

Recreation Planner Comments

Cornwall is a fortunate community endowed with a varied and very attractive landscape. Its Taconic topography with rugged, steep hills and narrow, deep valleys is in sharp contrast with the gently rolling Litchfield Hills plateau seen in Goshen on its eastern flank. Even its share of the limestone valley accompanying the Taconic region is narrow and often overlain with wetland soils.

Thanks to its hilly terrain and relatively remote location, Cornwall's population is quite small. Although settlement occurs throughout the town, three centers of population exist, including Cornwall Village, Cornwall Bridge, and West Cornwall, the last two of which act as its economic and commercial foci and should retain this role. Cornwall contains several regionally-significant tourism industry facilities including the Mohawk Mountain Ski Area, operated under State lease and the Cornwall Inn.



Important historic assets include the villages of Cornwall Village and West Cornwall which may inherit district designation. In addition the hamlet of North Cornwall is an outstanding visual example of rural New England landscape and, because it could be damaged by one or more non-conforming additional structures, needs special attention and protection. Also, the general Sedgewick Monument in Cornwall Hollow deserves mention.

Cornwall has possessed a number of natural areas meriting notice. Two include the famous Cathedral Pines and the so called Ballahack, both old growth coniferous stands which were severely damaged by the same tornado, fortunately the state-owned Gold Pines remain intact as a striking example of magnificent white pines. In addition, the black spruce bog on Mohawk Mountain is noteworthy.

Hiking trails have been another significant feature of Cornwall. A prime example is the Mohawk Trail, following the former route of the Appalachian Trail and almost entirely located within Cornwall. A second trail is the Mattatuck Trail, extending north from the Warren border to link with the Mohawk Trail near the ski area. Maintenance of the continuity of these trails involves the CT Forest and Park Association's proposed east-west trail connecting the Metacomet Trail (part of the proposed New England National Scenic Trail) and the Appalachian National Scenic Trail, a connection most likely via the Mohawk Trail. The last possibility deserves attention in Cornwall's future planning.

What does the future hold for Cornwall? Can its character survive likely change? For better or worse, the lack of sewer and water facilities rule out dense, large scale development. Reportedly only Cornwall Village has a community water and septic tank problems in West Cornwall put a limit on potential growth. However, there is a trend for large properties to be replaced with moderate-sized tracts occupied primarily by weekenders and vacationers. This

will involve considerable, scattered development. It also raises the question whether Cornwall can remain a living community, with local residents who live, work and go to school in town.

Because Cornwall still retains a number of large properties whose disappearance would substantially impact its future, monitoring their status is recommended. Prime examples include the Hollenbeck Fish and Game Club, Trinity Conference Center, Dark Entry Association and the Yelping Hill Association.

The future of agriculture in Cornwall also deserves attention because of its impact on the landscape and its linkage to the town's history. Traditionally farming in Cornwall has meant dairying and economic pressures have sharply curtailed dairying as a viable activity. Some farmland has received permanent protection through philanthropy and purchase of development rights for example, as seen with the Gold Farm. However the future use of Cornwall's farmland remains a question in the absence of active dairy farms. The most likely options will be gentleman farms, leasing, maintenance haying, and hopefully some financially successful specialty farm operations. A good example of such niche farming is seen with the Hurlburt Farm's specialization in old fashioned creamline milk.

Planning Comments

Land Use

According to information supplied by the University of Connecticut's Center for Land Use Education and Research, over 80% of Cornwall's land area is either deciduous or coniferous forest. In 2002, less than 6% of the town was classified as developed which land used for residences, business and institutions. Development claimed approximately 75 acres of land (0.3% of the Town) between 1985 and 2002. Permits for new housing units average roughly eight units per year.

TABLE 1	1985		1990		1995		2002		CHANGE	
	acres	% of Town	acres	% of Town	acres	% of Town	acres	% of Town	acres	% Change
Developed	1,567	5.3%	1,616	5.4%	1,618	5.4%	1,642	5.5%	75	4.8%
Turf & Grass	121	0.4%	128	0.4%	131	0.4%	130	0.4%	9	7.4%
Other Grasses & Agriculture	2,404	8.1%	2,518	8.5%	2,584	8.7%	2,612	8.8%	208	8.7%
Deciduous Forest	17,025	57.3%	16,989	57.2%	16,980	57.2%	16,937	57.0%	-88	-0.5%
Coniferous Forest	7,169	24.1%	7,066	23.8%	7,025	23.7%	7,009	23.6%	-160	-2.2%
Water	451	1.5%	472	1.6%	433	1.5%	401	1.4%	-50	-11.1%
Non-Forested Wetland	34	0.1%	89	0.3%	107	0.4%	122	0.4%	88	258.8%
Forested Wetland	902	3.0%	796	2.7%	787	2.6%	788	2.7%	-114	-12.6%
Barren	15	0.1%	15	0.1%	22	0.1%	46	0.2%	31	206.7%
Utility Right-of-Way	14	0.0%	14	0.0%	14	0.0%	14	0.0%	0	0.0%
Source: University of Connecticut's Center for Land Use Education and Research										

The Nature Conservancy in cooperation with the Cornwall Planning and Zoning Commission conducted a build out analysis to determine the maximum number of new housing units that could be built. The analysis was based on the Town's current zoning regulations. Parcels that are permanently protected as open space were not included in the calculations. The Towns currently has approximately 787 housing units. The build out analysis determined that a maximum of 3,866 new housing units could be constructed under the current zoning regulations.

Protected land

More than thirty percent - 9,023 acres - of Cornwall's land is protected from development through either direct ownership or easements. Of these 9,203 protected acres, the State of Connecticut owns 7,140 acres and holds easements on another 245 acres. The Litchfield Greenprint Project, a joint project of the Housatonic Valley Association and the Trust for Public Land, has recently identified a number of parcels that they consider a high priority for preservation.

		Acres
Federal	easements	124
	owned	14
State	easements	246
	owned	7,141
Land Trusts	easements	873
	owned	626
Total Protected	easements	1,243
	owned	7,780
	total	9,023
Total Area of Town		29,701
% of Town's Total Area Protected		30.4%
Source: Housatonic Valley Association		

Zoning

Cornwall's zoning regulations provide for three residential zoning districts, one general business zone, three overlay zones and one special district zone. The vast majority of the Town is zoned residential with minimum lot sizes of either three or five acres. Small areas in or near West Cornwall, Cornwall Bridge and Cornwall Plains are zoned residential with minimum lot sizes of one acre. The two general business districts are limited to small long established business areas in West Cornwall and Cornwall Bridge.

In 2003, the Cornwall Planning and Zoning Commission adopted a zoning regulation requiring each lot to have a "buildable area" which is defined as "a rectangular area of a lot

that contains no wetland soils, waterbodies, watercourses, utility or access easements, rights of way or any naturally occurring slope exceeding 25% as measured using 2 foot contour intervals.” The regulations require all structures and septic systems be located within a buildable area except accessory structures with a footprint under 250 square feet and wells which may be located outside of the buildable area. Because of Cornwall’s topography and wetlands, the buildable area requirement will have a significant impact on the number of lots that can be developed.

The Cornwall Zoning Regulations contain a section that allows for a “planned conservation zone” in the 3 and 5 acre residential zones. The planned conservation zones purpose is to allow for “the creative development of land.” The requirements for creating such a zone are, however, daunting. The implementation of this zone requires an amendment to the town zoning regulations and map as well as a site plan and a report on how the proposed zone will meet the purposes of the planned conservation zone. Subdivision approval would also be required. Because of the uncertainties surrounding the approval process, the “planned conservation zone” is unlikely to be used.

It is common practice for municipal zoning regulations to establish standards for cluster -or open space - subdivisions. Cluster subdivision regulations establish minimum standards for lot size, yard setbacks and open space. Cluster subdivisions can result in the preservation of significant amounts of open space and farmland and the creation of lots that are more in keeping with the area’s character. Some municipalities have gone so far as to require cluster subdivisions be used. Cornwall’s zoning regulations contain no provisions for cluster subdivisions.

In 1989, the State created an affordable housing land use appeals procedure aimed at increasing the amount of affordable housing in the State. The affordable housing appeals procedure essentially allows developers to bypass a municipality’s zoning regulations provided at least 30% of the housing units meet the State’s definition of affordable and less than 10% of the municipality’s housing is classified by the State as affordable. According to the State, 2.06% of Cornwall’s housing meets the State’s definition of affordable.

An example might help clarify how this process works. Assume that a private for-profit developer proposed a fifty unit project in Cornwall on one acre lots in an area zoned for five acre lots. The developer submits an application to rezone the project site for one acre minimum lot sizes as well as applications for subdivision approval and inland wetlands approval. The developer claims the project qualifies as a “set-aside development”. Of the fifty units, fifteen units must be sold to persons or families making less than 80% of the median income. In Cornwall, a family of four with an annual income of less than \$59,600 would be eligible to purchase one of the units. In addition, 8 of the 15 units must be sold to persons or families making less than 60% of the median income. In Cornwall, a family of four with an annual income less than \$49,200 would qualify.

