

Planning Commission
Town of Ferrisburgh, VT

DRAFT - Minutes for meeting of December 16, 2020

Note: This meeting was conducted remotely. All participants joined the meeting through a Zoom online meeting.

Members present: Bob Beach, Jr. (Chair), Walter Reed, Gail Blasius, Anne Cohn, Kristin DeBellis, Arabella Holzapfel, Michael Quinn, Norm Smith (ZBA), John Paul (ZBA) **Members absent:** Al Chamberlain, Bessie Sessions

Town official present: Jessica James, Select Board Chair, Norm Smith, ZBA Chair, John Paul, ZBA, Bonnie Barnes, Zoning Administrator, Bill Wager, Fire Chief, Paul Hoffman, Fire Department

Participants present: Charlie and Deanna Shapiro, Carl Cole, Jeanne Kelly, David Gebo, Jason Gebo, Larry Gebo, Seth Gebo, Brian Gebo, Lisa Gebo, Cindy and Thomas Schultz, Diane Shortsleeves

Consider the adoption of Updated Land Use Regulations

Bob Beach called the meeting to order at 7:03 pm and noted the purpose of the meeting was to review the draft land use regulations for the Town of Ferrisburgh. Bob Beach gave some background on the effort, noting that the process was a result of the Town Plan update a few years ago and involved both work by the Planning Commission and other people in Town interested in participating. Bob Beach explained that the work was lead by Planning Commission Member Arabella Holzapfel and resident Jean Richardson who had done a lot of work compiling documents, engaging the public for feedback, and leading the crew of people involved with the effort. Bob Beach went on to note that it was very important that the public speak out as this was the purpose of the hearing and that after notes are taken on the meeting, revisions can be made before it is passed along to the Select Board who will have additional hearings. Arabella Holzapfel noted that this has been a two year effort to create the new regulations.

Cindy and Thomas Schultz were present to speak, and Cindy noted that they would like to discuss the expansion of the conservation zone on Shellhouse Mountain as they are the most impacted as it is currently drawn. Cindy noted that when they purchased the property in 2017 and were unaware of the updates to the Town Plan map as the property had been advertised as being able to host 8 or 9 houses. Cindy explained that the current proposal would significantly impact the value of their property as it would reduce the potential for future development and it seemed excessive and unfair and unfounded given that the boundaries followed the property line and not necessarily any environmental features.

David Gebo noted that he had been in the same location for the past 45 years and that at that time, there were two lots one of which was on the mountain and the other currently containing his house. David noted he was surprised during the last round of revisions around the conservation zone, which he advocated for reversing in 1992 and the boundaries were changed. David went on to explain that he is not in favor of the current proposal, given that it would restrict his ability to get permits for any additional development on his property and there has been a lot of back and forth on the matter in the time that he has been a landowner. Jason Gebo noted that he was uncertain why they would want to make the proposed changes and that the land is currently well-preserved by the area property owners and that the proposed changes do not make sense.

Bob Beach noted that he concurred with what David Gebo noted about the history of the site, and the letter brought forward from 1992 and that he believed that the current proposal was brought forward by the Conservation Commission and also that this was a proposal. Bob Beach went on to note that this change was to observe the habitat of the area and that there was a good amount of discussion the first time that this change had been discussed.

Jean Richardson clarified that the proposed changes had come forth as a recommendation from the Conservation Commission, but that it had been codified into the Town Plan as a map as the Regional Planning Commission identified the area as significant habitat and that was how the shape was created. Jean went on to explain that the first step in changing zoning bylaws is to ensure conformity but that she agrees that the conservation district should be retained and not change as proposed based on her background as a scientist and also to gather more information about the habitat potential on the site.

Gail Blasius noted she agreed with Jean and it didn't seem necessary to make the proposed changes. Kristin DeBellis noted that she observed in letters concerns about this proposal opening up opportunities for private land to be used publicly, which is not the intent. Kristin DeBellis went on to note that the proposal includes woodland and farmland conservation and she would be interested in a greater discussion around conservation and distinct boundaries.

Charlie Shapiro noted he wished to kill this expansion of the conservation district as he is concerned about the limitations around the opportunities of the landowners and the voices of the landowners being lost to the greater public. Charlie went on to note that the current district is roughly 450 acres and the addition of 30-40 acres is significant and he is concerned about the future of his approved subdivision, given that his daughter may be interested in building a house and his wish is for the landowners to be left alone.

There was clarification after discussion that the matter would come up for a vote in front of the Select Board, but that this meeting's conversation could remove the conservation zone from the Select Board review. Deanna Shapiro noted that both she and Charlie are conservationists but that as landowners they should have the right for their property to be sovereign to them and that this proposal does not seem fair to the landowners.

Bob Beach noted that the Planning Commission does value individual landownership and that it was the purpose of the meeting to discuss these changes. Carl Cole noted he agreed with the neighbors and that he observed that the conservation zone had grown considerably and that this would have a substantial impact on the value of the land if moved forward. Diane Shortsleeves noted that she was upset that she did not have direct outreach and that she questioned the purpose of the proposal given that people could still hunt or log on her property and she would like to be left alone.

Brian Gebo noted after talking to Larry Gebo that if the conservation district expansion is struck down, the Town Plan map should be updated to reflect the same as an official document. Jean Richardson noted that this would not be necessary, and Bonnie Barnes noted that as this has come up several times in the past 20 or 30 years, there should be very specific documentation in lieu of a formal amendment noting the outcome of the conversation. Kristin DeBellis noted that there are many ways that the Commission can honor the Town Plan, including discussions with landowners and the public, land donations, or Town buying land and that there are other options outside of this proposed zoning change. David Gebo noted that over the past 28 years, this has come up several times and that when changes were originally made that impacted his land, the taxes were unaffected. Jason Gebo questioned why this was coming up again and advocated that this matter be put to rest.

Arabella Holzapfel noted that their current plan is to have the map prepared to be voted on on Town Meeting day and that with revisions, there's a possibility for delays given that the map-maker is retiring in two weeks time. Karen Petterson from the Conservation Commission noted that this shape of the proposed conservation district was a result of NOAA aerial photographs that designated this as a forest habitat block and that there may need to be some additional analysis to confirm whether development patterns have changed the shape. There was discussion of whether the Town Plan Map had been formally voted on, and after confirmation that it had not been, Bonnie Barnes noted that the Town Plan's directive was that this conservation district be explored which is what the Commission is doing, and members of the public are helping to explain the reasons why it may not be a good idea.

Charlie Shapiro asked if his subdivision that was nearly ten years old would be grandfathered under this current proposal, and it was clarified that while his subdivision would be maintained, there may be additional processes or restrictions on development under the proposal. Bob Beach noted that although there has been development in the area over time, much of the habitat has been maintained and they should not ignore the rights of the landowners and that it is their duty as Board members to listen to their wishes.

Walter Reed thanked the members of the public for the great discussion. Michael Quinn noted there would be challenges in identifying exactly where the current conservation district boundaries are as some do not follow property lines. Michael Quinn pointed out that landowners if affected negatively need to be asked their opinions, and that he had brought up in past meetings that expansions to conservation districts may be better if they come with benefits to land owners such as allowances for higher densities. Anne Cohn noted that she was

appreciative of the conversation around the value of the land and the ways property owners take care of it and that this was a great process.

There being no further comment, ***Arabella Holzapfel made a motion to revise the draft zoning map to make the Conservation 25 Zone on Shellhouse Mountain to conform with the current zoning boundaries. Gail Blasius seconded the motion and the motion passed unanimously.***

There was discussion on how to document this decision, and it was decided that Arabella would make contact with the map-maker so that the map could be revised for the Select Board review, and the Town Map may be updated in the future. Charlie Shapiro thanked the Board members for their hard work on this effort.

Paul Hoffman noted that he and Fire Chief Wager after review of the zoning draft would like to make some edits to account for their review in development proposals so that they may be more aware. Mr. Hoffman and Chief Wager noted their interest would be to have a checkpoint in the review process for life safety in design, especially in cases with long driveways or commercial properties, or accessory dwelling units. Norm Smith asked if the nature of the request was related to things like access to property and water sources, and Chief Wager noted that while they are involved in Act 250, there is no step in the local process for fire department review and they would like to have the opportunity to review proposals as appropriate. Carl Cole suggested this may be a Select Board matter, and Bonnie Barnes pointed out that the fire department could have involvement in the review of conditional use permits or subdivision approval for fire safety and access and that while they do not need to include specifics, there could be language added about review points. Chief Wager noted that was the interest, and Mr. Hoffman noted he would drop off their edits for consideration.

Michael Quinn asked, as a resident, if the changes that were proposed that had an impact on his land had been maintained, and Jean Richardson noted it had been taken care of and there were no changes made to his land on the final map. There was agreement that the proposed zoning map to be considered by the Select Board would be the map that is currently on the Town website dating back to 2001. It was noted by Jean Richardson that at this meeting, the Commission had accomplished all that they needed to by law and they could close the hearing.

Bonnie Barnes noted that Kurt Plank had gone over the draft of the zoning by-laws and he had some edits to account for primarily grammatical inconsistencies and that while she believed they were not substantial, she would inform the Board if they were. Bonnie went on to explain that none of the edits should trigger major review and asked if the Board would authorize the incorporation of his edits. ***Gail Blasius made a motion to incorporate the edits into the revision that Jean, Arabella, and Bonnie will review. Michael Quinn seconded the motion, and the motion passed unanimously.***

Bob Beach thanked the Land Use Regulation Committee for an outstanding job and all of the hard work. Brian Gebo and Jason Gebo thanked the Commission for the opportunity to give feedback.

There being no further business, Walter Reed made a motion to adjourn the meeting, which was seconded by Kristin DeBellis and the motion passed unanimously. The meeting adjourned at 8:25 pm.

Respectfully submitted by Robyn King.