

## **Planning Commission** *Town of Ferrisburgh, Vt.*

FINAL – Minutes for meeting of August 21, 2019; approved on December 18, 2019.

**Members present:** Bob Beach (chair), Gail Blasius, Al Chamberlain, Anne Cohn, Kristin DeBellis, Arabella Holzapfel, Mike Quinn, Bessie Sessions, Walter Reed. **Town official present:** Bonnie Barnes, zoning administrator.

**Visitors present:** Joseph McSherry, Deanna Shapiro, Charlie Shapiro, Diane Shortsleeve, Monique Thurston, Stephen Thurston.

Bob Beach, chair, opened the meeting at 7:00 p.m.

**Approval of minutes:** Mike Quinn made a motion to approve the minutes of July 17, 2019, as submitted. Gail Blasius seconded. Bob Beach, Gail Blasius, Al Chamberlain, Anne Cohn, Kristin DeBellis, Mike Quinn, Bessie Sessions and Walter Reed voted in favor. Arabella Holzapfel abstained. **Motion approved.** Gail Blasius made a motion to approve the minutes of February 20, 2019, as submitted. Arabella Holzapfel seconded. Gail Blasius, Arabella Holzapfel, Mike Quinn, Walter Reed and Bessie Sessions voted in favor. Bob Beach, Al Chamberlain and Anne Cohn abstained. **Motion approved.**

**Application 19-060 by Carl Cole for review of a sketch plan for a two-lot subdivision of a 10-acre parcel at 3173 Hawkins Road. The property is in the Rural Agricultural (RA-5) District and identified on Town of Ferrisburgh tax maps as parcel 04/01/43.13.**

Carl Cole's application has been withdrawn.

With the next hearing not scheduled until 7:20 p.m., Bob Beach suggested the board use the next few minutes to hear about the work of the Land Use Regulation Update Committee (LURUC) and a possible municipal planning grant.

Arabella Holzapfel, chair of LURUC, reported the committee has been meeting regularly, and has received draft language for many segments of the new bylaws from consultant Brandy Saxton. Holzapfel said a question for the Planning Commission was whether, in looking at revising the zoning map, the group should start with the current zoning map, or with the planning areas map that was adopted as part of the town plan. She thinks the committee is leaning toward the latter, and said that while the maps are similar, there are some significant differences.

Bob Beach, who also serves on both LURUC and the Planning Commission, said there has been a lot of discussion about the Rural Residential District, with two-acre zoning, and the Rural Agricultural District, with five-acre zoning, and whether there should be any changes to those districts in the new zoning map. He says a consensus seems to be developing to leave them as is, while encouraging the use of development tools, such as Planned Unit Developments, to provide more flexibility for development in all of the town's zoning districts.

Bonnie Barnes, the town's Zoning Administrator and a LURUC member, said there are lots of constituencies to consider. She said rules that might be good for large landholders and developers,

encouraging density-based zoning, might be too complex for the average landowner. She said there was a tension between wanting to keep the rules simple and being responsive to larger land-use and environmental issues.

Arabella Holzapfel said that Katie Raycroft-Meyer, a community planner with the Addison County Regional Planning Commission, had talked with her and Barnes about applying for a municipal planning grant to help them wrestle with the tension that Barnes described. Raycroft-Meyer drafted a grant application that she called “Visualizing Density.” It reads in part:

“Like many communities in Addison County, the Town of Ferrisburgh is struggling with a shortage of housing to meet needs. Throughout the process of updating zoning regulations, the concept of compact development and increased density is regularly discussed. What does increased density look like? Where is it appropriate? What zoning regulations or planning tools encourage development patterns that support appropriate growth and maintain the rural character of Ferrisburgh?”

Holzapfel felt the Raycroft-Meyer had captured the issues confronting the town quite well, and that the grant could help the town identify where it wants to increase density, and vice versa. It would also help the committee and the town identify where they are, and how they get to where they want to be.

Bob Beach said the town does not want to end up with a set of zoning regulations that is hundreds of pages, and endlessly complex, because the selectboard and the townspeople, the two groups that ultimately have to approve the new rules, would balk. He said the town does not want to take the layperson out of the mix in creating an initial application for a zoning permit, making it the province only of professionals.

Bonnie Beach said Ferrisburgh remains fundamentally a rural town and would require a different definition for density of development than some more populous towns in Vermont.

There was a brief discussion about what kinds of housing shortages there are in Ferrisburgh, and what causes those shortages. The cost of development, commission members said, is a factor, as is septic capacity. Whether Vergennes would be willing or able to extend its existing municipal septic system to part or all of Ferrisburgh could be a game-changer, but commission members suggested the city was having problems with its current septic system, never mind an expanded one.

At this point, the commission returned to its agenda, and at 7:20 p.m. opened a new hearing.

**Application 19-066 for a boundary adjustment and a waiver involving two pieces of property off Fort Cassin Road on Lake Champlain. The applicants are Monique and Stephen Thurston, who own a 0.5-acre parcel on Diamond Island Lane identified on Ferrisburgh Tax Maps as 03/01/11; and Theresa Riina, whose neighboring 2.3-acre parcel, 03/01/08, is owned by Camp Tony LLC. Both parcels are in the Shoreland District (SD-2).**

Bob Beach opened the hearing at 7:20 p.m. Monique and Stephen Thurston were present to speak for the co-applicants. Their proposal is to subtract one-half acre from the 2.3-acre parcel owned by Camp Tony and add it to the half-acre parcel owned by the Thurstons. The half-acre in question

includes a cabin that the Thurstons said is in disrepair and has been used for many years only for storage. They said the Camp Tony parcel is currently for sale, and that the cabin has been described in real estate listings as a guest house. Their concern is that a new owner would want to make improvements to this cabin, which is closer to their house than to the existing house on the Camp Tony property, and turn it into a guest house. The Thurstons worry that this could negatively affect the peace and quiet they have come to expect in the neighborhood.

Camp Tony has agreed to sell one-half acre and the cabin which sits on the land to the Thurstons, adjusting the boundaries of the two properties so that the Thurstons end up with one acre, and Camp Tony with 1.8 acres. Bonnie Barnes said a waiver was required in addition to the boundary adjustment because the Camp Tony lot will now be smaller than two acres, the lot size required in the Shoreland District.

In addition to protecting the character of the neighborhood, the Thurstons say the boundary adjustment will provide them with a replacement site for the septic system, should they ever need one. Two easements on the Camp Tony property for the McSherry property next door would not be affected, the Thurstons said: A septic easement would remain entirely on the Camp Tony property, and a driveway easement along a private road, Diamond Island Lane, would be maintained on the half-acre transferred to the Thurstons.

The applicants said that if the Planning Commission approved the application, they would hire a licensed surveyor to confirm the boundaries, and lawyers to prepare deeds for the two properties.

Commission members asked about the cabin in question, and whether it was attached to a septic system. The Thurstons said they did not believe it ever had been and believed that any septic for the cabin would probably have to be on the neighboring Josephine Crosby property. They said they had told their neighbor they would make no claim for septic on her property and told commission members they had no plan to create a septic system for the cabin or do anything else to make it habitable.

Neighbor Joseph McSherry said he was attending the meeting to ensure the boundary adjustment would not affect his septic or driveway easements and was satisfied that was the case.

Mike Quinn made a motion to close the public hearing at 7:47 p.m. Anne Cohn seconded. All voted in favor. **Motion approved.**

Gail Blasius made a motion to approve the application for the boundary adjustment and waiver as submitted, with the condition that no septic system be constructed for the cabin and that it will not be made habitable. Anne Cohn seconded. All voted in favor. **Motion approved.**

The Thurstons thanked the Planning Commission and credited the hard work that Bonnie Barnes had done to help them with the project.

**Application 19-074 by Diane Shortsleeve for a two-lot subdivision of a parcel at 771 Robinson Road. The property is in the Rural Agricultural District (RA-5) and identified on Ferrisburgh Tax Maps as 05/02/53.**

Bob Beach opened the hearing at 7:50 p.m. Diane Shortsleeve was present to speak for the application. She is proposing to subdivide her current 76-acre parcel, creating one 15-acre parcel with a house, garage and existing septic system, and one 61-acre parcel. She is expecting to sell the 15-acre parcel.

Charlie and Deanna Shapiro attended the hearing, and Charlie Shapiro asked if the entire parcel was on the west side of Robinson Road. Told that it was, he said he was in favor of the application.

Arabella Holzapfel made a motion to close the public hearing at 7:55 p.m. Mike Quinn seconded. All voted in favor. **Motion approved.**

Arabella Holzapfel made a motion to approve the application as submitted. Mike Quinn seconded. Bob Beach, Gail Blasius, Al Chamberlain, Kristin DeBellis, Arabella Holzapfel, Mike Quinn, Bessie Sessions and Walter Reed voted in favor. Anne Cohn abstained. **Motion approved.**

Commission members then resumed their discussion about the Land Use Regulation Update Committee's work. There was a discussion about the two rural zoning districts, with several commission members suggesting it seemed wise to retain both districts, with the intention to provide additional flexibility—and denser development where desired—through the use of PUDs and other tools. Bob Beach pointed out that the Planning Commission will have to approve whatever new regulations come out of the land use committee.

Arabella Holzapfel felt it would be good to get a sense of the Planning Commission's opinion on a set of proposals to help LURUC move forward. Commission members agreed in general to (1) keep the two rural zoning districts essentially as is; (2) allow for increased flexibility where possible and where desired with PUDs and other tools; and (3) to pursue the municipal planning grant from the state to fund additional study, "Visualizing Density." The town would need to pay about 10 percent, about \$900 of the total cost now estimated at \$9,000. The application is due October 1.

**Other business:** Bonnie Barnes said the Vermont Community Foundation was holding its annual meeting on September 19 at the Billings Farm & Museum in Woodstock, Vt.

Barnes also said there would be State Government Municipal Day events, sponsored by the Agency of Natural Resources, at several locations around Vermont in October and November, including Montpelier and Rutland. She and Arabella Holzapfel said they were considering attending.

In response to a question raised at a previous meeting, Bonnie Barnes reported that Mark Franceschetti's permit for his storage facility on the corner of Route 7 and Old Hollow Road included two signs, which is the number he now has. It was also reported only one public access point to the storage facility is being used, as per his permit.

**Adjournment:** Bessie Sessions made a motion to adjourn the meeting at 8:41 p.m. Al Chamberlain seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells