

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

FINAL – Minutes for meeting of April 23, 2019; approved on May 1, 2019.

**Members present:** Arabella Holzapfel (chair), Anne Cohn, Carl Cole, Steve Gutowski, Clark Hinsdale, Karen Pettersen, Kurt Plank, Jean Richardson, Norm Smith.

**Call to order.** Arabella Holzapfel called the meeting to order at 5:40 p.m.

**Approval of minutes.** Carl Cole made a motion to approve the minutes of the meeting on April 3, 2019, as submitted. Jean Richardson seconded. Arabella Holzapfel, Anne Cohn, Carl Cole, Steve Gutowski, Clark Hinsdale, Karen Pettersen, Jean Richardson and Norm Smith voted in favor. Kurt Plank abstained. **Motion approved.**

Jean Richardson made a motion to approve the minutes of the meeting on March 26, 2019, as submitted. Carl Cole seconded. Arabella Holzapfel, Anne Cohn, Carl Cole, Steve Gutowski, Clark Hinsdale, Karen Pettersen, Kurt Plank and Jean Richardson voted in favor. Norm Smith abstained. **Motion approved.**

Arabella Holzapfel set up the goals for the meeting, saying the group wanted to go through, section by section, a document prepared by consultant Brandy Saxton. The document compares the goals in the town plan to the current zoning bylaws, noting areas where the plan and bylaws agree or diverge, making suggestions on how to reconcile the two.

Holzapfel used a “Star Trek: The Next Generation” metaphor to illustrate the tasks facing the group in dealing with Saxton’s recommendations. She said in some cases, where the committee agrees that there is a well-defined task to be handed off to Saxton or Bonnie Barnes, zoning administrator, the committee needed to simply say, as Captain Jean-Luc Picard does, “Make it so.” For other recommendations, where broad public input is needed, the committee might say, “Contact Starfleet command.” If there was a need to develop a task force within the committee, the command might be, “Number One, form an away team.” Where further discussion among the group is required, the direction might be, in Picard-speak, “Engage.” And finally, there might be a subset of recommendations that the committee simply decides can’t be done in Ferrisburgh. (Holzapfel allowed that she couldn’t recall Picard using the word “can’t.”)

The committee then began a section-by-section review of Saxton’s document, which has 30 sections in all. What follows in these minutes relies mostly on Jean Richardson’s notes, which she distributed after the meeting and which she hoped represented the consensus of the committee members on each section.

### **No. 1: Protecting Agriculture**

- Yes, we need detailed new language
- No one seemed inclined to reduce the acreage below the present five acres in those areas which have prime and statewide soils. Instead, they want to encourage

economically viable agriculture and are concerned that fragmentation into less than 10 acres on good soils will result in wasted agricultural lands. They also note that most good soils are already conserved.

- Clustering is good and preferred over density as a tool.
- Like incentives in subdivision for good clustering which protects prime and statewide soils.
- When clustering, also pay attention to protecting, by use of a buffer for any surrounding forest, wetlands or other sensitive habitats.
- Yes to conservation subdivisions
- Yes to building envelopes. These are used now but need to be spelled out in bylaws. We need clear written standards for building envelopes.
- Land and soils are very different east and west of Route 7.

#### **No. 2: Adaptive Reuse of Historic/Rural Buildings**

- Yes to updating zoning bylaws to make sure as many historic rural buildings as possible are saved and used.
- Historic needs to be defined; it was suggested that 50 years old be the minimum.
- Yes to streamlining the permitting process with clear language for the zoning administrator to approve re-use of existing building.
- Yes to requiring a permit to demolish an old building.
- Be careful with design standards so that they do not result in high costs for landowners now and in future.
- Include viewshed when looking at adaptive re-use; height control easements could be required.
- Yes to setback waivers.

#### **No. 3: Farm-Based Businesses**

- Yes, strong support for encouraging farm-based businesses.
- Approval process needs to be streamlined
- Yes to bylaws that allow flexibility to interpret the definition of farming and are not necessarily tied to state language. Such as: allow on-farm business without strictly defining the percentage of products for sale that must be produced on site.
- Update as required by state.
- Add more uses.

#### **No. 4: Promote Home Occupation**

- Yes, strong support.
- Streamline for zoning administrator permitting.
- Like Brandy's suggestions in her assessment.

#### **No. 5: Protection of Surface Water, Groundwater, Wetlands and Riparian Buffers.**

- Yes, we need detailed zoning language.
- Need to clarify the meaning of "lake": technically, is it up Otter, Little Otter, Lewis Creek, etc., to falls?

- The consensus seemed to be to have the state manage most shoreland development issues, using the recently adopted Shoreland Protection Act. There is an option called “municipal delegation,” which requires a town to adopt shoreland rules at least as strict as state regulations, and to administer the rules itself. There was little appetite for this expressed by committee members.
- Should we look at mooring management areas? Or is that not part of zoning?
- Add 50-foot buffer language for surface waters but be clear what waters these are.
- Yes to 50-foot buffer for Class 2 wetlands. But much of town is wetlands. Must we protect Class 3 as well?
- Revise subdivision regulations as suggested.
- Saxton suggests an overlay in her assessment and yet overlays appear to be not much used and beyond our capacity to manage. New advice?

**No. 6: Recreation**

- Yes to clarifying lodging language as suggested.
- No, we do not want subdivision regulations to include requirement of recreation areas.
- Ferrisburgh is not quite ready for trails map, etc.

**No. 7: Protecting Significant Environmental and Natural Resources**

- Yes, we will get Conservation Commission to review and suggest modifications to the Conservation District (CON-25) as described in current zoning bylaws, using specific criteria such as slope, elevation and critical habitat.

**No. 8: Access Permits onto State and Town Roads**

- We already limit access via zoning and subdivision regulations in practice, but we need to have specific language added in the bylaws rewrite.
- We should allow developments to have up to two access points onto roadways to allow entrance and exit, separated to reduce traffic at any one spot.
- Please write language as suggested to meet these goals.

**No. 9: Simplify Conditional Uses Table**

- To be worked on by the committee at its next meeting on May 1. Arabella Holzapfel asked committee members to “do their homework” by studying this table in advance of the next meeting, so the committee is ready to have an informed discussion.
- Agree simplification is needed, but not sure how to understand what to permit and what to require conditional approval for, as the actual zones may change.
- Yes, concern that right now you can pretty much do anything anywhere in town. Desire to change that.

**No. 10: Affordable Housing**

- Yes, add necessary language.
- Prefer to see affordable housing in the “development”/growth areas, such as North Ferrisburgh, close to public transport on Route 7.

**No. 11: Resource Extraction**

- Bylaws look okay as is. But we would like language for greater control of on-going extraction, notification about blasting, amount to be extracted, etc.

**No. 12: Slope Protection**

- Yes, we want language for this.
- Is there a useful state map we can reference in zoning?

At this point in the meeting, Kurt Plank made a motion to adjourn the meeting after covering section No. 15, or at 8 p.m., whichever came first. Steve Gutowski seconded. All voted in favor. **Motion approved.**

**No. 13: Flood and Stormwater**

- Yes, we need the updated state flood hazard language—especially given how much of the town is in flood hazard areas.
- Yes, have it written so that the zoning administrator could handle.

**No. 14: Umbrella Permit Revision**

- Yes to re-writing this so the applicant provides state or federal permits prior to construction. We do that in practice but needs it be spelled out.

**No. 15: Stormwater Management**

- Yes, we need boiler plate language for this state requirement and references to state information for applicants to get help.

The next meeting is scheduled for May 1 at 5:30 p.m.

Steve Gutowski made a motion to adjourn the meeting at 8 p.m. Kurt Plank seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells