

Minutes

Approved on: April 20, 2022

Planning Commission
Town of Ferrisburgh, VT

Minutes for meeting of March 16, 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 (chair), Bessie Sessions, Michael Quinn, Arabella Holzapfel, Anne Cohn. **Members absent:** Walter Reed, Gail Blasius, Kristin DeBellis. **Minute Taker:** Anne Audy

Town officials present: Bonnie Barnes (Zoning Administrator), Don Dewees (Conservation Commission – Zoom); Jen Cirillo (Conservation Commission – Zoom), Tyler Steff (Conservation Commission – Zoom), Steven True (Zoning Administrator)

Participants present (in person): Elias Erwin (Cornerstone – Landmark Engineering), Jamie Simpson (Cornerstone – Landmark Engineering), Anna Charlebois-Ouellette (Cornerstone), Randy Charlebois-Ouellette (Cornerstone), Fritz Langrock (attorney representing Cornerstone), Peter Markowski, Liz Markowski, Carl Cole (representing Pierce), Rick White, Audry White, Nathan Barrums

Participants present (via Zoom): Jean Richardson, Cairn Cross, Diane Cousino, Scott Cousino, Stephen North

Meeting called to order at 7:00 pm by Bob Beach

Minutes approval from February 16 meeting: February 16, 2022 meeting minutes were not approved due to there not being a quorum.

Application #22-003 for sketch plan review of 6-lot PUD; Pierce Lane extension; applicant Irene Pierce; Highway Mixed Use (HMUD-2) District; tax map id no. 05/01/44.11; continued from February 16 hearing.

(7:05 pm) Carl Cole represents applicant Irene Pierce. Michael Quinn asks for clarification whether the conserved land will be a separate lot. Carl clarifies that it will be survey but will not be a lot that remains a part of the Pierce land. Michael proposes for uniformity this be considered a 5-lot subdivision. Discussion follows ending with Carl Cole stating that if all goes according to plan it will become part of a larger conserved piece.

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Jen Cirillo states that, per Craig Heindel's e-mail, there is not enough information for the Conservation Commission to weigh in, a site visit is needed to determine if there are any wetland or site issues.

There is discussion about the procedural nature of approving this sketch plan, applicant's knowledge of potential wetland and wildlife issues which will be addressed, what (if any) effect there would be from waiting another month vs. approving sketch plan today.

Bonnie Barnes encourages taking the time for site visits for Planned Unit Development (PUD) applications. Bessie Sessions wants to see the land before making a decision. Michael reminds that they would only be putting into consideration a 5-lot subdivision, application still must go through Act 250 review after Planning Commission. Bob says Planning Commission will have the ability to make suggestions as to redefining how the map was drawn after April 9th site visit after approving sketch plan as presented.

No public comment.

Bob Beach calls for a vote; Arabella Holzapfel asks if a quorum of entire committee is needed. After discussion, it is confirmed that five (5) votes are not needed, a quorum would be four (4) and that is met.

Michael calls for a vote to approve the sketch plan as presented for a 5-lot subdivision under the PUD: Bessie Sessions (no), Michael Quinn (yes), Anne Cohn (yes), Arabella Holzapfel (yes), Bob Beach (yes); **motion passes 4:1.**

Sketch plan approved on March 16, 2022.

Site visit scheduled for April 9th, 2022 at 9:00 am.

Application # 22-002 for sketch plan review of 3-lot subdivision; 462 Monkton Road; tax map id no. 15/02/12; applicants Peter and Liz Markowski; Rural Agricultural (RA-5) and Highway Mixed Use (HMU) Districts; tax map id no. 15/02/12.

(7:24 pm) Liz and Peter Markowski propose a 3-lot subdivision including 5 acres divided off the main property to build a house and small barn to be owned by Markowski's, 10 acres of land including Peter's existing business barn to be owned by Markowski's, remaining 162 acres of 177 acre parcel to be sold to Anna and Randy Charlebois-Ouellette. Woods will be conserved with a PUD on the meadows.

Bessie Sessions inquires about access to new home lot. Liz states they will access via the current road from the yellow barn, through a sliver of land along the Dollar General

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property, between trees and up onto property; there would be no encroachment on Dollar General property. Will also have right of way through land to be sold to Anna and Randy Charlebois-Ouellette. Michael Quinn asks for the right of way to be represented on the map.

Jen Cirillo informs the Planning Commission of an e-mail from Craig Heindel and Don Dewees sent on March 10, 2022 with questions from Conservation Commission. Don Dewees conveys the areas of concern the Conservation Commission need to see resolved before the project is over. Notes that while the considerations presented in the e-mail apply to this application, for almost any application there would be similar concerns the Conservation Commission would want to weigh in on.

Anne Cohn asks for confirmation that the 5-acre lot would not have sidewalks, will use city water and will have own septic. Liz Markowski confirms the former and states that a map has been provided previously. Bob Beach clarifies that these issues are being raised because the bigger parcel with a separate application for further subdivision, is part of this 3-lot PUD. Anne Charlebois-Ouellette states that Zapata Courage and several utility companies have already been out to the land.

Michael Quinn recommends subdivision and sketch plan for home, septic and driveway be approved all at the same time, including contour maps. Steven True invites applicants to come into the office for assistance with completing map.

Michael Quinn inquired about the development of the 10 acre lot. Liz and Peter Markowski confirm that no house will be built on that property, it will host only the existing barn.

No public comment.

Anne Cohn moved to approve sketch plan as presented; seconded by Michael Quinn; **motion passed unanimously.**

Sketch plan approved on March 16, 2022.

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.

(7:47 pm) Anna Charlebois-Ouellette of Cornerstone and Fritz Langrock, attorney representing Cornerstone, were present; as well as Elias Erwin and Jamie Simpson of

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Landmark Engineering and Design. Discussion begins with clarification of phases, coloring on maps, and numbering of lots.

Steven True asks applicant to address concerns of encroachment for lots 41, 42 & 43. Elias Erwin and Jamie Simpson clarify that the property lines extend into wetland but with no disturbance of 50-foot buffer or wetlands. Lots were numbered starting with 4 because of the separate subdivision application for Lots 1-3, can come back with renumbered lots; also note that some right of way easement may need changing.

Anna Charlebois-Ouellette addresses meeting from March 15, 2022, Walter Reed was in attendance: size of lines that go down Monkton Road are questionable, confirms they will speak with an engineer regarding water and sewer lines. No written confirmation, but confident they can get Vergennes/Panton Water into development, could also drill wells. Once a line runs into the development, it would turn into an HOA line – the development would have its own association.

Public Comment: Diane & Scott Cousino ask what the distance is from Lots 41-43 to the abutting property line? Will any trees be removed?

Jamie Simpson clarifies the distance to the south is 200 feet and there will be no disturbance of the wetland buffer or cutting of trees for those lots. Steven True clarifies that the tree line does not enter onto the lots.

Public Comment: Stephen North posts in the Zoom Chat: “Could a Walmart or similar buy all the commercial lots and combine them to build a big box store? What control would be in place for business size? Also, the distance from the driveway to Rt 7 is about 500’. Assuming 50 lots have 2 cars each, that could be 100 cars plus the commercial traffic. Since 500’ would only accommodate 20 cars bumper to bumper at the light, and an average 2-minute wait at the light for a green, 100 cars could require 5 light cycles if they all leave together at commute time (worst case scenario but still possible) add in the railroad crossing and normal traffic wait times could become a real problem. is there a traffic study being done? I think this is too much traffic for that one driveway being where it is.”

Anna Charlebois-Ouellette says commercial lots would be for small, local business with very few employees and there will be no box stores. Jamie Simpson says that regardless of how commercial lots are configured, any new business would need to come before the Planning Commission so there would be another opportunity for decisions.

Bob Beach addresses access and egress from subdivision; points out that this would be the largest subdivision done in Ferrisburgh; has concerns about pedestrian traffic and not

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knowing if the traffic can be accommodated with what appears to be limited road access. Anna Charlebois-Ouellette has been in contact with Christopher Clout and reviewed traffic studies previously done in that area; acknowledges that Act 250 will require a traffic study to be conducted but Clout said they cannot do a study without knowing what they are studying so need to get through sketch plan first.

