

DRAFT Minutes

Approved on: 6-17-2021

Planning Commission
Town of Ferrisburgh, VT

Minutes for meeting of May 19, 2021

Note: This meeting was conducted remotely. All participants joined the meeting through a Zoom online meeting.

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

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

Participants present: John Bull, Gerry Racette, Mary Anne Racette, Sierra Lane, Amela Dulma, Haris Karabegovic, Roger Parker, Chris Zeno

Minutes Approval

Bob Beach called the meeting to order at 7:01 pm. Bob Beach asked if the Planning Commission Members had the opportunity to review the February 17th and April 21st minutes and it was noted that a quorum was needed to approve the minutes. ***Michael Quinn made a motion to accept the April 21, 2021 minutes which was seconded by Arabella Holzapfel and the motion passed unanimously.***

It was noted that there would be a postponement of the February 17th minutes approval so that the Planning Commission members could review for the June meeting.

Application # 21-039 for final plat review of two-lot subdivision; 619 Dakin Road; applicant John W. Bull; Rural Agricultural (RA-5) District; tax map id no. 05/02/10.20

John Bull explained that nothing had changed since the last meeting, so there was nothing new to present. Bob Beach asked if there were any questions from the Planning Commission Members, and Walter Reed II noted that given the purchase, there was not a need for a right-of-way but asked if the sale did not go through, if the lot would be void and this was confirmed by John Bull and Gail Blasius.

Walter Reed II made a motion to accept the final plat as presented, with the condition that if the property was not purchased by Gerry and Mary Anne Racette who have access to the new lot through their property, that the owner, John Bull would need to come back with an application for a right-of-way over his property to access the new lot in order for the subdivision to be active. The motion was seconded by Gail Blasius, and the motion passed unanimously.

Application #21-068 for sketch plan review of two-lot subdivision; 423 Monkton Road; applicant Sierra Lane; Rural Agricultural (RA-5) District; tax map id no. 15/02/15

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Bob Beach noted this was a sketch plan review and asked the applicant, Sierra Lane to explain some background on the proposal. Sierra Lane noted she was looking to subdivide her parent's ten acre lot into two five acre lots to put a small single family home on the property with three bedrooms and two bathrooms. It was clarified for the Commission Members that this lot was located across the railroad tracks off of Route 7. Walter Reed II noted this application was pretty clear and asked about the septic or sewer plans. Sierra Lane clarified that she had included their plans in the application and Jeff Kelly had done a review of the property for wetlands and there was the option to put a mound system nearly anywhere on the property, but the best location was selected. After a question from Mike Quinn, it was clarified that the right-of-way was established from one curb cut off of Monkton Road.

There being no further questions from the Commission or from the public, ***Gail Blasius made a motion to accept the sketch plan as a two-lot subdivision with the need for one additional hearing, which was seconded by Michael Quinn and the motion passed unanimously.***

Bob Beach noted they would need to come back in front of the Commission for one additional hearing and asked that the applicant connect with Bonnie Barnes to have this put on the June agenda so that they could move forward.

Application #21-069 for amendment to subdivision; Braeside Place; applicants Dulma and Karabegovic; Rural Agricultural (RA-5) District; tax map id no. 01/01/08.26

Bob Beach explained that this was a pre-approved lot and there was a need to discuss two issues, one being the height of the building and the other being the tone color of the proposed building. Bob Beach went on to explain that the building envelope had been approved and had been moved by the previous owners, but that the application had been in front of the environmental court during approval. Amela Dulma explained they were planning to use the previous owner's approved building envelope, and that the design with the walkout basement would work well for them. Amela Dulma went on to note that they were looking to install a shed in a location where it would be convenient for them to store their gardening materials. Walter Reed III asked about dimensions, and Amela Dulma explained it would be 20 by 15 at most and would house their gardening equipment and materials. Bonnie Barnes noted that if approved outside of the building envelope, she could permit this but wanted to bring it to the Planning Commission's attention.

