

Minutes

Approved on: 8-18-2021

Planning Commission Town of Ferrisburgh, VT

Minutes for meeting of July 21, 2021

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, Bessie Sessions, Arabella Holzapfel, Kristin DeBellis **Members absent:** Michael Quinn, Al Chamberlain

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

Participants present: Barbara Amblo, Doug Goulette, Jeff Goulette, Kristen Goulette, Jean Richardson, Kurt Plank, Melinda Kinsey, J. Rose, Sierra Lane, Justin Kent, Eric Heise, Jesse Amblo

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Bob Beach called the meeting to order at 7:01 pm and asked for Walter Reed II to give an overview of the minutes from the June meeting. Robyn King pointed out the minutes noted that the meeting was on June 17th and the meeting took place on the 16th. Bonnie Barnes noted that on the application for Stavseth, it was a new application numbered 21-088 for a boundary adjustment instead of a two-lot subdivision. There being no further questions, **Anne Cohn made a motion to approve the minutes, which was seconded by Arabella Holzapfel and the motion passed unanimously.**

Application #21-105 for final plat for two-lot subdivision; 423 Monkton Road; applicant Sierra Lane; Rural Agricultural (RA-5) District; tax map id no. 15/02/15.

Bob Beach asked if the Planning Commission members had any questions, and there was a brief discussion of the elements portrayed on the map, including the right-of-ways. There being no questions, **Gail Blasius made a motion to close the public hearing, which was seconded by Kristin DeBellis and the public hearing was closed at 7:06 pm. Gail Blasius made a motion to accept the 2-lot subdivision as presented, which was seconded by Anne Cohn and the motion passed unanimously.**

Application #21-110 for sketch plan review of 3-lot PUD; 440 Old Hollow Road; applicants Jeffrey & Kristin Goulette; North Ferrisburgh Village (NFVIL) and Rural Agricultural (RA-5) Districts; tax map id no. 18/20/61

There was discussion of an email that had been sent by Michael Quinn explaining there were animal crossings in the area of the proposed Planned Unit Development (PUD). Present for the application was Doug Goulette, the engineer on the project in addition to Kristen Goulette and Jeff Goulette. Doug Goulette explained that the applicants lived up the road and purchased this property recently. Doug Goulette noted that the applicants desired more space and that when the option for subdivisions was discussed with the Town, it was noted that this could be a

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candidate for a PUD, so there was a sketch plan created for 3 lots. Doug Goulette pointed out certain features of the property including the hills, woods, and the combined zoning of RA-5 and the Ferrisburgh Village District. Doug Goulette explained that Lot 1 would incorporate the existing house including the pool, the mound system, the barn structure and the drilled well and noted that with 200 feet of frontage it met conventional zoning standards.

Walter Reed II asked about the split between the zoning districts and the dimensions of Lot 2. Doug Goulette noted that Lot 1 met the conventional regulations, but the other lots were in alignment with what could be achieved with a PUD. Doug Goulette explained that Lot 2 is one acre, and there would be a shared driveway that could consolidate a pre-existing curb cut. Doug Goulette explained that Lot 2 would have an individual well, but a wastewater system that would be shared with Lot 3.

Doug Goulette noted that Lot 3 would be 5 acres mostly located in RA-5 meeting the zoning requirement, but that it would have no frontage, and that it would have a shared driveway with Lot 2 that would lead to a house on Lot 3. Doug Goulette explained the shared driveway would be a right-of-way that would be modeled after the Amblo right-of-way. Doug Goulette noted that Lot 3 would have its own drilled well, but a shared mound system with Lot 2 in the corner of the property and that the soils were evaluated and this location had the correct soil type and that this system could accommodate 7 bedrooms. Doug Goulette noted that the area shaded in yellow on the map would be 2.2 acres of conserved land that would stay with Lot 3 and there would be deep covenants and restrictions that would require this land to be kept in its natural state. Doug Goulette explained that the septic system briefly encroaches on this area, but the intent of keeping it conserved was due to a class 2 wetland originating in the area. Doug Goulette noted a state wetland ecologist has observed the site and had no concerns over the crossing of a narrow part of the wetland with a 2 inch sewer pipe, which there would need to be a wetland permit for.

Gail Blasius asked about the 60 foot right of way and asked if the driveway could be relocated to allow for more acreage in Lot 1. Doug Goulette explained this may encroach on the pool area in Lot 1 slightly. Walter Reed II noted that there had been hardships in terms of building locations in the context of the right-of-ways and Bonnie Barnes confirmed that there are no regulations that are specific to this, but the Planning Commission could specify that a building envelope is created that has a specific buffer from a right-of-way. There was discussion of having the driveway be in the center of the right-of-way to create a buffer, given the difficulties that could be experienced by Lot 2 and it was noted that the envelope could be moved farther away. It was noted that the applicants should consult with John Bull and the Fire Department for adequacy of the design of the right-of-way and also to discuss maintenance plans.

Kristin DeBellis asked about a shared well between Lots 2 and 3, and it was clarified there would be individual wells, but a shared mound system. Doug Goulette noted that there was an aerial photo that showed the location of the mound system, and they were placing it carefully so that they would not need to cut any mature trees. Kristen Goulette explained she would be planting native wildflowers on the mound to cut down on any invasives coming in.

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Melinda Kinsey, residing at 382 old Hollow Road explained she had lived in her house for 11 years and was raising two children at her residence in addition to running a business out of her home. Ms. Kinsey explained she was concerned about the development project, especially in regards to the wells given the fragility of the water supply in the Hollow. Ms. Kinsey explained there was a similar situation in Charlotte, and she was aware that her well supplied water to other wells in the area and was interested in the impact that two additional wells on adjoining lots would have on the water supply. Ms. Kinsey expressed an interest in having testing done so that there would be assurance that the water supply would not be affected. Ms. Kinsey continued to note that as a sound therapist, she was concerned about the level of noise that would be present during construction. Ms. Kinsey noted there was also a concern about the impacts on wildlife as was pointed out by Mike Quinn and there was an awareness that there was bobcat, bears, fox, and coyote living near her house in addition to migratory birds. Ms. Kinsey noted there was also a neighborhood-wide concern about traffic increasing and she was concerned about the septic being placed adjacent to a wetland and impact on wildlife there.

Jesse Amblo, residing at 361 Old Hollow Road explained that he lived on a historical site and his great great grandfather had helped to build his homestead, and he had restored it using conventional methods. Mr. Amblo noted he was concerned about the type of development in the Hollow and whether or not the historical character of the neighborhood was being sacrificed. Mr. Amblo also noted that there should be care given over construction impacts, citing that when the road construction project took place, his well was affected, his foundation cracked, and a few fire places cracked. Mr. Amblo noted his mother, Barbara Amblo also had a cracked foundation on Route 7 during the road construction project at her historical farmhouse. Mr. Amblo noted he was a falconer and liked to fly hawks in the area, but he was unsure if that could continue if there was continued development. Mr. Amblo explained he was also concerned about a sidewalk that included four feet of pavement and he had discussed this with neighbors and a majority of people were not in favor of these developments.

Jean Richardson explained that the PUD proposal reflected what was allowed per the updated zoning regulations and this proposal is a test case. Ms. Richardson noted that it appeared to be a good proposal and met the way the regulations were drafted and was a good fit for the area. Ms. Richardson encouraged the consideration of the historical nature of the Hollow, and that while they did not have design control, it may not be appropriate to have a ranch style home as part of the development. Ms. Richardson encouraged the Commission to be creative and imagine what they would like to see when they visit the site. Ms. Richardson noted there was disagreement on the foot path and that while she had been living in the Hollow in her 32 years there, there was a foot path on either side of the road and the re-establishment would be helpful for pedestrians. Ms. Richardson explained the septic system would need to be examined carefully, given the distance and placement next to a wetland and wildlife corridor. Ms. Richardson noted that there had been much work on the intersection and connectivity to pedestrian infrastructure was important. Ms. Richardson concluded explaining that her property included 30 acres of trails that is used by the neighborhood and includes lots of species and it

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was important for the Commission Members to consider the whole area when evaluating this proposal.

Kristin DeBellis asked about the feasibility of determining the productivity of wells and impacts. Bob Beach noted that Craig Heindel may be able to provide insight as he is a hydrologist and that his comments at a site visit would be welcomed, and he was aware that there were challenges with wells in the Hollow. After a question from Bob Beach, Bonnie Barnes noted that she was unaware of state law on regulations regarding wells and the overshadowing of wells and septic systems and she had not had the chance to dig deeper. Jesse Amblo noted that Craig Heindel could speak to the issue, and if groundwater studies or productivity studies had been conducted. Ms. Kinsey offered an article from Charlotte discussing water issues, which Bonnie Barnes made copies of.

Doug Goulette noted that they would need to obtain a state water and wastewater permit and the state would need to determine that they were in full compliance with wetlands regulations. Doug Goulette noted he was unsure that the Town needed an additional consultant, especially as it was a state statute and towns cannot dictate standards for wastewater, but he was unsure if this applied to water supply. Doug Goulette explained he never had seen a project denied on the basis of scarcity of water and that having consulted with Craig in the past, he was unsure if deep groundwater could be predictable. Bob Beach clarified that the Planning Commission had not ruled on a well situation for a development in the past. Gail Blasius recommended a consult with Craig Heindel and was pointed out that he was a neighbor and had been supportive of the project.

