

Minutes

Approved as Amended on: May 18, 2022

Planning Commission
Town of Ferrisburgh, VT

Minutes for meeting of April 20, 2022

Note: This meeting was conducted both in person and remotely. Some participants joined the meeting through a Zoom online connection, while others attended in person.

Members present: Bob Beach, Bessie Sessions, Arabella Holzapfel, Anne Cohn, Walter Reed, Gail Blasius, Kristin DeBellis, Jean Richardson. **Members absent:** Michael Quinn.

Minute Taker: Anne Audy.

Town officials present: Steven True (Zoning Administrator), Bonnie Barnes (PUD Coordinator), Craig Heindel (Conservation Commission).

Participants present (in person): Anna Charlebois-Ouellette (Cornerstone), Randy Ouellette, Elias Erwin (Landmark Engineering), Peter Markowski, Liz Markowski, Audrey White.

Participants present (via Zoom): Reilly Laberge.

Meeting called to order at 7:03 pm by Bob Beach.

Minutes approval from February 10th, 2022 meeting:

Jean Richardson moved to approve the minutes from February 10th, 2022; seconded by Arabella Holzapfel; members who voted in favor of approving the minutes are: Kristin DeBellis, Anne Cohn, Gail Blasius, Walter Reed, Arabella Holzapfel and Bessie Sessions. Jean Richardson and Bob Beach abstained.

Minutes from the February 10th, 2022 meeting have been approved.

Minutes approval from March 16th, 2022 meeting:

Bonnie Barnes asks for a correction as her title should be listed as "PUD Coordinator."

Arabella Holzapfel moved to approve the minutes of March 16th, 2022; seconded by Anne Cohn; motion passed unanimously.

Minutes from the March 16th, 2022 meeting have been approved.

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Application # 21-167 for sketch plan review of 53-lot PUD; 462 Monkton Road; applicant Cornerstone Solutions; Rural Agricultural (RA-5) and Highway Mixed Use (HMU) Districts; tax map id no. 15/02/12; continued from Jan. hearing.

(7:10 pm)

Anna Charlebois-Ouellette (Cornerstone) and Elias Erwin (Landmark Engineering) were present. Anna came forward with an open envelope site plan. Documents shared with the board included e-mails from Christopher Clow with the 2007 & 2017 VTrans traffic studies; communications from Zapata Courage about what the wetlands will support, including a wetlands ID number; Jon Deming of Vergennes-Panton Water District was meeting with engineers – no report yet; 115-120 acres will be conserved land, which will include the wetlands.

Walter Reed noted that the Vergennes-Panton Water District and the present application show a difference in total number of lots with Vergennes listing 52 lots. Anna Charlebois-Ouellette confirmed that the correct number of lots requested is 53 with 40 residential lots and 13 commercial lots.

Jean Richardson asked for clarification on what will be the conserved easement. Elias Erwin referred to Sheet 2.3 to demonstrate the limits of construction/development, stating that the remainder of the lot will be preserved or unimproved. Jean Richardson asked if there will be a permanent conservation easement. Anna Charlebois-Ouellette stated that it is unknown if it will be once piece or a couple pieces, but the wetlands will be permanently conserved.

Jean Richardson noted there was no letter from the septic engineer. Elias Erwin clarified that Landmark did the engineering and has not provided the initial results of their findings but can do so in a letter.

Bob Beach asked the applicant, “why do you feel you should get the bonus density increase as opposed to what would be the conventional volume of lots?” Elias Erwin responded that a PUD would allow for a non-conforming lot that is not typically zoned for that density. Our lots are sized on the village definition of Ferrisburgh. We used that as a guiding rule and then we looked at setbacks. That is how we came up with the lot sizes.

Jean Richardson referenced Section 12.5 of the Town of Ferrisburgh Land Use Regulations. Applicant must justify all the modifications from the regulations. The 162 acres divided into 5 acre lots becomes 32 units. Applicant needs to justify the request for the 21 additional lots, including how much area is going to be conserved. Anna Charlebois-Ouellette stated that they had been working previously off the understanding that a

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portion were zoned to be 2 acre lots. Gail Blasius stated that the commercial zoning was previously taken off that property. Jean Richardson suggested that in exchange for approving >32 lots, the applicant could agree to make a certain number of the units affordable housing. The application requires enough details to justify modification of the regulations to fit the PUD, and needs to tie into the town plan, to be efficient & affordable.

Jean Richardson requested a commitment letter from Vergennes-Panton Water District that will guarantee they can supply adequate potable water, can address the elevations on the property and can support emergency water; it was referenced that Vergennes-Panton Water District said they would not be able to meet that at their February 10th meeting. Discussion followed on prior conversations and meetings with Vergennes-Panton Water District and the Fire Chief. Walter Reed said there was potential that Cornerstone Solutions would take on some of the financial responsibility for any needed improvements. Anna Charlebois-Ouellette confirmed.

Bob Beach asked the applicant to speak to the three-phase implementation plan. Anna Charlebois-Ouellette referenced the site plan showing 3 septic mounds which could define the phases.

Craig Heindel commented on the appropriate resolution to the wetland incursion concern. Asked applicant to address impact on the natural environment from wastewater, stating this site may require an indirect discharge permit. Elias Erwin acknowledged. Craig Hendel pointed out that when contiguous wastewater fields exceed 600 gallons per day it triggers a more complicated wastewater permit. The complication about indirect discharges is you must document that there is no contact with surface waters, particularly when the receiving waters the wastewater flows to are very small. Elias Erwin noted that the capacity is there, and the final lot numbers will come out in the state permitting process.

Craig Heindel suggested the alternative solution if Vergennes-Panton Water District cannot supply then a community well would be a possible solution. Jean Richardson asked for clarification as to whether that would deal with the emergency water supply. Craig Hendel said it will not but there are alternate emergency solutions such as fire ponds.

Public Comment: Audrey White pointed out that if the development uses wells, there may be an issue with sulfur smell in the water. Anna Charlebois-Ouellette said if they used wells, they would need a water purification system.

Craig Heindel addressed another concern of the Conservation Commission: there is high wildlife value of the conserved land. The Conservation Commission would like, at minimum, to have advisory input on how the conserved land is used, for example if trails

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are proposed, dogs only on leash. Anna Charlebois-Ouellette returned that they intend to keep trails only around the houses. Bonnie Barnes pointed out that there are also rare plant species in what will be the conserved land.

Walter Reed asked if there is minimum number of lots that would be a cut-off number. Jean Richardson said that 32 lots is the baseline, and the board could accept that easily. Discussion follows to clarify what the planning commission is looking for from the applicant. Arabella Holzapfel calculated that 53 lots is 65% higher than the 32 that the 5-acre zoning provides. She suggested instead 40 total lots: 10 commercial, 30 residential.

Bob Beach addressed the lack of apartments available in the area, affordable or not. Gail Blasius asserted that the houses on the market are not affordable.

Public Comment: Liz Markowski stated that this is a basic piece of land on Route 7 so it will be affordable housing because otherwise the lots will not sell. Peter Markowski suggests that the Planning Commission has an opportunity to give input for developing the low-income housing.

Kristin DeBellis commented on the prior mention of a cottage industry type permit in the commercial development plan, suggesting building that section with housing included. Anna Charlebois-Ouellette parried with the difficulty in finding someone willing to buy the building and be a landlord. Cornerstone wants to keep some properties as rentals but cannot afford to own all of them. The envisioned duplexes would be ranch style with two residences in one.

Bob Beach asked the applicant to demonstrate a proposal for what the mix of housing would look like and what it would take to be successful. Jean Richardson reiterated that the sketch plan should include clustered, village style housing with a mix of apartments and all the roads. Anne Cohn referenced a recent development in Hinesburg. Discussion followed on the possible housing combinations, importance of the development being safe for the land and attractive, and the board's need for a version 2.4 of the map as presented with some demonstration of the ideas for compact village designs.

Bonnie Barnes addressed the purpose and flexibility of PUDs, and suggested fitting 53 living units into fewer lots, increasing density with less variation from regulations. Elias Erwin suggested approving the application tonight with 35 lots instead. Jean Richardson stated the Planning Commission cannot have approval without a sketch plan. Steven True elaborated that the Planning Commission needs to see a populated sketch plan. Gail Blasius clarified that the sketch plan should be aesthetically realistic, and include septic, water supply and area to conserve.

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Walter Reed confirmed that the Planning Commission cannot put forth a decision tonight.

Sketch plan review continued to the next hearing on May 18, 2022.

Other Business

Zoning Administrator to lead discussion about possible Planning Committee actions around Act 161 and Act 62 the rules set for the Cannabis Control Board in relation to the Town's goals.

(8:19 pm)

The Cannabis Control Board has been charged with regulation of the 6 different licenses. Ferrisburgh is an "opt in" town which means we will allow retail sales. There is some guidance to the municipality in terms of what we can/cannot do in terms of regulating these facilities. We cannot prohibit nonretail establishments. The manufacturing component of cannabis is allowed anywhere in the state. Towns only get to opt-in if they will allow retail, then regulate these establishments through Zoning Regulations and establish our own Cannabis Control Commission. The Selectboard enthusiastically supports establishing a commission, which would delineate which zoning districts will allow for cannabis establishments. Discussion follows among the board members.

Jean Richardson suggests developing a sub-committee to draft some language to present to the Selectboard. Any zoning change goes through a public vote, the soonest is the primary in August. Also suggested that the Selectboard will be the Cannabis Control Commission. Kristin DeBellis recommended adding language for green energy regulations for high-energy use growing facilities, such as a requirement of including solar installations.

It is determined that a subcommittee will be established which will add language and/or make changes to the current regulations.

Gail Blasius made a motion to adjourn; Arabella Holzapfel seconded; all are in favor.

Meeting adjourned at 8:43 pm.

The next meeting of the Planning Commission is scheduled for May 18, 2022.