

Minutes

Approved on: April 20, 2022

## **Planning Commission**

*Town of Ferrisburgh, VT*

Minutes for special meeting for a PUD work session held February 10, 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:** Gail Blasius, Anne Cohn, Walter Reed II (Acting Chair), Bessie Sessions, Michael Quinn, Arabella Holzapfel, Kristin DeBellis

**Members absent:** Bob Beach

**Town officials present:** Bonnie Barnes, Zoning Administrator; Craig Heindel, Conservation Commission Chair; Bill Wager, Fire Department Chief; Jim Brewer, Fire Department (?); Norm Smith, Zoning Board of Adjustment Chair;

**Participants present:** Jean Richardson, Carl Cole

Walter Reed II opened the meeting at 6:30 pm, explaining the primary purpose of the meeting was to have all of the players brought in at the same time. He cited a checklist prepared by Jean Richardson for sketch plan or site plan review of a PUD application. The document is based on the Town's Land Use Regulations (LUR) and quotes relevant sections of the LUR or Town Plan, and also describes documentation needed to determine adherence to the LUR and Town Plan sections quoted. This document was referenced throughout the meeting.

The first item on the checklist calls out the need for adequate water supply and fire protection. The document indicates a commitment letter from the municipal water supplier (Vergennes-Panton Water District) as well as written assurances from the Fire Department and Road Department will be required.

Walter Reed II asked Bill Wager to describe the perspective of the Fire Department on these requirements. Bill Wager explained that a sustainable water supply is his biggest concern for a development in this location. He said the water line on Monkton Road in its current condition is insufficient. He explained a common engineering approach called looping, and that there is currently no possibility of backup on the Monkton Road line. He encouraged the Planning Commission to bring in someone from Vergennes-Panton Water District to talk about the capability for water service to a development as envisioned. Bill Wager stated that the Monkton Road line in this area is the worst stretch of line in the district.

Discussion of access for fire vehicles to the development was held for the arrival to the meeting of Jim Brewer.

The next portion of the checklist deals with whether the proposed PUD conforms to or conflicts with the town plan, zoning map, and LUR. There was discussion of the acreage in the development. The application specifies 190 acres, but includes property that will be included in conservation zones or subdivided for other purposes. Walter Reed II said that a more accurate estimate of the property that will be available for the PUD is around 160 acres.

Norm Smith asked what kinds of constraints are on PUDs now, with the new LUR. Bonnie Barnes explained that the new regulations provide the Planning Commission with a lot of discretion with respect to the number of lots, size of lots, zoned uses, etc. She suggested the Planning Commission may want to develop some guidelines for applicants, perhaps specifying bonuses for maintaining undeveloped portions of the property.

There was discussion about wetlands preservation, and whether wetlands on the property are part of the 160 acres, and how wetlands should be considered as the Planning Commission evaluates this PUD application. Norm Smith said that nothing in the LUR eliminates wetlands from consideration; they are "wide open." Jean Richardson suggested that higher development density should be compensated for by property that set aside to remain conserved. Norm Smith agreed.

Bonnie Barnes mentioned a petition, and wondered whether the PUD gives sufficient discretion to the Planning Commission to allow commercial lots on a property that is zoned Rural Agricultural-5. There was discussion about the potential for mixed commercial and residential development around the Union Meeting Hall, where it is specifically zoned for mixed use. There was also discussion regarding whether locations of large solar arrays had been zoned for solar arrays. Carl Cole explained the solar array (along the western edge of Route 7 south of Monkton Road) was a result of the inability or unwillingness of the City of Vergennes to provide wastewater capacity to residential development there.

With the arrival of Jim Brewer, Walter Reed II asked Jim Brewer and Bill Wager to discuss fire protection in the proposed PUD. Jim Brewer asked if the development will happen in phases. Walter Reed II said that the application says that development will be phased, but offers no specifics. Someone asked if the road needs to be put in before a given phase begins, and should there be two driveways into the development. Jim Brewer said that two entries are preferred, but not required. He said he was concerned because the layout as drawn does not allow room for large trucks (emergency or otherwise) to turn around. The order of development needs to happen in a way that always provides room for trucks to turn around so they do not need to be backed out. Jim Brewer explained that, using the current drawing, a road that goes in front of lots 4, 5, 6, 7, and 8 would require a further 200 feet past lot 8 so a tanker or other large truck could turn around. Bill Wager asked if there would be off-street parking for the residences. If not, the roads would need to be wider to provide space for both parking and emergency vehicles. Anne Cohn asked whether medians or triangles would be helpful. Jim Brewer explained that those are more likely to be a hindrance. Walter Reed II suggested it would be

helpful if the drawings were re-configured to more clearly delineate that these concerns would be accommodated.

