

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

APPROVED – Minutes for meeting of July 18, 2018

**Members present:** Gail Blasius, Al Chamberlain, Arabella Holzapfel, Walter Reed, Bessie Sessions, Keith Wagner. **Absent:** Bob Beach (chair), Anne Cohn, Mike Quinn.

**Town official present:** Bonnie Barnes, zoning administrator.

**Visitors present:** Jason Barnard, Carl Cole, Ethan Jones, Ron LaRose, Nancy Larrow, Bernard Perron, Dorothy Perron, Brandy Saxton, Lee Shorey, Maddie Slack.

Walter Reed, acting chair, opened the meeting at 7 p.m. He asked to have the agenda for the meeting amended to include a report from consultant Brandy Saxton under “Other Business.” Gail Blasius made a motion to that effect, seconded by Keith Wagner. All voted in favor. **Motion approved.**

Bonnie Barnes, zoning administrator, said a review of the Chase project, a proposed three-lot subdivision on Button Bay Road, was not on the evening’s agenda because the applicants had not been able to make the deadline for appearing in the warning for the July meeting. She said the earliest the project could be reviewed was now at the August meeting. A sketch plan for the project was accepted at the June 20 meeting.

**Approval of minutes from May 16, 2018.** Gail Blasius made a motion to approve the minutes of May 16, 2018, as submitted. Keith Wagner seconded. Gail Blasius, Al Chamberlain, Arabella Holzapfel, Bessie Sessions and Keith Wagner voted in favor. Walter Reed abstained. **Motion approved.** Board members tabled approval of the June 20, 2018, minutes until the August meeting, because a quorum of members present at that meeting was not in attendance.

**Application No. 18-065 by Dorothy and Bernard Perron for final plat approval of a four-lot subdivision at 2437 Middlebrook Road. The parcel is partly in the Rural Agricultural District (RA-5) and partly in the Conservation District (CON-25) and is identified in Town of Ferrisburgh tax maps as parcel 10/01/55.**

Walter Reed opened the review at 7:05 p.m. Ron LaRose, of LaRose Surveys in Bristol, Vt., and Dorothy and Bernard Perron were present to speak for the application, which would create four building lots. Lot 1 is a 5.2-acre lot surrounding the Perrons current home; Lot 3 is a new 5.1-acre lot just to the south and east; Lot 2 is a 13.5-acre lot to the north, and Lot 4 is a 26.4-acre lot to the east. The two larger lots are partially in the Conservation District while the two 5-acre lots are in the Rural Agricultural District. Lot 1 is reached from the Perrons’ current curb cut off Middlebrook Road. The three new lots would all be reached via a town trail off Middlebrook Road, south of property owned by neighbors Harry Curth and Nancy Weber-Curth. A 60-foot right-of-way would run north from the point where that trail crosses the Perrons’ property line, along the western borders of Lots 3 and 4 to the southern boundary of Lot 2.

Ron LaRose said the applicants have not yet submitted a wastewater permit application to the state, pending the decision from the Planning Commission. The project plat proposes several sites

for new septic mounds. They said the existing town trail that leads to the new right-of-way road would need to be upgraded and then maintained, all at the property owners' expense. The town would not be responsible for maintaining the road.

The commission closed the review at 7:25 p.m. Arabella Holzapfel made a motion to accept the final plat as submitted. Gail Blasius seconded. All voted in favor. **Motion approved.**

**Application No. 18-067 by David Shlansky for final plat approval of a four-lot planned residential development (PRD) with two existing single-family homes and two new residences with accessory apartments at 343 and 377 Satterly Road. The parcels are in the Rural Agricultural District (RA-5) and identified in Town of Ferrisburgh tax maps as parcels 10/01/57.1 and 23/01/34.**

Walter Reed opened the review at 7:25 p.m. Carl Cole was present to speak for the application. He had requested that the \$700 fee for the current application be waived since this new application was essentially the same as one that had been submitted more than a year ago. There had been delays in getting the application considered, he said, in part because the applicant had needed extra time to negotiate with the Ferrisburgh Volunteer Fire Department about providing an access road that could be safely navigated by fire equipment. Commission members did not want to set a precedent by waiving the entire fee, but decided to split the difference, asking Shlansky to pay \$350 this time around. Cole said he felt that would be acceptable to the applicant.

Gail Blasius made a motion to ask that the fee for this application be set at \$350, half of the normal fee. Bessie Sessions seconded. All voted in favor. **Motion approved.**

Carl Cole said the final plat was essentially unchanged from previous iterations except for the access roads. There will be one driveway that will be used by the homeowners, with another access road that can be used by fire trucks and other emergency vehicles if necessary. The property owners will maintain both roads all year. One septic site was also reduced in size to make way for the emergency access road. That also necessitated a reduction in the number of bedrooms served by the septic system.

Commission members asked about the two lots that will hold the new residences with accessory apartments. Each lot is about three-quarters of an acre, while the town's zoning bylaws call for two acres per lot in PRDs. Cole said the town can grant a waiver for smaller lots, and has done so in the past. Commission members said those waivers had come for projects where owners of those lots also shared ownership of additional land in the project, not the case here. Cole said he had seen a move away from shared ownership of land within this kind of development, so that open space is assigned to one of the lots. That way, he said, it is more likely to be managed effectively.