Walter Reed II explained that per his understanding, the applicants were current residents and the historic nature was likely what drew them to the area and asked about a house design that would follow historic standards. Kristen Goulette noted that she was envisioning a classic home and they were asking the designer for a home that would look like it had been in the neighborhood for quite some time. Kristen Goulette noted that it was her preference that it would be within the style of the neighborhood in terms of color and placement. Doug Goulette noted that while it is a historic district and a non-traditional house would not fit in the character, the applicants did own the parcel and there was an absence of architectural standards which could be helpful in the future. Ms. Kinsey noted that her house was a ranch that was built in the 1960's and gave some background on the purchase of the property by the Goulettes and the original intent to renovate the home. It was clarified by Bob Beach that the discussion was not relevant to the application.

Doug Goulette noted that the sidewalk of foot path mentioned was not part of the plan but that the applicants were open to being supportive and pointed out the challenges of obtaining easements for such a development and the need for a long term plan for interconnectivity. Mr. Amblo explained that while there was not opposition to a gravel walkway, there was neighborhood opposition to a sidewalk and he had been in touch with the Selectboard on this issue. Jesse Amblo pointed out some of the challenges including funding, parking, drainage, right-of-ways, and lack of adequate space for something that would be ADA compliant. Mr.

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Amblo concluded explaining that there needed to be careful consideration and planning for such an effort. Bob Beach noted that the application did not include a foot path, and Walter Reed II explained the intent of the intersection construction was pedestrian connectivity, but there was not a clear understanding of future development plans.

It was explained that a foot path is not included in this application, but there is an intent with PUDs to encourage pedestrian-friendliness. Bob Beach explained that in the planning and zoning updates, there was an intent to create a Village Center that would allow for commuting children to school, bike traffic, a slowdown in traffic overall and that the light was put in due to the large amount of traffic accidents. Bob Beach explained that the Planning Commission intent was to improve neighborhoods and that the Village had historic considerations and higher density and that the changes to the zoning regulations underwent much public review and comment. Bob Beach noted that some of the intent included highlighting the excellent schools, accessibility to Town resources, and growing and retaining small business that could employ Ferrisburgh residents. Bob Beach concluded noting that the Commission would be approaching this in an unbiased manner, that this application is a test case, they could do a site visit before the next meeting, and they appreciate the in-person and written comments. Ms. Kinsey asked if the Commission Members would assess noise at the site visit, and Bob Beach explained that they would be assessing the character of the neighborhood and residents living close-by and that all can attend the site visit.

It was decided there would be a site visit at 5:30 pm on August 18th. Bonnie Barnes clarified that this would not be warned so there may or may not be a notice in the newspaper and asked that if folks wanted to be notified that a mailing list be created and sent to her.

There was further discussion of the application by the Planning Commission members. There was clarification that the owners would be interested in developing their own structure on Lot 3 and moving out of their house. It was noted that if the construction was fitting with the neighborhood there may be less concern. Bonnie Barnes pointed out that Lot 2 may be visible from the road. Bob Beach explained that historically, Ferrisburgh had zoning that was 1 acre lots and then there was the introduction of 2, 5, and 10 acre lots on the example of Connecticut zoning which eliminated some of the small Town feel, and he appreciated the concerns expressed by the neighbors. Gail Blasius was in agreement, and that she found the dialogue to be part of the purpose of the public meeting space. Gail Blasius pointed out it would be good to have some review conditions on trees and driveways for consistency. Bonnie Barnes committed to sending out copies of the zoning regulations but she was going through the documentation for last-minute grammatical errors.

Other Business

Arabella Holzapfel noted that the grant application had been closed out and the final invoices had been paid. Arabella Holzapfel noted that the Commission may want to consider next steps and updating the zoning regulations with public input with new language per the maps presented.

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Walter Reed II noted that he was interested in working with the Fire Department to better understand their interpretation of how developments that they have reviewed have worked out. Walter Reed II explained that occasionally, right-of-ways are unpassable from the perspective of the Fire Department, especially if there's no homeowner's association. Bob Beach noted that the Fire Department is great to include on planning decisions, but they are not ultimately responsible for maintenance. Walter Reed II clarified that he was curious if there was mutual agreement on development decisions made, and there could be feedback on adding criteria.

Gail Blasius explained that there have been instances where right-of-ways have been impassable and there is not a clear system in place for right-of-way maintenance, but it would be good for there to be an inspection process. It was discussed that there may be opportunities to educate the public via Front Porch Forum on how to maintain right-of-ways and the importance of the issue. It was clarified that private road and right-of-way maintenance is often specified in deeds and the responsibility of one homeowner if not an homeowner's association. It was noted that the Fire Department's input would be beneficial moving forward for these issues.

Walter Reed II asked about regulations pertaining to cutting trees, and it was noted that there are only regulations when a development is being constructed, but not once the property was fully developed and owned. It was explained that there was a property that had done some significant clearing, and Gail Blasius noted that some homeowners may elect to cut trees after development takes place for many reasons but it's important to leave them in.

There being no further business, Arabella Holzapfel made a motion to adjourn the meeting at 8:38 pm and the meeting was adjourned by consensus.