]*
- **Coverage.** The maximum coverage in District V1 is 15% for parcels under three acres as this parcel is. The coverage for this proposed project is indicated as being 17.2% (15,014 sf). The figured percentage does not include the paths which may or may not be permeable, inclusion of the bocce and horseshoe pitches not specified (*Exhibit 15*). *[Coverage is the subject of one of the four waivers being requested.]*
- **Lighting.** Illumination of the parking lot will be by two 15' light poles. The pickleball and tennis courts will also have lighting. The hope is that the lights will be solar powered. The plan calls for the four court area poles to be 20' tall. No lighting is specified for the pavilion/bocce/horseshoe area or the wind turbine space, but there may also be lights in the pavilion area. *[The pole height of 20' is in excess of the CZR requirements and is the subject of one of the four waivers being requested.]*
- **Operating Hours.** Proposed operating hours (revised by CORA from the originally proposed 7:00^{AM} to 11:00^{PM}) are 7:00^{AM} to 10:00^{PM}. All lights will automatically shut off at 10:15PM regardless of any token time remaining from inserted tokens.
- **Lot access.** The only access for the parcel is through the School Road ROW and the Perpetual Easement and Right of Way referenced above. A Road Access Permit (*Exhibit 17*) from the Town Road Foreman has been submitted as part of the application.
- **Drainage.** CORA testified that the Town's engineers will ensure compliance with stormwater and drainage requirements of CZR §394(6).

3. Utilities.

- **Electric power.** The power line(s) will be installed underground.
- **Porta Potties.** There will be a contract for delivery and maintenance of one or more Porta-Potties once funding is secured. Location of placement not indicated.

4. Waivers Sought.

- **Setback Waiver.** Approval for some design elements to be within the setback area as detailed in *Exhibits 15 and 18*. CORA testified that having portions of the walking path, rest benches, exercise stations, and small sections of the parking lot and tennis and pickleball court area within the setback area will not compromise travel ways, access, or safety, nor will it constitute any meaningful intrusion on adjoining properties.
- **Lot Depth Waiver.** To approve a lesser lot depth than the 200' required. The Town lot on which the park is planned is between 167' and 168' deep, north to south.

- **Coverage Waiver.** Approval to allow lot coverage to be more than the 15% maximum for this 2-acre parcel. Per CORA, the planned development of the lot is minimal. CORA does not feel that the ‘density’ of this plan will compromise the surrounding area or the village center in any way. The lot coverage of impervious surface for the planned development is indicated by CORA as being 15,014 SF or 17.2%. Per Barnard & Gervais, *Exhibit 15*, the project includes a total of 15,014 SF of impervious surface area, including structures, parking area, kiosk, picnic shelter and courts. CORA says that the paths are permeable and so have not been included in the coverage calculation, but Barnard & Gervais have reached out for a professional opinion as to whether the paths are permeable or not. The paths total 12,455 SF.
- **Pole Height Waiver.** To allow the four LED court lighting poles to be 20’ tall (5’ over the 15’ limit). LEDs provide unidirectional flow of light (emit light in a particular specific direction only) but incandescent and fluorescent lights emit light in all directions and have a spread of 360°. CORA indicated that if 15’ tall poles are used on the courts, a total of 6 poles will be required.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Based on the Application, relevant Testimony, and Exhibits, the DRB finds the following:

A. FINDINGS OF FACT:

1. **The Applicant** is the Cornwall Outdoor Recreation Area Committee (CORA) on behalf of the Town of Cornwall.
2. **The Owner** is the Town of Cornwall.
3. **The subject property** (Parcel ID #08-03-07.1) is located off School Road in the Town of Cornwall and is further described in a warranty deed dated October 25, 1973 and recorded in the Cornwall Land Records in Book 24 at Page 138-139 (*Exhibit 3*). The parcel consists of 2 acres more or less.
4. **The property** lies in Cornwall’s Village (V1) zoning district, as described on the Town of Cornwall Zoning Map on record at the Cornwall Town Clerk’s office and in §230 of the *Cornwall Zoning Regulations (CZR)*.
5. **The minimum dimensional standards** of the district within which the parcel lies are: Minimum lot size of ½ acre; Minimum front setback of 35 feet; Minimum rear setback of 25 feet; Minimum side setbacks of 15 feet.
6. **Interior Lots** (§§501 & 406)
 - **Interior Lot Defined**—A parcel not having frontage on a public road or public waters.
 - **Parcel ID #08-03-07.1**—Having no frontage on School Road, this parcel was determined to be an interior lot.
 - **Interior Lot Dimensional Requirements**—Minimum setbacks on all sides, must be equal to the front setback as required by the district wherein the parcel lies. In this instance, the parcel must have minimum setbacks on all sides of 35’.
 - **Interior Lot Access Requirements**—For development to be permitted on an interior lot there must be access to a public road by a permanent easement or right of way of at least 50 feet in width. By virtue of the right of way for School Road and the perpetual easement and right of way illustrated in *Exhibit 13* this requirement is met.
7. **By Right Use.** The proposed use of the property is a by right permitted use because it is community owned and operated.

8. **Site Plan.** The Site Plan (*Exhibit 15*) depicts the following:

- Interior lot with 35' setbacks shown per interior lot regulations for District V1 lots; 65' setback on East per ANR Class II Wetland buffer requirements marked on Site Plan
- School Road east end ROW, Perpetual Easement, curb cut, light pole locations, windmill and other school structure locations, school and proposed garden areas
- Interior lot depicting proposed locations for parking, walking paths, school access path, pavilion, bocce ball and horseshoe pitches, pickleball and tennis courts, benches and exercise spots, pollinator gardens, and plantings of trees and shrubs, as well as the school's wind turbine, garden, several small structures and the outdoor classroom.

9. **Setbacks.** The Site Plan (*Exhibit 15*) and *Exhibit 18* show that many elements of the proposed Rec Park lie within the setback areas, including the north and south edges of the parking lot, most of the welcome kiosk, portions of the walking paths, many of the benches, and the north and south edges of the court area.

10. **Coverage.** The proposed lot coverage is either 17.2% or, if the paths are included in the calculation, approximately 31.5% (15,014 SF plus 12,455 SF).

11. **Draft Survey Plat (*Exhibit 13*).** The draft plat shows the subject parcel, as well as the School Road right of way (60.52') and the perpetual easement and right of way (77.56') providing access to the subject property. The details of the draft survey plat (including the parcel boundaries) were confirmed by Barnard and Gervais on May 1 and will be reflected in a final survey plat.

B. CONCLUSIONS OF LAW

1. **Authority**—The DRB has the authority pursuant to State statute and *Town of Cornwall Zoning Regulations (CZR)* to hear and approve or deny Site Plan (§390) and Waiver (§380) applications.

2. Compliance with CZR Provisions

a. **District dimensional standards**—The DRB concludes that the proposed Site Plan as depicted in the Site Plan drawing (*Exhibit 15*) does not comply with the interior lot setback standards for a District V1 parcel because several of the design elements lie within the setback areas. The proposed Site Plan exceeds the lot coverage maximum of 15%, having coverage of at least 17.2%. The parcel does not comply with the minimum lot depth requirement, being only ±168' deep rather than the required 200'.

b. **Parking lot requirements**—The DRB concludes that the proposed parking lot does not comply with the relevant Standards set forth in §610 (2) Parking, because the south and north ends of the parking lot lie within the setback area.

c. **Interior Lot Access Requirements**—The DRB concludes that the interior lot access requirements of CZR§406 are met by the town road right of way and the perpetual easement and right of way shown on the draft plat (*Exhibit 13*). Therefore, this lot may be developed.

3. **Waivers, §380—CZR Criteria for Review**—The DRB concludes that the proposed Rec Park is for a use permitted within the district as a by right use, being an exempt use, and that the development of a recreational park is in conformance with the Town Plan. The Town Plan makes it clear that there is support for recreational facilities and focal points for community activity in the Village Center. The DRB concludes that the proposed design of the Rec Park is designed to conform to the character of the land use area and incorporates design techniques (e.g., screening, downward facing LED lights) designed to reasonably limit the potential impact

upon neighbors. The DRB concludes that it includes features for disability accessibility (handicapped parking and walking paths). The DRB concludes that the fact that small portions of the walking path, rest benches, exercise stations, parking lot and court areas fall within the setback area will not compromise travel ways, access or safety, nor will it constitute any meaningful intrusion on adjoining properties. Accordingly, the DRB finds that the requested waivers from the setback, coverage and lot depth requirements satisfy the review criteria for waiver requirements contained in §383.