There was a brief discussion of whether the project design could be changed to provide two acres to each of the new housing sites. Cole said that was possible, but said he was disappointed this issue was coming up now, after the project plans had been in front of the Planning Commission for more than a year. Commission members said that because of the discussion over the access roads and other issues, they had not focused on the specifics of lot sizes until now, not knowing what the final project plan would look like.

Cole said he was not prepared to address the issues raised at this meeting. Commission members said there were also other aspects of the project they wanted to address in a deliberative session. Cole said he would need to know what those issues were so that he could address them before he presented the plat to the commission at a future meeting.

Gail Blasius made a motion to recess the review of Application No. 18-067 until the August 15, 2018, meeting of the Planning Commission, asking that it be added to the agenda for 7:10 p.m. Keith Wagner seconded. All voted in favor. **Motion approved.**

### **Other business**

Brandy Saxton, a land-use planner who has been hired by the town to consult on the rewrite of the Ferrisburgh zoning bylaws, told the commission she had completed her technical review of the current zoning bylaws and the recently adopted town plan. Saxton, principal in the firm PlaceSense based in Windsor, Vt., presented the commission with a 15-page document, a side-by-side comparison of the town plan and the zoning and subdivision bylaws, and her assessments of the issues raised. She said the issues could be divided into four main categories:

**1. Differences, and conflicts, between site plan review, which takes place in front of the Planning Commission, and conditional use review, which is the purview of the Zoning Board of Adjustment.** She said that because so many proposals require conditional use permits, including virtually all commercial projects, there is a great deal of uncertainty and unpredictability for applicants. And the workload is considerable for a volunteer ZBA that meets once a month and a part-time zoning administrator. She felt the zoning board was being asked to deal with a lot of small projects, many of which could be better handled by the zoning administrator, if the descriptions of permitted uses could be expanded and improved. And she said the goals and objectives of the town plan could be better achieved through site plan review than by granting conditional use permits.

**2. What she described as “all things wet,” including shoreland protection, riparian areas, wetlands, flood plain issues and river corridor mapping.** She said there were overlapping and competing authorities involved in many of these, at the federal, state and local levels.

She identified what she called “district-based issues,” involving the town’s current zoning districts. She said it might be possible to take the town’s current Conservation District and modify it to include what are currently public lands (state parks, etc.), large existing wetlands, flood plains, river corridors and more. This might result in a Conservation District that more clearly delineates land that cannot be developed. And the Shoreland District might be divided so that a large development like Basin Harbor Club is not considered in the same way as small camps on the lakeshore. The town could have rules that work for big pieces – Basin Harbor, the state parks – and separate rules for small lots. Other “wet” issues that need to be addressed are the town’s role, if any, in enforcing the state’s Shoreland Protection Act, the ongoing process of developing river corridor maps, the creation of wetlands buffers, and flood hazard regulations.

**3. The need to clean up use tables that identify permitted and conditional uses in the town’s various zoning districts.** There are currently inconsistencies built in to the system, with different terms for similar uses from district to district. The lists are not as comprehensive as they could be,

so that too many things end up being considered under “other similar uses.” While no list of uses can cover every eventuality, she said, it’s important to be clearer than the current regulations about what is and isn’t allowed. With a better list of uses, it would be easier for the town to say something is not listed in a district so it’s not allowed. In many cases, now, applicants are making arguments that proposed uses are somehow similar to currently permitted or conditional uses. In thinking through the lists of uses, the town should be more detailed, differentiating, for example, between small uses and large (a small store vs. a larger retail outlet). Agricultural uses will also need to be addressed more specifically, as uses such as agricultural tourism, farm product processing and even “wedding barns” become more common. An important focus, she said should be to look back at proceedings of town boards and commissions and see what things were not covered by the current bylaws. Defining things more clearly, she argued, will make it easier on the town and on applicants.

**4. The issue of the Route 7 corridor and strip development, particularly as it involves design criteria for future building projects.** She said some towns shy away from design criteria, while others embrace it. She mentioned Dorset, Vt., which has strict ordinances covering the development of its village area, including the size of buildings, their appearance, even the shade of white paint that’s allowed.

She said footprint standards can be helpful, as well as rules that work against “massing,” dividing larger projects into more esthetically palatable chunks. Her examples were that most village businesses have footprints under 4,500 square feet, and that towns can work to eliminate roadside building frontages longer than 40 feet. Uses such as gas stations and large stores can be designed to have less impact, and towns can encourage retrofitting existing buildings.

She suggested the next step for the town is to decide whether it wants to make incremental changes to the current zoning bylaws, or do a wholesale rewrite. She recommends the latter, adding that once a set of bylaws reaches a certain age, changed circumstances and decisions made by the town over the years lead to an inconsistent, unwieldy system. She briefly discussed the possibility of pursuing grants to help with the zoning bylaws, and said the town could request copies of successful grant applications from other towns to help move the process along. She said she was willing to return and give another presentation, and would also be happy to answer questions via e-mail.

Commission members thanked Saxton for her presentation and Bonnie Barnes, zoning administrator, and commission member Arabella Holzapfel, who are co-chairing a working group on the zoning bylaws rewrite, said they would get together soon to discuss the town’s next steps.

Bessie Sessions made a motion to go into deliberative session at 9 p.m. Arabella Holzapfel seconded. All voted in favor. **Motion approved.**

**Adjournment:** Arabella Holzapfel made a motion to adjourn the meeting at 9:15 p.m. Keith Wagner seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells