

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

FINAL – Minutes for meeting of May 1, 2019; approved June 5, 2019.

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

**Call to order.** Arabella Holzapfel called the meeting to order at 5:30 p.m. Because the meeting was scheduled in advance of a Zoning Board of Adjustment meeting, it was expected to last only until about 7 p.m. The zoning board meeting was later cancelled, so Holzapfel asked whether the committee members wanted to set a time for the end of the meeting. Members agreed to meet until about 7:15 p.m.

**Approval of minutes.** Steve Gutowski made a motion to approve the minutes of the meeting on April 23, 2019, as submitted. Anne Cohn seconded. Arabella Holzapfel, Anne Cohn, Carl Cole, Steve Gutowski, Clark Hinsdale, Karen Pettersen, Kurt Plank, Jean Richardson and Norm Smith voted in favor. Bonnie Barnes and Dave Mentzer abstained.  
**Motion approved.**

**Sections 16-30.** At its previous meeting on April 23, the committee had gone 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. On April 23, the committee had covered the first 15 of 30 sections. Holzapfel said that she, Bonnie Barnes and Jean Richardson were willing to go through the final sections, Nos. 16-30, and come up with specific directions to give Saxton in rewriting the zoning bylaws. Committee members discussed this plan briefly and agreed to delegate the review to Holzapfel, Barnes and Richardson. The three said they would send their work to committee members, giving them at least 48 hours lead time before any further discussion.

**Rural Residential-2 and Rural Agricultural-5.** Holzapfel noted that committee members received an e-mail from Jean Richardson suggesting that the committee tackle at its May 1 meeting the issue of zoning rules for what are now called the RR-2 and RA-5 zoning districts, making up a large percentage of the developable land in Ferrisburgh. The RR district calls for two-acre lot sizes, and the RA district for five-acre lot sizes. Holzapfel thought committee members should discuss the issue for five minutes to see how close they were to agreement.

To move the issue along, Jean Richardson made a motion to leave the RR-2 and RA-5 zoning districts as is. Steve Gutowski seconded.

Richardson said it was her feeling the town was going to be making a lot of changes to its zoning bylaws, but she hadn't heard a good argument yet for changing the rural zoning districts, or what the revised density might be—three acres? 10 acres?—going forward. She

said changing this portion of the bylaws might not produce a set of zoning bylaws that could be approved by the town's voters.

Anne Cohn said the committee could provide options for more density in some rural areas. Others agreed, saying that site reviews would be called for in those instances.

Clark Hinsdale wondered why there were two numbers. Why not one number for both rural districts? Carl Cole said it would not be fair if people who now owned property in RR-2 were suddenly in a district with five-acre zoning, leaving them with an unbuildable lot.

With her five minutes up, Holzapfel said it did not seem like the committee was ready to make a decision and asked for a motion to table Richardson's motion. Carl Cole made a motion to table the previous motion. Karen Pettersen seconded. All voted in favor. **Motion approved.**

**Conditional and permitted uses.** Arabella Holzapfel posted on the wall of the meeting room charts showing the various sections of town on one axis and the current permitted and conditional uses on the other. She noted the committee's discussion would be about which of the various uses would be allowed in which parts of town, and what level of scrutiny would be required. In its discussions, the committee used the planning areas identified in the town plan, rather than the current zoning districts, to make it easier to align the use tables with the goals of the plan. The planning areas detailed in the plan are Rural, Shoreland, Conservation, North Ferrisburgh Historic Village, Industrial, North Business, Central Village, and South Business.

There was a discussion about the levels of examination to be applied to proposed projects. The town's current zoning bylaws basically suggest two kinds of uses, permitted and conditional. A use that is specifically permitted in a zoning district usually does not require a hearing before the zoning board or a warning to the public and can be approved by the zoning administrator. All other uses are considered conditional, requiring a conditional use permit from the zoning board. This means notification to neighbors, a warning in the newspaper and at least one hearing by the zoning board, a process that can take a month or more.

Jean Richardson wondered if requiring a site plan review but not a conditional use permit would be a middle ground between permitted uses and conditional uses. This would mean having a hearing at the next ZBA meeting and notification of neighbors, but not a newspaper warning. Committee members thought this might be a more efficient way to deal with some projects.

This would set up three levels of scrutiny: permitted uses could be approved by the zoning administrator; site plan review would require a zoning board hearing and neighbor notification, along with posting in the town hall, but not a newspaper posting. Conditional use approval would be the most stringent, and require the most time, involving town hall posting, a newspaper warning, neighbor notification and a zoning board hearing.

The committee members then went through a list of uses from the current zoning bylaws, deciding how the various uses should be handled in the different town planning areas. The committee decided to hold off on decisions for the Shoreland area, saving that for a separate session. For the other planning areas, the committee assigned a level of scrutiny for each use.

The chart on the following page shows the preliminary consensus for each use in each area. In some cases, committee members felt the definitions of existing uses needed work. It was also felt the scrutiny required for some uses would depend on the size of the building or development involved.

The next meeting is scheduled for May 28 at 5:30 p.m.

Kurt Plank made a motion to adjourn the meeting at 7:17 p.m. Norm Smith seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells

## USE CHART

Town planning areas: Rural=Rural; Cons.=Conservation; Shore.=Shoreland; Historic=North Ferrisburgh Historic Village; Ind.=Industrial; No. Biz=North Business; Central=Central Village; So. Biz=South Business. Uses from the current list that were removed are crossed out on the chart: ~~Tourist Home~~. Uses added are in italics: *Rental/AirBnB*. \*=Definition needs work.

P: Permitted; S: Site Plan Review; C: Conditional Use; X: Not Permitted.

USES	Rural	Cons.	Shore.	No. Biz	So. Biz	Historic	Central	Ind.
Home Occupation II	S	S		S	S	S	S	S
<del>Tourist Home</del>								
Recreation, Outdoor	S	C		S	S	S	S	S
Daycare Facility; defined by state regs								
Marina	C	X		C	C	X	C	X
Carwash	X	X		S	S	S	S	S
<del>Commercial Parking Lot</del>								
*Gas Station	C	X		C	C	X	C	C
Freight Terminal	X	X		X	X	X	X	C
Recreation, Indoor	C	X		S	S	S	S	S
*Laundromat	C	X		S	S	S	C	S
Mortuary	X	X		C	C	C	C	C
Motor Lodge	X	X		C	C	C	C	X
Vehicle/ <i>Equipment</i> Sales & Service	C	X		S	S	X	S	S
Restaurant	C	X		S	S	S	S	X
Bar	C	X		C	C	C	C	X
*Retail Store	C	X		C	C	C	C	X
*Warehouse	X	X		C	C	X	C	S
*Light Manufacturing	C	X		C	C	C	C	S
<del>Service &amp; Repair</del>								
Contractor's Yard	S	X		S	S	X	S	S
Veterinary Clinic	S	X		S	S	S	S	X
*Extraction	C	X		X	X	X	X	C
Office	S	X		S	S	S	S	C
Greenhouse/Nursery	S	X		S	S	S	S	X
Personal Service	S	X		S	S	S	S	X
Resort	C	X		S	S	C	S	X
Bank	X	X		S	S	X	S	X
<i>Rental/AirBnB</i>	S	S		S	S	S	S	X
<i>Kennel/Shelter</i>	C	X		C	C	X	C	X
New Residence	P	P		P	P	P	P	X