Bob Beach asked about the other parts of the request, including the building height and color. Amela Dulma explained that their builder noted it would be more economical to build the proposed house higher instead of it all being on one level and they currently have a family of five which would make a one-level structure a challenge. Amela Dulma went on to note that their parcel is the only one in the original subdivision to have a height restriction. Bob Beach asked about the proposal, and Amela Dulma noted that their builder, Chuck Reiss noted that a 35 foot maximum would be ideal as putting dormers into the structure would be very restrictive and they are a tall family.

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Kristin DeBellis asked for background on the height restriction and Bonnie Barnes explained that the subdivision was created almost a decade ago and one of the neighborhood residents had concerns which he brought to court, and there were restrictions placed on this parcel, named 2.2 in the subdivision to help mitigate a concern that there would be a large structure built that was not in harmony with the landscape. Bonnie Barnes explained that that neighbor was not an adjoiner and was not notified and he also was not present when the previous owners changed the building envelope. Gail Blasius explained a site visit had been conducted at the time and the neighbor who had objections did not want a large house in the viewshed. Michael Quinn asked what the allowance was, and Gail Blasius explained that a normal 2-story is about 35 feet tall, and this neighbor was against a tall house being built. Gail Blasius explained that a nearby landowner in the subdivision just built a fairly large house, which Anne Cohn noted should be taken into consideration.

Walter Reed II explained that he remembered the subdivision, which was controversial and was approved with conditions, and asked if the neighbor being discussed was still a landowner. Bonnie Barnes noted that she believed the neighbor was still a landowner in the area, and Walter Reed II noted his concern for approving something different than was originally approved and also moving ahead without official notification of the neighbor who originally voiced concerns. It was noted that the previous owners did not make any requests to change anything outside of the restrictions, they only moved the building envelope and that the height and color restrictions were to appease the neighbor who voiced concerns.

Kristin DeBellis asked if this was the only house with restrictions, which Bonnie Barnes confirmed. It was noted that the 25 foot height restriction and the color restrictions were put in place for the subdivision to move forward, which does create issues for the current owners. Michael Quinn and Walter Reed agreed that altering the original plan would create an issue, and that the previous owners changed the building envelope so they could have a two-story house with one of those stories being subterranean. It was discussed that an option would be to notify the original neighbor who voiced concerns so that that neighbor was aware of the proposal, and that conditions had changed and this house may no longer be visible. It was also noted that a site visit could be helpful for the review of this application. Bonnie Barnes noted that one adjoining property owner had written in and had no objections to the proposal.

Bonnie Barnes asked if all of the original neighbors should be notified, or perhaps anyone who was part of the original court proceedings and explained that if there is a desire to notify anyone who was part of the original approval, this should be a rule as it establishes precedent. It was noted that there were a host of conditions on the subdivision that those who participated in the original court proceedings had issues with, and Bonnie Barnes offered to create a summary. Amela Dulma noted her concerns with going back to notify all who had been involved, given they had talked to current neighbors and no one raised an issue with it. Amela Dulma explained that they had been in Vermont for 20 years and were using a local builder and would like the Commission to understand that the decision made would be a determinant of whether or not they could afford to build the house. Bob Beach explained the intent of notifying those who had originally been involved, to help mitigate any concerns that may lead to this application going

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back to environmental court. Walter Reed II noted that the neighbor who once had issues may not anymore given that the site had changed including hedge rows having grown in and it would be a good idea to do a site visit to observe these conditions and involve the neighbor with concerns.

Amela Dulma explained that the previous owners had put in some landscaping for privacy and also that because the site is sloped, the top of the house would not be 35 feet from the highest point on the land. Michael Quinn asked about the grading, and Amela Dulma explained that it would be 10 degrees from one of the corners of the building envelope but otherwise was fairly flat. Anne Cohn asked if the original footprint had a higher effect on the land than the current footprint, and Amela Dulma explained that it was about the same, and that their builder had recommended a southern facing walkout basement as he was conscious of energy efficiency which was part of the moved envelope design.

Bonnie Barnes asked about the approach to notifying the previously concerned neighbor, and noted that a letter could be sent inviting the neighbor to the site visit. After a question, it was clarified that adjoining landowners are automatically given interested party status by the Planning Commission or after a neighbor comes into a meeting and demonstrates they are an interested party. Bonnie Barnes noted that she imagined the originally concerned neighbor may have been granted interested party status given the issues raised on the viewshed impacts. Bob Beach noted concerns with only inviting the concerned neighbor, and Anne Cohn noted that when the original decision was made on the restrictions it was possible that the viewshed was different and there would be a change of opinion.

Bob Beach asked the applicant if the height of the building may only be 30 feet, given that they are building into the slope, and Amela Dulma explained the house would be 35 feet but given the slope there would be a roughly 10 foot height difference. Bob Beach pointed out that during the site visit that was being planned for, it would be important that the builder gives perspective on the actual height of the building above grade as what is being described currently could be a shorter building. Michael Quinn noted that if the cellar is underground, the height of the building could be another 20 or so feet assuming 10 feet per story. Amela Dulma explained the roofline would not be flat, and Bob Beach explained that the placement of the house would be important to review. Walter Reed II explained that how the height is measured will come up in conversation, and there should be an explanation of finished versus ground grade to have all the bases covered.

Bob Beach asked if there was interest in a site visit, and Gail Blasius noted that she would like to have a site visit and was interested in what the applicants' timeline was. Amela Dulma noted that they would like to break ground with the foundation in the next few months, and they would need to have an understanding on the height allowances before that happens. Amela Dulma asked about the color of the house and explained that there was an understanding that the home needed to be earth tones, and that from observing the neighborhood, she saw two green houses and an off-white home. Amela Dulma noted that they would like to have a white house with a black metal roof and a rusty red garage to keep with the Vermont farmhouse aesthetic

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and this was something she and Haris Karabegovic had been envisioning for a long time as they were refugees and had grown up in white childhood homes. Amela Dulma went on to explain that the dark roof would help keep warm in the winter months and would be well suited for solar which they were interested in pursuing. Amela Dulma explained that the garage would not be visible from the originally concerned neighbor's viewpoint.

Kristin DeBellis noted it was her interpretation that the color edict was focused on not having very brightly colored homes that didn't match the landscape, but the intent was hard to capture. Amela Dulma noted that when she looked up earth tones, she could understand that white and black and red could be found in naturally occurring features, which Walter Reed II explained he supported as the earth tone rule was an individual perspective.

After discussion, it was agreed that there would be a site visit at 6 pm on the night of the next Planning Commission meeting on June 16th, and that Bonnie Barnes would warn the site visit at 2.2 Braeside Place and the meeting and notify abutting landowners as was the requirement. It was confirmed that the Planning Commission Members were comfortable with Bonnie approving an application to install a shed as has been described outside of the building envelope as it complied with applicable setbacks. Amela Dulma noted she was grateful for the consideration and looked forward to being good neighbors in Ferrisburgh.

Other Business

Planned Unit Development Concept at Tupper's Crossing

Roger Parker and Chris XXX were in appearance to discuss a possible development near Tupper's Crossing that was on a plot of land that was zoned mostly residential but partly industrial. Roger Parker explained that they were interested in the Planning Commission opinions on what could be done on the parcel in terms of residential development as they were interested in moving forward to create a proposal.

Walter Reed III asked if a house could be built in the industrial zone, and it was remarked by Bonnie Barnes that the new zoning regulations do not list residential as a permitted use in the Industrial District but that an accessory dwelling unit was allowed. Bonnie Barnes noted it would be somewhat of an impossibility to grant conditional use for a residential structure in the industrial zone given that it does not meet the criteria for this kind of approval. Bonnie Barnes asked if there could be a clarification of how much land falls within the residential zone.

Roger Parker noted that an analysis of the septic potential indicated there could be up to 12 houses built on the site and they would like to come up with a plan that would be thought of collaboratively with the town. After a question from Gail Blasius and Walter Reed II, it was noted that the parcel was 37 acres in total, but there was no clarification on how much of the land was in the Industrial Zone. Roger Parker asked if there could be consideration of smaller lot sizes than the allowable 5 acres and noted that a Planned Unit Development would be something they would be open to. Michael Quinn explained that a Planned Unit Development would be a good fit considering the opportunity for infrastructure on the site, which Roger Parker agreed with and explained that they want to plan for a subdivision that made sense to the town.

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Kristin DeBellis pointed out that if the Industrial Zone land was abutting the railway, that there might be a natural desire not to have a home located there. It was noted that the land abuts Little Otter Creek as well. Bob Beach pointed out that in the new zoning bylaws, the development of residential structures is much more challenging than in the older zoning bylaws. Roger Parker noted that they could be interested in utilizing the land outside of the Industrial Zone for residential development, and it was noted by Kristin DeBellis and Anne Cohn that this proposal could be a good fit for some of their interests with the Visualizing Density grant and they could involve the ACRPC staff.

Roger Parker explained they were interested in creating a plan that would be in harmony with the neighborhood but also would be a sound investment. It was discussed that they could create a specific lot that was only the Industrial Zone portion and plan for a Planned Unit Development on the remaining residential parcel. Walter Reed II noted that the Commission would need clarity on how many acres are in the Residential Zone and would need to come up with a basic idea on how many houses could be in that part of the lot and what the design would look like. Michael Quinn noted that showing access would be important, and after a question from Arabella Holzapfel, Roger Parker noted that there were a few wetlands as the lot abutted the Little Otter Creek but not many and expressed an openness to being a test for how to condense development.

Gail Blasius mentioned the Visualizing Density grant and suggested that the committee working on the grant could meet to get thoughts on this proposal. Bob Beach asked if they had been working with a planner, and Roger Parker noted they wanted to approach the Planning Commission first to ensure there was general support of the idea and to help guide what could be done on-site. Walter Reed II noted that the Commission would have a better sense of support if there was more clarity on the proposal. Roger Parker noted an appreciation for the conversation and asked if there was an openness, if they plotted out the industrial portion and wetlands if they could appear at the next meeting for an additional conversation. Bob Beach read aloud the language from the Zoning Bylaws on Planned Unit Developments and suggested thinking around developing the residential portion of the property in a clustered way that created more density and noted that a density bonus might be available in this case. Walter Reed II reiterated the need for a map that shows the industrial area and the wetlands, and Bob Beach urged the applicants to think about the balance between a sound investment and the character of the town. Roger Parker committed to appearing at the next meeting with a rough idea that could be discussed.

Visualizing Density Update

Bonnie Barnes explained that the Visualizing Density grant would be coming to a close in September, and that she would be looking to the Commission to get a sense for a reasonable timetable and what the Commission might be interested in in terms of next steps. Bonnie Barnes explained that there was a need to take the work from the Visualizing Density grant and come up with a means to articulate the outcomes and implement the work within the Town. Bonnie Barnes noted that with the land-use regulations recently passed, there was an

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acknowledgment that there would be more work ahead in taking the concepts from the grant and ensuring that the districts associated with the grant would be targeted for additional updates. Bonnie Barnes expressed an interest in starting to evaluate tools and resources to translate the grant into actionable language for Town residents and others moving ahead with development.