4. **Site Plan Review, §390.**—The DRB has reviewed the proposed site plan and related information, and the evidence given at the hearing, taking into consideration the review criteria set forth in §394. The DRB concludes that, for the most part, the proposed site plan meets the objectives of the criteria. For example:
- a. The CORA Committee has considered the traffic that will be generated by the Rec Park, and consulted with the School and the Road Foreman, and will work on signage and other measures to address traffic volume and safety.
 - b. The proposed site plan provides for safe access to the walking paths from the parking lot, and for safe access by school children coming from the school to the Rec Park.
 - c. The CORA Committee has proposed landscaping features (shrubs) to reduce the impacts of the Rec Park may have on the school. They have designed the parking lot so that cars (and their lights) face away from neighbors.
 - c. The CORA Committee has represented that the engineer will ensure compliance with stormwater and drainage requirements contained in §394(6).
 - d. The parking lot and court lights will be downward-facing LED lights that will turn off automatically 15 minutes after the end of hours of operation. The court lights will not turn on automatically at night but will be operated by users with a token system. The parking lot lights will turn off automatically 15 minutes after the end of operating hours.

However, the DRB finds that the proposed 20' high pole lights do not satisfy the criteria. CZR §394(7) is very clear that exterior lighting must conform to the standards set forth in §820, which requires that applicants protect dark skies at night by minimizing exterior lighting and glare by implementing several measures, and which mandates that pole lights are not to be higher than 15 feet. CORA has proposed four pole lights of 20 feet. Neighbors who attended the hearing expressed concerns about the lighting. The DRB shares these concerns, especially because the proposed Rec Park is located on land that is higher than Route 30, meaning that the court lights could potentially be visible not just by immediate neighbors but also from a distance. The DRB finds that 20' pole lights would violate §820.

Likewise, CZR §394(8) and §810 prohibit noise which is excessive at the property line or is incompatible with the reasonable use of the surrounding area. Pickleball is known to be noisy. As noted above, the CORA Committee has agreed to plant shrubs to help screen the school from the noise. CORA has made inquiries of similar pickleball operations in Middlebury and Shoreham and reports that there are no noise issues. The DRB finds that the CORA Committee has shown that noise will probably not be a problem.

Finally, §394(10) states that hours of operation are generally encouraged to not begin earlier than 7:00 AM and end by 9:00 PM, and that the burden is on the applicant to demonstrate why longer hours are necessary. The DRB is concerned about the potential impact of longer hours on nearby residents, and finds that the CORA Committee has failed to show that longer hours are necessary.

IV. DECISION AND FINAL APPROVAL WITH CONDITIONS:

Based upon the Findings of Fact and the Conclusions of Law herein, and the evidence presented in the form of Exhibits and Testimony at the hearings, the Development Review Board hereby:

- A. grants approval of the proposed Site Plan for Parcel ID # 08-03-07.1 as requested in the application (drb#24-001) submitted by the Cornwall Outdoor Recreation Area Committee on behalf of the Town of Cornwall;
- B. regarding the four requested waivers noted above:
 1. **Setbacks & 610(2) parking lot location requirement**—Approved, provided that the Town, may, at its discretion, move the portion of the walking path that is close to the north end of the Gills' septic mound a few feet to the north, if necessary to accommodate any arrangement made between the Town and the Gills to facilitate the Gills' mowing of the mound.
 2. **Lot Depth**—Approved.
 3. **Coverage**—Approved. Specifically, the DRB approves the coverage as shown in the Site Plan drawing (*Exhibit 15*), whether it is 17.2% or, if the paths are determined to be impermeable, greater than 17.2%.
 4. **Light pole height**—Denied; no light poles may exceed 15' in height. (The DRB recognizes that six 15' light poles may be required for the courts.)

All approvals are subject to the Conditions hereinafter set forth.

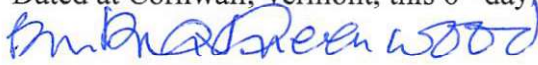
CONDITIONS

- A. The Town shall record the Final Survey Plat within one hundred eighty (180) days of the date of this decision.
- B. The hours for the Cornwall Outdoor Recreation Area shall not exceed 7 AM to 9 PM.
- C. The Town shall landscape the northern border of the tennis and pickleball court area to provide screening from the school to mitigate both visual and auditory distractions. Such screening shall be planted in conjunction with the construction of the tennis and pickleball courts if seasonally appropriate; otherwise, that planting shall be done as soon as possible after the construction.
- D. The lights on the courts shall be programmed so that they do not turn on automatically, but turn on only in the event that the courts are in use.
- E. The parking lot lights shall have a mechanism so that they may be turned off or programmed not to come on during the winter months when the Rec Park is not in use.
- F. All lights shall be programmed to turn off automatically at 9:15 PM, and not to turn on earlier than 7:00 AM.
- G. CORA/the Town shall use signage to communicate hours of operation. "Hours to Avoid" while school is in session shall be noted in signage and other materials about the recreation site. In addition to the signage, communications from the Town and CORA website postings shall include cautions about driving slowly as children are in the area. CORA shall work with the Road Foreman on solutions to mitigate speeding on School Road.
- H. The Town shall obtain a 911 address for the recreational park once construction begins.
- I. The Town shall require its engineers to comply with the stormwater and drainage requirements of CZR §394 (6).

FINAL COMMENTS

1. The DRB commends the CORA Committee for its work in developing plans and obtaining financing for a recreation park for the Village Center, and for its thorough approach to this application.
2. Although the DRB has approved the site plan, including the use of court lights at night, we remain concerned about the impact of such lights on the night sky and on nearby neighbors. We encourage the CORA Committee and the Town to consider not having any lights on the courts, so as to maintain a dark sky and reduce light pollution in the neighborhood.

Dated at Cornwall, Vermont, this 6th day of June, 2024.



Chair, DRB

NOTICE: This decision may be subject to appeal before the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to *24 VSA 4471* and *Rule 5(b)* of the *Vermont Rules for Environmental Court Proceedings*.

ATTACHMENT A—EXHIBIT LIST #24-001
TOWN OF CORNWALL SITE PLAN REVIEW AND WAIVERS
LIST OF EVIDENCE FILED

Submitted for March 6 hearing:

- **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 February 8, 2024, 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.
- **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.

Submitted for May 1 hearing:

- **Exhibit 8**—Notice of this Hearing (posted in a timely fashion at the Town Hall and Town Garage, on the Town website, and on the property).
- **Exhibit 9**—Certificate of Mailing for warnings sent to abutting property owners.
- **Exhibit 10**—A 4-page document submitted by the applicant and containing follow up to questions from the hearing on March 6, along with waiver requests; filed April 17.

- **Exhibit 11**—Quit-Claim Deed from The Town of Cornwall to the Addison County Central School District, dated February 28, 2018; filed April 17.
- **Exhibit 12**—Survey referenced in the Quit-Claim Deed, being a survey of the Anna Stowell Sunderland Bingham Memorial School, prepared by Ronald L LaRose January 28, 1981. [*obtained from Town Clerk*]
- **Exhibit 13**—Draft Boundary Retracement Survey Plat, prepared by Barnard & Gervais
- **Exhibit 14**—Draft Site Plan—*Existing Site Conditions*, prepared by Barnard & Gervais, undated; filed April 17
- **Exhibit 15**—Draft Site Plan—*Proposed Conditions*, prepared by Barnard & Gervais, undated; filed April 17
- **Exhibit 16**—Email exchange between Stan Grzyb and Mike Gaines at Barnard & Gervais about the Town of Cornwall’s right to access the parcel over the town road right-of-way and the perpetual easement.
- **Exhibit 17**—Road Access permit issued to CORA/Town of Cornwall, April 18, 2024
- **Exhibit 18**—April 26, 2024 email from Andrea Landsberg attaching two documents: a list of the actual setbacks of those elements of the proposed Rec Park for which setback waivers are requested; and a map with the measurement locations noted.
- **Exhibit 19**—May 1, 2024 email from Robert Gill expressing concern with possible impact on the Gill property of waivers as requested, and indicating there is a likely misconstruing among members of the Gill family regarding plans for the property.