

**DRAFT Minutes**

Approved on: \_\_\_\_\_

**Planning Commission**

*Town of Ferrisburgh, VT*

DRAFT - Minutes for meeting of September 15, 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, Bessie Sessions, Arabella Holzapfel, Kristin DeBellis, Michael Quinn **Members absent:** Anne Cohn, Walter Reed II, Al Chamberlain

**Town official present:** Bonnie Barnes, Zoning Administrator, Craig Heindel, Chair of the Conservation Commission, Robyn King, Minute Taker,

**Participants present:** Doug Goulette, Jeff Goulette, Kristin Goulette, Melinda Kinzie, Jessy Amblo, John Harvey, Ron DeBellis, Kurt Plank, Barry Paul

**Minutes Approval**

Bob Beach called the meeting to order. Gail Blasius made a motion to accept the August 18 minutes, which was seconded by Arabella Holzapfel, and the motion passed with Michael Quinn abstaining.

**Application #21-134 for preliminary plat approval for 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**

**Other Business**

Bob Beach explained that this PUD application would entail two hearings, that this hearing for preliminary plat approval would be followed by a hearing to approve the final plat.

Doug Goulette noted that they had followed up on the driveway issue brought up at the previous meeting, and had connected with VT Trans to discuss necessary addresses for the properties . Doug Goulette explained that they had received the Conservation Commission memo and they were in agreement with the content of the letter including the recommended landscaping, and the tree buffers. Doug Goulette explained that the applicants wanted to make sure that the memo did not pertain to invasive species in terms of limiting cutting

Doug Goulette walked Planning Commission members through the different sheets in the submission pointing to engineering design details, utilities plans, grading and drainage plans, septic plans, a survey for the town filing, and construction plans. Doug Goulette pointed out some stormwater control measures including silt fences for construction phases, mitigating runoff and drainage around homes, and culverts. Doug Goulette noted that they had received the letter written by Clark Hinsdale and there were disagreements with the content of the letter and they had offered comment.

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Gail Blasius asked Craig Heindel to speak about the memo submitted by the Conservation Commission. Craig Heindel explained that there were several items noted to the Goulettes pertaining to erosion control, wastewater, and water supply. Doug Goulette noted that they were in compliance with the Vermont Site Risk Handbook which was guidance and not a regulatory document. Craig Heindel explained that they were in agreement that the no cut request does not apply to invasive species or hazard trees and they would recommend not cutting healthy ash trees as the ash disease may not affect all trees. Craig Heindel noted that they would like to expand language in regards to not cutting woody stem shrubs as they are a small and medium size mammal habitat in addition to bird habitat, but this was a suggested condition. Ms. Goulette noted she considered this to be a great addition.

Jesse Amblo asked if there was a 25 foot standard as a wildlife corridor, which Craig Heindel explained there was not necessarily a numerical standard available but the Conservation Commission saw hedgerows an opportunity for wildlife travel and building envelope setbacks seemed reasonable. Michael Quinn noted that he wasn't able to come to the last meeting, but had explained that the lot had been a significant wildlife area and had provided a means for wildlife to cross. Craig Heindel noted that other residents of the area may see wildlife travelling in other backyards, to which Michael Quinn explained that he would like to see a swath of land that wildlife could still use.

Jesse Amblo asked if the wastewater plans and the driveway going across the wetland had been reviewed by the Army Corps of Engineers. Doug Goulette explained this had not yet been done and they needed still to apply for their State Wetland Permit. Craig Heindel noted that the application had been reviewed by the state wetland ecologist and asked if there had been an informal approval or written approval. Doug Goulette noted that the state wetland ecologist had been on site and had been supportive, but there would not be an approval until the final plans were submitted. Craig Heindel asked if the Army Corps of Engineers would get involved if there was a state permit, and Doug Goulette noted that they had reached out and they could possibly self-verify and there was not a required permitting process with the Army Corps of Engineers for this project. Gail Blasius noted she appreciated the mitigation measures suggested by interested parties and she had a clearer understanding of the proposal after walking on the site.

Arabella Holzapfel asked about Craig Heindel's review of conservation matters as they are stated in the Clark Hinsdale letter and Craig Heindel explained there were not many natural resources issues in that letter. Arabella Holzapfel asked if Craig Heindel had comments as a neighbor. Craig Heindel noted that as an abutter he and his wife had no issues with the proposal as this was an appropriate focus of development in a Village Area. Craig Heindel explained the PUD flexibility for this kind of proposal and noted that this proposal was close to many zoning standards. Craig Heindel stated that the only thing he may change is having a house placed on the hill.

Mr. Amblo noted that there were comments in the Clark Hinsdale letter that he would like the Planning Commission to consider and would ask that the letter be read by all members before a decision is made. Gail Blasius noted that they had received the correspondence and it was

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read and it would be entered into evidence. Bob Beach explained that he had read the letter and read through the Conservation Commission letter as well as the Goulette's response and these would all be available to the public for review.

