

**Minutes**

**Approved on: Feb. 16, 2022**

**Planning Commission**  
*Town of Ferrisburgh, VT*

Minutes for meeting of January 19, 2022

**Note: This meeting was conducted both in-person and remotely. Some participants joined the meeting through a Zoom online meeting, while others were in-person.**

**Members present:** Bob Beach, Jr. (Chair), Gail Blasius, Anne Cohn, Walter Reed II, Michael Quinn, Arabella Holzapfel, Kristin DeBellis, Bessie Sessions.

**Town official present:** Bonnie Barnes, Zoning Administrator, Robyn King, Minute Taker

**Participants present:** Anna Charlebois-Ouellette, Elias Erwin, Marvin Morley, Rick, and Audrey White, Daniel White, Brandon Hammond, Jack Novak, Kurt Hagis, Danny Simmerson, Jean Richardson, Mark Murphy, Shannon Wardman, Jamie Simpson, Liz Markowski

**Minutes Approval from the December 15 Meeting.** Bob Beach called the meeting to order at 7:00 pm. Bob Beach asked if there were any questions on the minutes and Anne Cohn explained that she had pointed out corrections on names. There being no further questions, ***Gail Blasius made a motion to approve the minutes with the corrected names, which was seconded by Kristin DeBellis and the motion passed unanimously.***

**Application #21-187 for final plat approval for two-lot subdivision; 96 Westin Road; applicant Daniel White; Rural Agricultural (RA-5) District; tax map id no. 05/01/82.2** Bob Beach introduced the application, and Daniel White was present to speak to the application and noted it was an application for the subdivision of 5 acres of land off of the main parcel. Mr. White explained that the state had reviewed the application and that the right-of-way had been reviewed. Gail Blasius asked about the septic system, and Mr. White confirmed that the septic had been reviewed and was in good order and they wanted to make sure there was a back-up location.

Michael Quinn asked about the right-of-way, and Mr. White confirmed that it was a 50-foot right-of-way planned while it was discussed that this would be 60 feet. Michael Quinn pointed out that Lot 1 is typically the original lot with the second lot usually being the newly created lot. Mr. White confirmed that this adjustment could be made in addition to the right-of-way adjustment to 60 feet. There was discussion of the orientation of the lots and the right-of-way, and it was noted that the division of the lots orienting north-south had been requested by the Planning Commission.

There being no further questions, ***Walter Reed II made a motion to close the public hearing, which was seconded by Gail Blasius and the public hearing was closed at 7:12 pm.***

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***Walter Reed II made a motion to accept the map dated July 19, 2021, as presented with a waiver for the 400 foot frontage requirement for one of the lots.***

There was discussion regarding the necessary map changes and consistency with the map numbers and dates. It was agreed that the lot numbers should be reversed, and that the right-of-way needed to be updated. Michael Quinn asked for there to be a better depiction of the building envelope.

***There being additional action needed on the matter, Anne Cohn moved to re-open the public hearing, which was seconded by Arabella Holzapfel and the hearing was re-opened at 7:21 pm.*** It was noted that the applicant would re-appear at the next meeting with an updated map for approval.

### **Application #21-186 for sketch plan review of two-lot subdivision and boundary adjustment; 428 Middlebrook Road; applicants Brandon and Kelli Hammond; Rural Agricultural (RA-5) District; tax map id no. 23/20/20.1**

Brandon Hammond was present and explained that Jack Novak would speak to the application. Mr. Novak explained that the application would take a 36-acre parcel that was owned by Brandon and Kelli Hammond and subdivide it into three lots. Mr. Novak explained that in the finalization of the state permitting for the previous proposal, there were concerns raised so the new application had a reconfiguration to minimize impacts. Mr. Novak noted that the new application included a boundary adjustment, with the remaining 32 acres to be divided into two lots. One of the lots would be 5 acres and would contain the existing house, and the other lot would be approximately 27 acres and would be the site of a new house. Mr. Novak noted that there could be private wells or connection to the municipal water supply and that there was already approval of a curb cut. Mr. Novak explained that there would be a review of wetland impacts and there would be submittal of the wastewater permits after the sketch plan review.

There was discussion of the location of the wastewater disposal field, which was shown on Lot 2. Bob Beach asked if the Hammonds would be keeping Lot 2, and it was confirmed that Lot 1 would be sold to a family member and the Hammonds would keep Lot 2. Michael Quinn asked about the timing of the application and Bonnie Barnes noted that if the sketch plan is approved, there could be two applications processed in tandem for the boundary adjustment and subdivision.

Kurt Haggis, a neighbor, asked about wetland impacts and Mr. Novak explained they were waiting on wetland review and wastewater permitting until after the sketch plan review. Mr. Haggis noted that he was informed that roadway speeds could not be examined until certain densities were achieved and explained that he was looking forward to additional families being brought into Ferrisburgh.

Commission Members discussed the order of the boundary adjustment and the sketch plan review. It was asked if the Faulkners were in a legal agreement about the boundary adjustment, and Mr. Hammond explained that they wanted to see if this would be approved

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before a formal agreement was entered into. There was further discussion about the way that the boundary adjustment would be reviewed as it relates to the subdivision.

***There being no further questions, Kristin DeBellis moved to approve the sketch plan as presented which was seconded by Anne Cohn and the motion passed unanimously.***

### **Application #21-167 for sketch plan review of 53 lot commercial/residential PUD; 462 Monkton Road; applicant Cornerstone Solutions; Rural Agricultural (RA-5) and Highway Mixed Use (HMU-2) Districts; tax map id no 15/02/12 & 15/02/37.12; continued from Dec. hearing**

Bob Beach explained that since the last meeting, Bonnie had sent along some items that they may need to review to ensure that there was an objective review of the application. Anna Charlebois-Ouelette noted that she was aware that there was an interest in a traffic study, which she noted would be part of Act 250 review, and that VT Trans would be coming to the site to assess conditions and was already in contact with Bonnie. Dan Simmerson, a representative of Cornerstone was also present to speak to the application. Ms. Charlebois-Ouelette and Mr.

Simmerson continued that the development was consistent with illustrations on page 72 of the Town Plan that showed what a good, clustered development proposal would look like, emphasizing that this was clustered development not taking up all of the acreage with developed space.

Walter Reed II confirmed the design for the 190 acres and asked if there was any other development planned on the conserved space. Mr. Simmerson noted that there would be a home and a small business that would be a farm stand, and this was all tied to one parcel. Ms. Charlebois-Ouelette noted that this would be two lots and a new home would be built on 5 acres, and a barn that would be built on 10 acres. There was discussion of the total scope of the proposal, and it was noted that the 190-acre proposal would have 27 acres taken off for the lots containing the old house, a new house, and a barn.

Ms. Charlebois-Ouelette continued noting they had reached out to Chief Wager to discuss emergency services and was aware that the assessment of infrastructure would be part of Act 250 review. Ms. Charlebois-Ouelette explained she had talked to Vergennes Fire and Vergennes Area Rescue Squad, and they were in support of VT Trans standards and may be interested in having a location at the development. Mr. Simmerson noted that they would be analyzing agricultural soils as part of Act 250 review and discussed the conservation requirements which would be addressed by the clustered development and the way that the lots were configured. Ms. Charlebois-Ouelette noted that they are interested in smaller farmhouses being located on the lots to bring additional school-aged children into the school district and were also interested in setting up rental properties.

Ms. Charlebois-Ouelette noted that she had touched base with the Vergennes-Panton Water district given concerns over the water line and noted that there would be adequate water supply to connect to this development and there would be a 10-inch line. Ms. Charlebois-Ouelette

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continued to explain that they anticipated a phased development and showed their plans via color-coding in the attachments, and they would be starting at the front of the development and working their way back.

Rick White, a neighbor, brought concerns over the type of the development and traffic impacts. Mr. Erwin explained that he envisioned that this development would encourage slower traffic given the design of this development and the community center feel. Audrey White noted there may be increased accidents, which Mr. Erwin pointed out would be slower accidents if any. Walter Reed II explained that this may be more of a Town-wide issue and urged audience members to attend Select Board meetings to raise these concerns. Arabella Holzapfel asked if the Act 250 review may lead to a reduced number of lots, which Ms. Charlebois-Ouelette explained that they wanted to explore all issues and proceed with Act 250 with the current proposal given its benefits. Mr. Simmerson noted that they would need to get past sketch plan review before approaching others for additional analysis as this was more of a concept review.

Jean Richardson asked if there was just one point of access on Monkton Road, which Ms. Charlebois-Ouelette confirmed and pointed out that the design would be reviewed by VT Trans during Act 250. Ms. Richardson explained that it was her experience during Act 250 reviews that there would need to be two points of ingress and egress for safety reasons.

Mark Murphy asked if the applicants would commit to building affordable housing in writing as part of the proposal. Ms. Charlebois-Ouelette noted that they would like to have smaller houses, but it will be up to the homeowners to decide what to build and they could not determine pricing at this time. It was noted that there could be a mix of housing typologies such as duplexes, triplexes, and smaller housing given site capacities. Shannon Wardman asked about the number of homes that could build up to 5 rooms given septic capacity, and Jamie Simpson noted every lot has this capacity and that the wastewater treatment is located on a hillside that would mitigate impacts on Plank Road.

Kristin DeBellis asked about housing associations and Ms. Charlebois-Ouelette noted that the vision was there would be a housing association with fees for maintenance. Jamie Simpson explained that each house would have its own septic and there would be a collection system bringing the effluent to a centralized pump station, with Mr. Erwin explaining rules about capacity. It was confirmed that the lots would accommodate smaller houses, and that the septic system was designed to not have overflow into the wetlands and that any overshadowing would be properly noticed. There was a discussion of the design and impact of the wastewater treatment system with clarification on buffers for wetlands, pump stations, and overshadowing.

