

Planning Commission
Town of Ferrisburgh, Vt.

APPROVED – Minutes for meeting of September 19, 2018

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

Town official present: Bonnie Barnes, zoning administrator.

Visitors present: Carl Cole, Lynn Jackson Donnelly, Catherine Dingle, Mary Hurlie.

Bob Beach, chair, opened the meeting at 7:07 p.m. He asked for a motion from the Planning Commission to authorize the town to pursue additional grant money to help fund a rewrite of the town's zoning bylaws. Gail Blasius made a motion to that effect. Walter Reed seconded. All voted in favor. **Motion approved.**

Approval of minutes from August 15, 2018. Gail Blasius made a motion to approve the minutes of the August 15 meeting as submitted. Mike Quinn seconded. All voted in favor. **Motion approved.**

Application No. 18-096 for a boundary adjustment at 964 Arnold Bay Road. The property is in the Shoreland District (SD-2) and is identified in Town of Ferrisburgh tax maps as parcel 12/01/05.

Bob Beach opened the hearing at 7:10 p.m. Mary Hurlie and her attorney, Christine Dingle of Murphy Sullivan Kronk, were present to speak for the application, which involves adjusting the boundaries of two Lake Champlain shoreland lots, one belonging to Hurlie and Cheryl Gibson and the other, just to the north, to the Sperry family. Previous owners of the Hurlie/Gibson lot built stairs to the water and a dock on land that was actually part of what is now the Sperry lot. This was discovered during a recent survey. The current owners of the two parcels negotiated a settlement involving a small adjustment of the boundary so the stairs and dock are now on the Hurlie/Gibson parcel.

Gail Blasius made a motion to close the hearing at 7:12 p.m. Arabella Holzapfel seconded. All voted in favor. **Motion approved.** Bessie Sessions made a motion to approve the application as submitted. All voted in favor. **Motion approved.**

Application No. 18-067 by David Shlansky for final plat approval of a four-lot 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 Residential District (RA-5) and identified on Town of Ferrisburgh tax maps as parcels 10/01/57.1 and 23/01/34.

At 7:20 p.m., Bob Beach reopened the hearing, which was recessed from August 15. Carl Cole was present to speak for the application. In considering the application at their meeting in July, commission members had asked that the two new building lots be increased from 0.75 acres each to 2 acres, which is the minimum lot size for a PRD according to the town's zoning bylaws. Cole said the sizes of the lots had been adjusted accordingly.

There was a brief discussion about whether the commission could ask to have the final plat note that, in the future, only one more lot could be carved out of the 28-acre parcel. Cole said it was very unlikely Shlansky would create any more lots, but agreed to include the information in whatever way worked best for the commission.

Cole explained that Bill Wager, chief of the Ferrisburgh Volunteer Fire Department, had insisted there be an access road to the property not exceeding a 10 percent grade, so fire and other emergency equipment could negotiate it safely. A separate emergency access road is now part of the final design, while everyday access to the new lots would be via a road somewhat steeper in places.

Commission members asked for clarity on the definition of accessory apartments, and were told an apartment could be either attached or detached, and would be limited to 30 percent of the size of the primary dwelling, or 1,000 square feet, whichever is larger.

Mike Quinn made a motion to close the public hearing at 7:45 p.m. Arabella Holzapfel seconded. All voted in favor. **Motion approved.** Bessie Smith asked whether the commission members could discuss amongst themselves the possibility of placing conditions on the project. Commission members agreed, asked Cole to leave the room, and went into deliberative session for about 10 minutes.

The commission ended its deliberative session, and Arabella Holzapfel made a motion to approve the application as submitted, with three conditions: (1) all recommendations from the fire chief relative to access to the property be followed; (2) a statement be included on the final plat saying 60 percent of the original 28-acre parcel must remain undeveloped; and (3) only one access point and one road be used for all of the units, a road meeting the requirements of the fire department. Walter Reed seconded.

Carl Cole said requiring the use of just one access road would mean all of the traffic into the development would have to go by the house of the applicant, David Shlansky. Cole termed this unacceptable, saying the commission might as well turn down the application. Arabella Holzapfel said that everyone deserves a safe driveway, including utility trucks, fuel trucks and the residents themselves, and that part of the character of a PRD is to have one shared access point for all traffic.

Cole noted the road proposed for normal, non-emergency access is not as steep as many other driveways in town. He suggested if commission members approved a motion saying there cannot be one emergency access road and another for everyday use, the decision would be challenged in court.

Gail Blasius, Arabella Holzapfel, Walter Reed and Bessie Sessions voted in favor of the motion. Bob Beach and Mike Quinn abstained. This meant the commission took no action on the motion, because approval requires a majority of the full nine-member commission—at least five members—and not simply a majority of those present.

Bob Beach said since the board had closed the public hearing, it now had 45 days to reach a decision. Carl Cole said he was sick of having this application torpedoed at the last minute by something totally off the wall, and that he felt the motion voted on was unreasonable.

The commission decided to pursue further deliberations about the application at its next meeting on October 17, and hoped three members missing from the September meeting would be able to attend.

Adjournment: Gail Blasius made a motion to adjourn the meeting at 8:07 p.m. Arabella Holzapfel seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells