

MINUTES APPROVED ON:  
Sept. 21, 2022

TOWN OF FERRISBURGH  
PLANNING COMMISSION  
MINUTES  
WEDNESDAY August 17, 2022  
At Town Offices and on Zoom

Members Present: Bob Beach (Chair); Walter Reed (Vice Chair); Gail Blasius; Anne Cohn; Arabella Holzapfel; Mike Quinn; Bessie Sessions; Jean Richardson.

Members Absent: Kristen DeBellis

Minute Taker: Jean Richardson

Town staff present: Steven True, ZA.

Applicants present: Harry Curth; Peter and Liz Markowski; Gerry Racette and Mary Anne Michaels. Others present:

1. Meeting was called to order at 7:00 pm by Bob, and Quorum determined
2. Minutes of July 20, were approved with one amendment on MOTION of Gail, seconded by Anne.  
All in Favor. Bob and Arabella abstained as they were not present at the July meeting.
3. Application #22-084 Final Plat review for a two (2) lot subdivision; 2617 Middlebrook Road; Applicant Harry Curth; Rural Agricultural (RAS) district; Parcel ID 15/01/13. (7: PM)

STAFF REPORT: Steve provided a Checklist of documents and stated that the application is complete. This is a simple two lot subdivision.

Applicant verified septic meets the Town requirement to demonstrate capacity. Wally comments that Chief Wager's access approval is only conditional as there is no access on plans at present.

MOTION to close the Hearing was made by Gail, seconded by Anne. All in Favor

MOTION was made by Bessie, seconded by Anne to approve the Final Plat with the condition that Chief Wager will have the opportunity to approve the emergency access for the driveway for Lot 2 at the time of the building permit application. VOTE: All in Favor

4. Application 22-49, Preliminary Plat Review, continued, for 3-Lot Subdivision at 462 Monkton Road; Applicants Peter and Liz Markowski; R-A 5 District; Parcel ID #15/02/12 (7:20 pm).

STAFF REPORT: Steve states that he has received no new public comment on documents already filed and there are no changes since last month's discussion. PC members have had the opportunity to review all the documents.

MOTION to close the Hearing was made by Gail, seconded by Arabella. All in Favor.

MOTION was made by Jean and seconded by Arabella to approve the Preliminary Plat with the following conditions: 1. That the "existing barn" located on Lot 1 is a non-conforming use that is grandfathered in. 2. That any building expansion must maintain the set back from the adjacent Wetland indicated on the Plat. And 3. That the gravel road indicated on the Plat along the northern edge of Lot 3, immediately south of the Dollar General store is a farm road, only for current agricultural use. VOTE: All in Favor.

5. Other Business:

Gerald Racette and Mary Anne Michaels Re: Parcel ID # 05/02/10.22 adjacent 354 Four Winds Road. (7:24 pm).

Gerry Racette and his wife, Mary Anne Michaels, purchased from John Bull and Phyllis Lowry a parcel of 5.61 acres adjacent their home Lot on August 18, 2021. Rather than merge their two parcels they purchased the land using GGRMAM LLC. in order to avoid bringing their home Lot under Act 250. Gerry and Mary Anne state that their position has not changed. They do not wish to merge the purchased parcel with their home lot, and they do not wish to add an access easement across their home Lot to the new parcel.

Bob states that the Planning Commission cannot and did not create a land locked parcel and thus there is an incomplete Subdivision because only a Boundary Adjustment was ever filed.

The Mylar (Slide 148 B) recorded on July 22, 2021, was reviewed by PC and Gerry and Mary Anne. Who state that they had never seen this before tonight. The PC reviewed the [Chronology](#).

April 21, 2021: PC Hearing. John Bull- Application 21-039 for 2 Lot Subdivision. (See PC Minutes)

May 19 2021: PC Regular Hearing. MOTION states approval 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 through his property in order for the subdivision to be active".

July 21 2021: Mylar was signed at regular PC Meeting. The Mylar is not a "2 Lot Subdivision, Final Plat".

It does NOT show entire land of John Bull. And does not include any Access/Right of Way/Permanent

Easement. It is simply a Boundary Adjustment, stating: "Portion of lands of John W. Bull and Phyllis Lowry to be adjusted with Gerald Racette Jr, and Mary Anne Michaels". The mylar filed was clearly intended to be a Boundary Adjustment, ie merger of the Bull /Lowry parcel with Racette/Michaels home lot.

July 22 2021 Mylar of Boundary Adjustment was Recorded (See Slide 148 B).

August 18 2021: Warranty Deed sale of 5.61 acres lot to GGRMAM LLC. (See WD Book 174, page 280). The WD does reference Slide 148 B, but the WD makes no reference to any approved or proposed legal access, permanent easement or right of way, even though the conveyance is to an LLC and not to the husband and wife per se. It appears that both the Mylar and the WD were signed on the understanding that this was a Boundary Adjustment. Tim Short, Surveyor, had stated to Jean, that he believed his Plat was a boundary adjustment.

July 6 2022, letter to Gerry and Mary Anne from Bob Beach drawing their attention to this issue.

Gerry and Mary Anne clearly state again that they do not want to merge the parcel with their home lot and that is why they established a separate LLC. And they do not want to indicate an access or easement across their home lot as they do not want their new parcel valued as a building lot which will increase property taxes. The PC suggested that Gerry and Mary Anne may wish to consult with an attorney to resolve this issue.

Gerry and Mary Anne request that Steve send them a copy of Slide 148 B.

The Planning Commission took no action on this issue.

6. Meeting Adjourned at 8:00 pm: on MOTION of Wally, seconded by Gail. All in Favor.
7. Next Meeting: September 21 at 7:00pm.