Bob Beach remarked that the proposal that had just been under consideration could be a good use case for increased density and proposed connecting with ACRPC staff on the proposal. Anne Cohn also expressed an interest in seeing this be reviewed under the grant, given the opportunity. Kristin DeBellis asked if this type of activity met Bonnie's request, and Bonnie Barnes clarified that the Planned Unit Development was already an active tool that could be used for these circumstances, and brought up that this kind of tool may not be appropriate for other areas in Town, such as residents in the Hollow or others who may be interested in land being able to support more density. Bonnie Barnes asked if, aside from the potential demonstration project, if there were thoughts on a timetable for addressing other density issues or if the Commission was ok with the way things were currently laid out.

Anne Cohn remarked that there were some areas in Town that could benefit from having more density which wouldn't change the value of the surrounding land and she could envision there being more density in certain places, but was unsure of how to put this into rules and regulation. Bonnie Barnes suggested mapping the town and finding what may be developable and this may be predicated on what would be a good fit given current issues around septic placement. Kristin DeBellis asked if mapping based on septic was a good fit given some recent opportunities around funding for septic and sewer systems and state interests in alternatives to septic. Anne Cohn asked if federal funding might present opportunities for septic alternatives. Bonnie Barnes clarified that it was her expectation that there would not be a move away from septic systems any time in the next decade and there could be ways to think about limitations in development based on that expectation. Anne Cohn noted that they could identify areas where they prefer growth. Bonnie Barnes explained that she was interested in knowing how they could put these kinds of ideas into writing and could include thoughts around community sewer systems for the future.

Michael Quinn noted that for the 37 acre parcel that was discussed, as it was a unique piece of land as it was on the Otter Creek and close to the Charlotte Border and that it may make sense to include the Conservation Board in the review. Bonnie Barnes explained that Craig Heindel had an interest in coming to a meeting to give perspective on the new zoning regulations and that she and Craig Heindel were planning on getting together to test out the new wetlands screening tool.

Arabella Holzapfel noted that Katie from ACRPC had mentioned the idea of an Overlay District given the focus on density scenarios in the Town Center, and this could be an option. Anne Cohn noted that the Overlay District may have uses in other places in Town. Bonnie Barnes explained that there was a need to articulate this kind of idea in addition to a map or other visuals. Anne Cohn noted that this could be discussed at the Visualizing Density Committee

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Meeting tomorrow, and it was remarked that there may be a need to bring together landowners to see what they may be amenable to.

Michael Quinn refocused on the 37 acre parcel and explained that if this moved forward, there could be quick development on the site. Gail Blasius mentioned that one of the reasons that this area stayed partially industrial is that landowners in the area didn't want to make the change even though there were many residential houses in the area. Michael Quinn noted there may be an openness to giving the Industrial Land back for other uses, and it was suggested a bike path could go in that lot, or other greenery.

Bob Beach explained that there was potential with discussing density more clearly and that it would be important to look at a number of factors that may limit the amount of development that could go in certain areas. Bob Beach noted that it would make sense to have a professional walk through how they move forward with these discussions, to help guide what areas are focused on and what densities may be appropriate. Kristin DeBellis explained that they could have an opposite approach and try and preserve areas that they truly did not want to see developed and that they could focus on what wouldn't be allowed, and this was an approach that was employed by a planner in Boston. Bob Beach explained that the Planned Unit Development tool gives lots of flexibility, and that he was unsure of what densities needed to be changed.

Bonnie Barnes noted that they may not be looking at additional regulations, but instead a guidance document that helps guide the Planning Commission and applicants such as Roger Parker. Robyn King discussed examples from New York's Capital Region and noted there was precedent for these kinds of guidance documents. Michael Quinn noted that as septic is limiting, this seemed like a good starting point.

Bob Beach asked about next steps, and it was agreed that Craig Heindel could be invited to the meeting on June 16th and that Katie from ACRPC could be invited to the next meeting as she may be able to give input on Roger Parker's proposal.

There being no further business, Anne Cohn made a motion to adjourn the meeting at 9:16 pm which was seconded by Kristin DeBellis and the motion passed unanimously.