Ms. Charlebois-Ouelette explained that with the conserved land, they intended to have a park with walking trails on 7-10 acres with the remainder of the land to be owned by Cornerstone and put into a preservation agreement, which Michael Quinn confirmed needed to be stringent. Ms. Charlebois-Ouelette explained that they are trying to encourage energy efficiency with the built homes and are considering geothermal. Ms. Charlebois-Ouelette pointed out the acreage of the wetlands was included in the application materials.

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Bob Beach asked about the evolution of the proposal given it started out being a very small proposal with the Markowskis and now it had grown considerably larger. It was discussed that once the proposal was with Cornerstone, they imagined a clustered development. Bob Beach asked about alternative designs with the lots to be in the wooded area, and Ms. Charlebois-Ouelette explained that there were restrictions with the siting of the wetlands, with Mr. Simpson explaining that this would also be higher cost given the distance and the need for roadways. Shannon Warden asked about endangered species in the wetlands, and Liz Markowski noted that these are old growth wetlands that would be conserved. Liz Markowski explained that the original proposal led to more exploration which made the Markowskis realize that they needed additional assistance in planning out the development of the lot, but they wanted to maintain a community feel. It was noted that they would welcome a greater police presence for traffic considerations, and clarification of the review process for endangered species on-site.

Bob Beach asked about the use of the commercial lots, and Ms. Charlebois-Ouelette explained that these had not been sold and so there would be different proposals, but they would likely be for small businesses given the size of the lots. Mr. Erwin explained that the capacity is 100 employees per the wastewater system so this would likely be domestic use commercial lots and not anything like heavy machinery or manufacturing. There was discussion of VT Trans reviewing capacity for large commercial vehicles accessing the site. Jean Richardson explained that she was concerned about the traffic on Monkton Road and the access, as well as the conservation easement and noted she was unsure that there needed to be a waiting period before Act 250 before these items were addressed. Bob Beach asked about Conservation Commission review, and Bonnie Barnes noted there was preliminary comment, and likely more comment to come after they had met.

Bob Beach asked about Commission Member comments, and it was noted that there was a desire to see the 190 acres broken out to show the exact proposal for development. Michael Quinn noted the one curb cut may be a challenge, and there was discussion of restrictions for curb cuts on Route 7. It was noted by Gail Blasius that she would like to see a map with the three-lot subdivision, more input from the Conservation Commission, and wetlands acreage, with Michael Quinn noting he would like to see the actual acreage of the project. It was noted by Mr. Simpson that there would not be any disturbance of wetlands, and this had been reviewed by the State Wetland Ecologist.

Walter Reed II asked about the size of the lots, and Mr. Simpson showed the square footages which were 100 feet wide and 300 feet deep, with the commercial lots being larger. Walter Reed II noted a desire to see setbacks, boundaries, and building envelopes. It was confirmed that none of the buildable lots could enter into a wetland zone, given the buffer.

***Arabella Holzapfel made a motion to continue the public hearing until the next meeting to address the additional questions and expectations outlined from the Commission.***

Michael Quinn noted he would like to see additional information from Chief Wager. ***Anne Cohn seconded the motion.*** Walter Reed II encouraged audience members to visit the Town

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website and keep in communication about this proposal. There was the discussion of traffic flows given the mixed-use site, and Mr. Simpson noted that the design accommodated mixed use traffic flows. ***The Commission Members voted unanimously to continue the hearing at the next meeting.***

### **Other Business: Zoning Map Update**

Bonnie Barnes explained that there was an awareness that there was a discrepancy in the zoning map as they intended to show highway mixed use on the parcel under conversation for the currently proposed PUD but this was omitted at the final publication, which shows the parcel being fully RA-5. Bonnie explained that she had explored how this omission came to be, with other Commission Members noting their recollections of the process and the previous zoning of this parcel. Bonnie Barnes pointed out that the current map was what was adopted by Town voters as well as the regulations.

There was discussion of the process of how this could be amended, and expectations of both Town residents as well as the prospective developers of the site. Bob Beach noted that the question was for a planned unit development that's located in a current RA-5 zone if there could be mixed-use activity. Bonnie Barnes noted that this could be explored, as well as having a re-vote on an amended map. Jean Richardson made the point that planned unit developments were intended to have flexibility. Bonnie Barnes explained that the Town Plan could supersede what is in the zoning regulations in this instance, and Jean Richardson noted that the Town Plan may not be supportive of the current application. Bob Beach noted that the RA-5 district had business uses included, but they were agriculturally based or based on home occupations.

Gail Blasius asked about the applicants' awareness of the process, and Bonnie Barnes explained that there was communication about this issue. After further discussion, Bonnie Barnes noted that there should be an examination of the Town Plan and there should be an exploration of how the planned unit development may be justified within the current regulations. There was discussion on how the proposed businesses might be altered to meet the spirit of the regulation and that this could be brought up to the Select Board in time for Town Meeting Day.

### **Adjournment**

***Gail Blasius made a motion to adjourn the meeting, which was seconded by Arabella Holzapfel and the motion passed unanimously. The meeting adjourned at 9:44 pm.***