Jamie Simpson states that VTrans will allow single egress for up to 40 residential lots so this appears achievable and approvable; needs to work with VTrans at site plan review to address the following concerns: commercial vehicle aspect, adequate turning radius, ingress/egress, width of roads, possible widened access point with median divider (likely will require a larger than normal access point for subdivision because of commercial aspect). Bob Beach inquires about the width of the space. Jamie Simpson says the width of the road is 24 feet, that will need to widen to 27'-28' range from Monkton Road. The entrance has not been designed yet but hoping for more foot and bicycle traffic from residential side. Landmark Engineering and Design find it unreasonable to pay for a traffic study at this point, not knowing how many lots will be designed.

Bob Beach asks for applicant to expand on the buildout plan for production. Anna Charlebois-Ouellette specifies there will be four (4) stages.

Discussion ensues about the change in the town plan that occurred in 2017. Applicant has been working off a previous map with commercial zoning on Markowski's property. Intends to start a petition to put on the ballot to change commercial zoning back to the way it was.

Michael Quinn asks applicant to clarify drainage concerns. Jamie Simpson acknowledges there will be impervious areas which will need to be treated through storm water practices and will require storm water permitting; Lots 14, 18 and 22, with purple shading, are not all wetland buffer and can be constructed upon with stormwater/wastewater infrastructure, concentrated into one area to minimize impact and visual aesthetics. Elias Erwin points out that existing topographies will benefit site as water will naturally divert; wetlands also effectively treat remaining runoff as long as it has been treated to Vermont standards. Bob Beach asks if there will be need for any big retention ponds. Jamie Simpson says a treatment device will be constructed by the formerly mentioned lots.

Public Comment: Rick White is concerned about the traffic with the proposed number of lots and the existing water line on Monkton Road, stating that an 8" line is insufficient. Anna Charlebois-Ouellette confirms that the current water line is 8" and there will be 5 Fire Hydrants in subdivision. Hoyle, Tanner & Associates are reviewing the plan.

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Jen Cirillo brings forth Conservation Commission's concerns about wetlands and threatened and endangered species, including flora and fauna. Jamie Simpson reiterates that none of the wetlands or associated 50' buffers will be impacted by this project. Jen Cirillo states that the Conservation Commission is looking for written approval from Zapata Courage and that under the open space agreement, they will want substantial input into these details.

Public Comment: Jean Richardson says there is not enough solid, factual information to satisfy the required information for the sketch plan review or demonstrate why the Planning Commission should deviate so far from the Zoning Commission for such a large number of lots. She also expressed concerns over whether there is commercial zoning for this lot and over comments from the fire guys about emergency access.

Bonnie Barnes questions the definition of "compact development" and states that this application seems more spread out, requiring more discussion of greater density. Discussion follows on whether the sketch plan represents compact development. Steven True references Section 12.1 of the Land Use Regulations for the Town of Ferrisburgh regarding the definition of Compact Development. Further discussion on potential reconfigurations of sketch plan for compliance.

Steven True revisits the concern over the commercial lots that are non-conforming and the mistake on the 2021 first printing of the map. Anna Charlebois-Ouellette asks if the sketch plan can be approved on the condition that on Town Voting Day this land gets reclassified to its previous zoning? Steven True points out that a PUD gives the Planning Commission discretion to have different uses than are in the regulations, while complying to the town plan. There are types of commercial uses that are not conditional in a PUD. Does not consider the intent of the commercial aspect sought by applicant is to be highway mixed use.

Fritz Langrock proposes an envelope idea: subdivision would be marketed as having 40 residential and 13 commercial lots, not defining which lots will be used for each. Elias points out concern about mixing residential and commercial wastewater lines, current plan represents flow separated into two zones.

Michael Quinn supports the concept of utilizing a mix of home styles and allowing some lots to be undeveloped, a village look. Bob Beach proposes that over the next month, the applicant shows architectural change with a village concept and compact development.

Anne Cohn made a motion to recess until next month when applicant will come back with an updated sketch plan; Arabella Holzapfel seconded; **motion passed unanimously.**

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Sketch plan review continued to next hearing on April 20, 2022.

Michael Quinn makes a motion to adjourn; Arabella Holzapfel seconded; all are in favor.

Meeting is adjourned at 9:24 pm.

The next meeting of the Planning Commission is scheduled for April 20, 2022.