The deeds for the fifteen units would contain restrictions limiting both the sales price of the units and the income of the purchaser. The restrictions are meant to insure that the units

remain affordable for forty years. The remaining thirty-five units in the project would be market rate units that could be sold and resold without any restrictions.

Even though the project did not meet the minimum lot sizes of the zoning regulations, the Planning and Zoning Commission could deny the applications only if the Commission could prove that the project did not meet one of three tests.

First, the municipality could try to prove that its denial is necessary to protect “the public interests in health, safety or other matters which the commission may legally consider”; that those public interests “clearly outweigh the need for affordable housing” and that reasonable changes to the application cannot be made protect the public interests. Alternatively, the municipality could try to prove that the affordable housing would be in an industrially zoned district which does not permit residential uses. The third test requires the municipality to prove that the project is not actually “assisted housing” as defined in the State Statutes.

The affordable housing land use appeals procedure has been successfully used by developers to gain approvals for their projects. Unfortunately, the State does not keep track of how many affordable housing units have been constructed through the appeals procedure. Private estimates put the number at about 3,200 affordable units. In the NWCCOG Region, only one project has been approved under the affordable housing appeals procedure.

Major Roadways

Cornwall has 24.49 miles of State highway. The longest stretch of State highway is the little traveled Route 43 which connects Route 63 with Route 4. All of the State highways have relatively modest traffic volume. Route 7 has the highest traffic volume at 4,100 vehicles per day. None of the State Highways even approach their capacity. Route 4 has the highest volume to capacity ratio at .28. There are no plans to expand or widen any of the State highways in Cornwall.

Little data exists on the average traffic volumes for local roads but, based on the traffic counts for State highways; it is likely that their volumes are less than 500 vehicles per day.

TABLE 3: State Highways			
	Length in Cornwall (miles)	Avg. Daily Traffic 2005	Volume to Capacity Ratio 2005
Route 4	6.25	3,100	.28
Route 7	3.56	4,100	.18
Route 43	5.06	400	.02
Route 45	2.34	1,400	.13
Route 63	1.29	2,800	.15
Route 125	1.24	600	.03
Route 128	3.98	1,700	.15
Route 480 (Great Hollow Rd)	.77	400	.04
Source: Ct. Department of Transportation			

Scenic Roads

While one might reasonably argue that most of Cornwall's roads are scenic, the Town has only one officially designated scenic road – Route 7 from the Cornwall – Kent town line to its intersection with Route 4.

There are two types of official scenic road designations – State and local. In accordance with the Ct. General Statutes, the Ct. Department of Transportation has established a procedure by which any agency, municipality, group or individual may request the at State highway be designated as scenic. The three general criteria for designation are:

- the State highway must be bordered by significant natural or cultural features such as historic buildings, vistas, or agricultural land;
- the highway must be at least a mile in length; and
- the highway must not have incompatible development along it which detracts from its scenic character.

If a State highway is designated as scenic, then any proposed improvement along that highway must be reviewed by an advisory committee which evaluates the impact of the proposed improvements on the highway's scenic character. The Ct. DOT regulations also establish special improvement and maintenance standards that are to be observed – where possible - on scenic highways. The standards, for example, discourage widening of the roadway, the removal of stone walls and the cutting of mature trees. While State scenic designation does not offer absolute protection for a State highway, it does ensure that a highway's scenic character will be taken into account in any proposed project.

Most, if not all, of the State highways in Cornwall would qualify for scenic designation.

A town may also designate, by ordinance, local roads as scenic. A town can also – again, by ordinance – delegate the authority to designate a local road as scenic to the planning and zoning commission. By State Statute, a local road can only if it is “free of intensive commercial development and intensive vehicular traffic” and it meets at least one of the following criteria: : “(1) It is unpaved; (2) it is bordered by mature trees or stone walls; (3) the traveled portion is no more than twenty feet in width; (4) it offers scenic views; (5) it blends naturally into the surrounding terrain, or (6) it parallels or crosses over brooks, streams, lakes or ponds”. In addition, the “owners of the majority of lot frontage abutting the highway or portion of the highway” must “agree to the designation by filing a written statement of approval with the town clerk”.

Towns have the authority to establish their own regulations for alterations and improvements on locally designated scenic roads. A good argument could be made for protecting many of Cornwall’s local roads using a local scenic road ordinance.