Michael Quinn asked about well shadowing and requirements around this. Doug Goulette explained that the septic system will have a 200 foot radius in which wells cannot be dug and that if any of the isolation zones for wells or the septic system go beyond the property's perimeter that they would need to notify neighbors. Michael Quinn asked if there was just one person affected in the Southeast, and Doug Goulette confirmed that the well isolation shield for lot 2 encroaches onto the existing homeowner, Melinda Kinsey but the well shield for Lot 3 is totally incorporated on the project site. Doug Goulette noted that this meant that there could not be a septic system installed within the well isolation shield for lot 2 (on the abutting parcel).

### ***Gail Blasius moved to close the hearing and to have one more hearing on the matter.***

Bonnie Barnes explained that the next hearing would be on the final plat review.

Melinda Kinsey, at 382 Old Hollow Road explained that due to the pandemic she was working at home with a small workspace on the side of her home which was her office. Ms. Kinsey noted she was a healer and she worked with sound and frequency and she needed quiet in order to run her business. Ms. Kinsey explained she was concerned about her economic viability if this was going to be a construction zone and asked if she had any rights. Bob Beach explained he was unsure of any regulations around noise. Ms. Kinsey noted that this is not an annoyance, but a question of her economic viability. Gail Blasius asked if soundproofing was an option, and Ms. Kinsey explained the area was already soundproofed as there used to be a recording studio in the space. Ms. Kinsey noted she was unsure if there was an answer but was wondering what her rights were.

Bob Beach asked the applicant about the building timeline and asked if the two homes would be built at the same time. Jeff Goulette noted that they did not have a timeline and they would likely not have both houses built at once. Ms. Goulette explained that this would be tricky with seasons and foundation pouring. Gail Blasius asked if they built one house at a time, which house would be built first. Doug Goulette explained the septic system would be first. Kristin DeBellis noted it was her expectation that they would be selling one of the lots and building on another, and it was confirmed that this was the case and the applicants would be building on Lot 3. Ms. Kinsey asked if they were going to sell the land with the right for them to build, and Gail Blasius noted that this would be under the condition of the wastewater system and the driveway. Bob Beach noted they could think about this issue and try and address it at the next meeting.

Mr. Amblo asked about whether or not the Lewis Creek Association could purchase the unbuilt lot as a right-of-way to Jean Richardson's property in the interest of conservation. It was explained that this was not feasible at this time, and was unrelated to the approval of the PUD application. After being asked, there were no comments from the attendees on Zoom.

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***Gail Blasius made a motion to close the hearing with an additional hearing during the following meeting the next month or at the convenience of the applicants.*** After discussion, it was determined that the preliminary design would need to be approved or otherwise addressed in order for there to be a next step on the application and this would need to happen within 45 days of the hearing closing.

***Gail Blasius made a motion to approve the preliminary plan, in addition to closing the hearing, which was seconded by Bessie Sessions and the hearing closed at 7:45 pm after unanimous approval of the motion.***

Doug Goulette asked about the application process as it relates to conditional use review or site plan review, and Bonnie Barnes clarified that this is more for applications that are in specific zones, like Shoreland, and in those cases there would be joint review by the Planning Commission and the Zoning Board of Adjustment. It was noted that since this application dealt with permitted uses in the zones it was located in, no further review was needed.

**Application #21-131 for boundary line adjustment; 593 Plank Road and 55 Bedford Road; applicants Ronald J. and Kristin DeBellis and Leslie A. Kaigle Revocable Trust; Rural Agricultural (RA-5) District; tax map id nos. 15/02/43.4**

The hearing started at 7:50 pm, and Kristin DeBellis and Ron DeBellis were present for the application. Mr. DeBellis explained that drawings were prepared in 2015, and the drawings showed that a corner of the neighbor's garage was on the DeBellis property. Gail Blasius clarified where the line that showed this was on the map. Mr. DeBellis explained that in order for the issue to be remedied they would like to make a modest adjustment and this was in alignment with the Kaigle Trust's interests. Michael Quinn pointed out the application seemed like an even swap that would accommodate the 25 foot setback required by zoning. Kristin DeBellis noted that everything behind the adjustment was woods, so this would not disturb any neighbors. After discussion, Kristin DeBellis explained that they had found out about the issue when purchasing the property and the Kaigles were interested in the adjustment at that point, but they had other issues preventing them from moving forward.

***Gail Blasius moved that they accept the application as presented, which was seconded by Bessie Sessions.*** Mr. Harvey, a neighbor, noted that he thought the DeBellis's did an excellent job at summarizing the situation.

***Gail Blasius made a motion to close the hearing, which was seconded by Bessie Sessions and the motion passed unanimously with Kristin DeBellis abstaining, which closed the public hearing at 7:55 pm. Gail made a motion to accept the application as presented, which was seconded by Bessie Sessions. The motion passed unanimously with Kristin DeBellis abstaining.***

## Adjournment

***Gail Blasius made a motion to adjourn the meeting, and the motion passed by consent of all of the members at 7:58 pm.***