Carl Cole pointed out that the Act 250 process will require a lot of traffic planning and other things that will ensure these kinds of issues are solved. Jean Richardson suggested that it will save developers money if this is done earlier in the process than if they wait until it comes up for Act 250 review. Carl Cole explained that a developer wants a strong indication from the town that the general idea is approved before going ahead with expensive processes.

Jim Brewer said that, according to people he knows who are associated with Vergennes-Panton Water District, the developers have not talked to them about this project. Walter Reed II explained that the developers reported in a previous meeting that they had spoken with someone at V-PWD. Jim Brewer said that individuals with V-PWD indicated that they may not be capable of providing water to lots 41 and 42 due to their elevation. Walter Reed II asked Jim Brewer what he knows about the condition of the relevant water lines. Jim Brewer replied that whether the capacity is there is between V-PWD and the developer. If V-PWD says they can provide sufficient water, that's all the developer should need to go forward.

Norm Smith said that the developer needs a commitment letter from V-PWD. He suggested that the Planning Commission should require the developer to produce such a letter in the near future. If they cannot produce such a letter, doing anything more with respect to this application will be a waste of time.

Arabella Holzapfel asked at what point in the process – sketch plan review, site plan review – can the Planning Commission require a commitment letter from V-PWD. Bonnie Barnes asked, “what does the Planning Commission want to see in a sketch plan?” Michael Quinn asked whether over 50 lots is right for that location.

The following topics were discussed:

- Existing developments in the region
- Pertinent elements of the town plan:
  - Clustered development
  - Small-scale commercial related to agriculture
- A map of soil types will be required; currently development of density higher than one unit per 5 acres is not allowed in locations that have prime agricultural soils
- Streets within the development should connect to the greater network surrounding it
- There should be a formal assessment of the wetlands
- Pertinent elements of the land-use regulations:
  - Preserve and maintain agricultural, cultural areas as well as forests
  - Provide affordable housing
  - Provide energy efficient housing
  - Pedestrian-oriented development is encouraged

- During site-plan review, how much deviation from the land-use regulations will be allowed for a PUD? There was a suggestion that we may want to get to the site-plan review stage sooner rather than later.

Norm Smith asked if the Planning Commission or the Zoning Board of Adjustment will do the site plan review. Jean Richardson replied that the current land-use regulations allow for either board to do that review. Jean Richardson and Bonnie Barnes reviewed Section 12.4 of the land-use regulations and agreed that the Planning Commission and Zoning Board of Adjustment can review a site plan together. Norm Smith said that it is important for both boards to be aware of any review process. Gail Blasius said it is important for both boards to work together on PUDs.

Walter Reed II asked Craig Heindel about conservation aspects of this application. Craig Heindel responded that the Conservation Commission prefers development in fields, not in woods. The upper two-thirds of the parcel seems like a good habitat for wildlife. Craig Heindel said he is worried about incursion into woodlands as the development is currently drawn. There should be no active vegetation management (not even mowing) in lots that border wetlands. He said there is some likelihood that a portion of the property will be found to have prime agricultural soils; if so, it will be unfortunate that the town plan encourages only one unit per 5 acres in those areas.

Discussion returned to the checklist and section 12.5, the applicant's statement of deviation from land-use regulations because the application is for a PUD. (Someone said) the Planning Commission can require the developer to explain how development will be phased.

Michael Quinn asked whether the Markowskis will need Act 250 review of the property they are keeping for their residence if they don't subdivide. (Someone said) yes. Bonnie Barnes said that the Markowskis submitted an application for a subdivision, but it is so far incomplete.

Arabella Holzapfel asked if there might be some kind of formula to determine a number of lots that would be appropriate. Norm Smith suggested that a starting point could be dividing 160 acres by 5 (because it is zoned RA-5) which would be 32; from there, examine considerations that would justify increasing or decreasing the number.

There was discussion regarding affordable housing, construction costs, and whether any of the woodlands might be given to the town as part of a Town Forest. Michael Quinn asked who manages the open space portions of a PUD. Norm Smith suggested that a Home-Owners Association can own and manage this kind of space; in that case, the open property would not be taxed. Jean Richardson said that the developer said in a previous meeting that they would continue to own the open land. Many voiced opposition; Craig Heindel said the Conservation Commission would oppose that. There was further discussion of Home Owners Associations and open space.

Walter Reed II said that the sketch plan review will be continued until questions about subdivision of Markowski's residential property is clarified. After discussion, it was decided to ask the developer to provide some specific documents in order for the application to proceed.

**Arabella Holzapfel made a motion to adjourn the meeting at 8:10 pm. It was approved unanimously.**

Respectfully submitted,  
Arabella Holzapfel