

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

APPROVED – Minutes for meeting of August 15, 2018

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

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

**Visitors present:** John Banyi, Mary Jane Banyi, Jason Barnard, Joseph Chase, Bernie Dam, Ken Edwards, Diane Haight, Sally Jacobs, Joe Kowalski, Robin Kowalski, Gregory O'Brien, Roger Parker, Robin Shalek, Meghan Sheedin, Edmund Symula, Susan Symula.

**Note:** Prior to the meeting a site visit took place at Tupper's Crossing, regarding Application 18-077 by Roger Parker.

Bob Beach, chair, opened the meeting at 7 p.m.

**Approval of minutes from June 20, 2018, and July 18, 2018.** Gail Blasius made a motion to approve the minutes of June 20, 2018, as submitted. Bob Beach seconded. Bob Beach, Gail Blasius, Arabella Holzapfel, Mike Quinn, Walter Reed and Bessie Sessions voted in favor. Al Chamberlain abstained. **Motion approved.** Arabella Holzapfel made a motion to approve the minutes of July 18, 2018, as submitted. Gail Blasius seconded. Gail Blasius, Al Chamberlain, Arabella Holzapfel, Walter Reed and Bessie Sessions voted in favor. Bob Beach and Mike Quinn abstained. **Motion approved.**

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

At 7:10 p.m., Bob Beach requested a motion to recess the consideration of this application until the next meeting on September 19, 2018. Gail Blasius made a motion to that effect. Walter Reed seconded. All voted in favor. **Motion approved.**

Arabella Holzapfel offered an update on the effort to rewrite the town's zoning bylaws. She noted that Brandy Saxton, a land-use planner doing consulting work for the town, had presented the commission members with copies of her technical review at the July 18 meeting. Holzapfel and Bonnie Barnes, zoning administrator, are working to draft an agenda for the first meeting of a zoning bylaw revision task force. The group, which so far includes Barnes, Holzapfel, Bob Beach, Anne Cohn, Dave Mentzer, Norm Smith, Kurt Plank, Carl Cole and Karen Pettersen, will meet on September 5, 2018, at 6 p.m.

**Application No. 18-077 by Roger Parker for final plat approval of a four-lot subdivision and boundary adjustment on Tupper's Crossing. The property is in the Industrial District (IND-2) and identified in Town of Ferrisburgh tax maps as parcel 15/01/64.**

Bob Beach opened the review at 7:25 p.m. Roger Parker was present to speak for the application. The review followed a site visit by commission members at 6 p.m. Parker is proposing to divide an existing 29.3-acre parcel into four lots of about 8.8, 8.6, 5.0 and 4.9 acres, using one lot for a shop and office where his excavating business will be based, and one for a 250-unit self-storage facility. The plan also includes conveying a two-acre slice on the northeast side of the property to the Charlebois family, which owns an adjacent lot between Parker's land and Route 7.

Parker said that one change from the previous project design was that an access road entering the parcel from Tupper's Crossing would be relocated slightly to allow placement of a septic system. He also said he was in discussions with the Charlebois family about possibly having an entrance to the property from Route 7. This right of way would serve the two larger lots, on the southern part of the property, identified in the plans as Lots 1 and 2. The two approximately 5-acre lots on the north side would be accessed from Tupper's Crossing. Commission members said the two rights of way should be identified on the final plat as being 60 feet wide, the minimum according to Ferrisburgh's zoning bylaws.

Gail Blasius made a motion to approve the final plat for Application 18-077, with the condition that the final drawings will show the rights of way as 60 feet wide. Arabella Holzapfel seconded. All voted in favor. **Motion approved.**

**Sketch plan review for Application 18-056 by Joseph Chase, on behalf of the estate of Jean Chase, for a three-lot subdivision at 1808 Button Bay Road. The land is in both the Rural Agricultural District (RA-5) and the Shoreland District (SD-2) and is identified in Town of Ferrisburgh tax maps as parcel 13/01/35.**

Bob Beach opened the continuation of the sketch plan review at 7:40 p.m. Jason Barnard of Barnard & Gervais, land surveyors and environmental and wastewater consultants, and Joseph Chase were present to speak for the application.

Barnard described the project, which involves creating three 5-plus-acre lots from the existing 15-plus acre parcel. He noted that his firm's survey of the property had determined that the parcel was larger than the estimates in the town's tax maps. One reason is that the previous survey had not included the portions of the property represented by ownership of all or portions of the adjoining roads. The Chase property includes everything to the center of the road on Button Bay Road and all of some adjacent portions of Button Bay Lane.

He said the project would involve the building of four mound systems, two that would serve the two new lots on the parcel, and two that would be available for use by two small lakeside lots just west of the north end of the parcel. One of the lots already contains a camp. The other is undeveloped, and would require a shoreland permit from the state in addition to local approval.

He said the owners had not applied for a state wastewater permit for the subdivision project, deciding to wait until the sketch plan had been approved by the Planning Commission. He said the four mounds could be built and maintained in such a way that they could be mowed, and would appear as four bumps in a large grassy field.

He also pointed out some of the proposed features designed to manage storm water on the property, including a long curtain drain that would run just to the east of the four mounds, which are proposed to run in a line from southwest to northeast, starting near the middle of the parcel's southern boundary. The curtain drain, a 4-foot-deep trench with pipes on the bottom, filled with stones to grade, would direct water moving across the property to the northern, flatter portion of the parcel, slowing down the flow and allowing it to dissipate across several hundred feet of pasture.

Neighboring property owners expressed surprise that the parcel was actually large enough—in excess of 15 acres—to allow division into three 5-acre parcels. The parcel had been listed on the town's tax maps for many years as 13.2 acres. Bob Beach said it was not unusual for tax maps to be off a bit, and Barnard said that a one- or two-acre discrepancy is relatively common for a lot this size. Asked if the town ever sought second opinions on surveys, Beach said that Barnard & Gervais is a state-registered surveyor, and that he could not recall the town ever questioning results from registered surveyors.

Told that measuring to the center of the road is one of the reasons that the property turned out to be larger than previously thought, neighbors asked about town bylaws on roads and rights of way. Commission members said the ownership question on town roads varies from place to place, and can depend on how the original deed was written. In some places, property owners own to the center of the road, or the whole road, or just to the edge of the road. In this instance, Barnard said, the deeds were clear on how much of the roads were owned by the Chase family.

Asked about why the project included mounds for the two small lakeshore lots, Barnard said it was a good time to tackle that issue, which would have to be addressed eventually. One property owner asked about whether a community septic system to serve some of the other camps in the neighborhood would be a good idea. Barnard said it was a possibility, but that in his experience community systems can be problematic, especially when serving a large number of separately-owned lots.

Neighbors also worried about runoff issues that had afflicted some lots in the area, leading to parts of the lots basically being washed into the lake during heavy rain events. They were concerned that more development would mean more water moving across the property. Jason Barnard and Joseph Chase said the curtain drain element was designed to slow water as it moved across the lot, diverting it to the flattest portion of the parcel.

Edmund Symula, who is chair of the water district that supplies the area, said he wanted to see a study of whether the additional development could be served by the existing water infrastructure. Jason Barnard agreed that was a question that needed to be answered. Commission members pointed out an alternative would be for the owners of any new homes to drill their own wells.

Neighbors also mentioned that another three-lot subdivision had recently been approved right across Button Bay Road, wondering if it would be preferable to have clustered development and more open space. It was pointed out that under existing bylaws, this kind of clustered development (a PRD or PUD) required more land in this zoning district (25 acres minimum in RA-5) than was available to either of these property owners.

Concerns were also voiced about whether anyone was considering the effects of this level of development on Lake Champlain, and Button Bay in particular. Jason Barnard said he felt that the Chase project would properly address all storm water and wastewater issues, and that if the other small lot by the lake was eventually developed, it would have access to a properly designed wastewater system. He said many small lakeshore lots now have inadequate and in some cases failing systems for wastewater, which challenge efforts to protect water quality.

Commission members said this was just the first of at least two and perhaps three hearings on this project, and expressed confidence that the applicants would try to address neighbors' concerns as the project plans evolved. Bonnie Barnes said neighboring property owners would be notified when the final plat for the project is going to be considered.

Bessie Sessions made a motion to approve the sketch plan as presented and deem the project to be a minor subdivision requiring two more public hearings. Al Chamberlain seconded. All voted in favor. **Motion approved.**

**Adjournment:** Gail Blasius made a motion to adjourn at 9:05 p.m. Arabella Holzapfel seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells