

## **Land Use Regulation Update Committee** *Town of Ferrisburgh, Vt.*

FINAL – Minutes for meeting of March 26, 2019; approved April 3, 2019.

**Members present:** Arabella Holzapfel (chair), Bonnie Barnes, Bob Beach, Gail Blasius, Anne Cohn, Carl Cole, Steve Gutowski, Dave Mentzer, Karen Pettersen, Jean Richardson, Norm Smith.

**Visitor:** Brandy Saxton.

**Call to order.** Arabella Holzapfel called the meeting to order at 5:30 p.m.

Holzapfel said Brandy Saxton, who has worked as a consultant for the town on the zoning bylaws rewrite, was attending the meeting to answer questions from committee members about the process, and her availability for future work on the rewrite.

Dave Mentzer asked what Saxton thought should be the guidelines for the town as it embarks on this process. Saxton said looking at maps, which the committee members have been doing, is a good place to start. Then think about dimensional standards in various zoning districts, then bounce back to the maps. Jean Richardson said starting with the maps did seem to make sense, but felt it was hard to move forward without knowing what density-based zoning would mean for the rural districts now zoned at two and five acres.

Saxton noted the new maps created for this meeting, which identify all conserved land as well as land in the existing Conservation District (CON-25), made it easier to envision what the town's zoning maps would look like if all the conserved land was added to CON-25. It would mean a considerable amount of land deemed not suitable for most kinds of development. She said land conserved by organizations such as the Vermont Land Trust should be considered not available for development in the foreseeable future, with the exception of agricultural buildings and on-farm businesses.

Saxton said the town might want to consider picking one number to govern the density of development in the rest of the town's rural land, some of which is now governed by two-acre zoning (Rural Residential) and some by five-acre zoning (Rural Agricultural), understanding that development would likely still be limited in large part by septic potential. The town could also require that Planned Unit Development (PUD) rules be used for some larger subdivisions.

Karen Pettersen said the town still has some large chunks of woodland which are important to preserve for wildlife and other natural resource considerations. Jean Richardson wondered if the town needed two overlays to its zoning district maps, one on natural resources and one on historic resources.

Saxton said it was important for the town to consider what it is trying to do with its conservation efforts. What is the town trying to protect, and what kinds of development, if

any, might be appropriate on properties in the Conservation District? She said current large parcels with one lot might be determined to have potential for a second lot. She also suggested the town look at where it encourages development based on the existing road network. Should development take place along existing town roads, leaving farmland and forests untouched? Or should smaller private roads be used to put houses farther back on parcels, so they aren't visible from the road? Both have pluses and minuses when it comes to preserving the rural appearance of the town.

Bob Beach said Ferrisburgh remains a rural town, and asked Saxton whether it seemed other rural towns she's worked with were leaning one way or the other on increased density. Do they allow smaller lots than those currently allowed in Ferrisburgh? He said the town has sometimes been challenged to provide for smaller building lots, in the one-acre range.

Saxton said some towns are now zoned almost entirely for one- or two-acre building lots—she gave Richmond as an example—while others are still working to preserve upland and forested areas with large lot requirements in the 25-acre range. There are lots of variations, she said, and no right answers. It depends on what towns are trying to achieve with their zoning bylaws.

Zoning overlay maps have been discussed by the committee and Saxton said overlays were once used extensively to provide resource protection. But she said overlays are not used as much these days. For the most part, she said, towns are building in resource protection in the actual district descriptions, rather than using overlays. When you have zoning district descriptions plus overlays, it adds to the complexity for both town officials and property owners.

Anne Cohn suggested better definitions of what's allowed, and not allowed, in various zoning districts would be the best way to protect natural and historic resources. Jean Richardson agreed that the language in the bylaws needed to be cleaned up and be more specific.

There was a brief discussion about how data from the Agency of Natural Resources and other state agencies could be used to create more accurate maps, for conservation efforts such as, for example, riparian buffers. Saxton suggested these kinds of conservation tools be included in the bylaws general standards, rather than in the descriptions of all the individual zoning districts. She said the town should be as clear as possible, and that using state standards was one way to achieve more clarity; it is also easier than coming up with your own rules. She said a great deal of information is available in state maps, and that the maps would be getting better and better.

Saxton said there was really no implication for zoning bylaws in maps that were created along with the new town plan. Zoning bylaws should reference zoning district maps, she said, and noted that the zoning district lines might not match up perfectly with the planning maps. She said planning maps could be included in the zoning bylaws for reference. She mentioned Chester, Vt., which has a lot of areas with steep slopes, and discourages

development in those areas. So it includes an advisory map in its zoning bylaws that shows generally where the steepest terrain is found.

She again suggested adding conserved land and state-owned land to the existing Conservation District and seeing what that map looked like. She said it appeared the Conservation District plus the conserved and state-owned land would be at least 50 percent of the town, a high percentage compared to other towns. She noted that a lot of land was also in the state's current use program, meaning it is subject to lower taxes because it is used for agriculture or forestry. Pulling that land out of current use is expensive, which makes it costly to develop.

Saxton said many Vermont towns want to see more development, more housing built, but that in most parts of the state there is not much development going on. An exception is Chittenden County, where a lot of the development these days involves multi-family housing; she said a lot of the single-family homes being built in Chittenden County are expensive one-off homes on large lots. She said there are lots of reasons for the lack of development, including the difficulty of getting financing, since the recession, and even a shortage of tradespeople, who are moving out of state as the number of jobs dwindles. She said there's also a mismatch of what can be built—single-family homes on relatively large lots—and what many people want these days—smaller homes on smaller lots near village centers.

She said it's good to focus on resource protection, but that the town should also consider the flip side, which is what kinds of development it wants to encourage, and where.

Arabella Holzapfel said perhaps the town wants to consider two major zones, one that includes conserved land and resources in need of conservation, and then one rural zone with a certain density, in addition to the smaller existing zones, labeled for highway commercial, industrial and the historic North Ferrisburgh village.

Jean Richardson said the town does not have a walkable town center with shops, so it would require more creativity to encourage development in appropriate places.

Saxton again said it was important to consider whether the town wants to see housing sites clustered along the existing road network, or see houses back from the road, sharing driveways and saving the views from the road. She said septic capacity would be an issue, and noted there is lots of new technology out there for creating shared septic systems, but the state has not shown much interest in adopting these new strategies. She said creating smaller lots, whether or not they're clustered on single parcels, would require changing frontage rules. She also noted that requiring shared driveways and septic systems can sometimes affect the marketability of a parcel. She stressed the need to be creative.

Saxton suggested the committee's workflow so far was appropriate, looking at the zoning district maps and then at the language, noting that all the issues are interwoven. She said solving the rural issue would be a good start, and could be followed by looking at the Route 7 corridor and its various zoning districts. That could mean finding areas with reasonable

septic capacity and no natural resource issues and trying to make them into parts of town that are, if not actually walkable neighborhoods, then at least places that are easily commutable. It could mean allowing half-acre zoning in certain parts of town, with perhaps some affordability standards built in, so that a half-acre lot could have a 1,200-square-foot house but not a 4,000-square-foot house. She noted that smaller households are becoming the norm, and that smaller, single-level houses suitable for one or two people are hot commodities.

Saxton suggested a reasonable goal for the committee would be to resolve the baseline questions on the rural districts, then look at the shoreland district and the Route 7 corridor and develop workable maps. She said she would have more time to work on the project in May and June and then over the summer, and thought it would be possible to develop a preliminary plan to share with townspeople by the fall. Committee members said there was money in the town's budget to pay Saxton for work on the bylaws for the rest of this fiscal year and the next.

Saxton said another issue the town should consider is what kinds of businesses it wants to encourage, in particular with relation to home businesses and on-farm businesses, both of which are growing sectors in Vermont's economy. She suggested these would require careful site plan reviews, and careful consideration of neighbors' views.

In starting to wrap up the meeting, Saxton said she would be working on some ideas on mapping, and could also suggest recommendations for uses in various districts. She said she did have some thoughts on the shoreland district, mainly in terms of dealing with what's already there, and making sure the district lines match up with existing development. Jean Richardson reminded committee members about the value of Saxton's previous work on comparing the recently adopted town plan and the current zoning bylaws.

There was a brief discussion of agricultural-related businesses, recognizing that there will be a need for new kinds of businesses as the number of dairy farms in Vermont, and Ferrisburgh, continues to dwindle. Saxton said some on-farm businesses are popular with neighbors, but that some, like wedding barns, are not, because they draw large crowds of people to places not used to dealing with them. She said in general the town might want to look at ways to make new kinds of ag-based businesses possible, ensuring there are fewer roadblocks to that kind of development.

Bob Beach made a motion to adjourn the meeting at 7:06 p.m. Norm Smith seconded. All voted in favor. **Motion approved.**

The next meeting is scheduled for April 3 at 5:30 p.m.

— Respectfully submitted,

Tim Etchells