

Minutes

Approved as Amended on: June 15, 2022

Planning Commission
Town of Ferrisburgh, VT

Minutes for meeting of May 18, 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, Anne Cohn, Walter Reed, Gail Blasius, Jean Richardson, Arabella Holzapfel (via Zoom). **Members absent:** Kristin DeBellis. **Minute Taker:** Anne Audy.

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

Participants present (in person): Jamie Simpson (Landmark Engineering), Elias Erwin (Landmark Engineering), Anna Charlebois-Ouellette (Cornerstone), Peter Markowski, Liz Markowski, Jack Millbank (Civil Engineering Associates), Todd Hardie, Hannah Townsend, Deborah Townsend, Harry Curth.

Participants present (via Zoom): Carolyn Blaise, Brandon Hammond, Cairn Cross, Lucy Thayer.

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

Minutes approval from April 20, 2022 meeting:

April 20th, 2022 meeting minutes were amended as follows: The meeting was called to order by Bob Beach at 7:03, rather than Walter Reed.

Jean motioned to approve the minutes as amended. Gail Blasius seconded. Michael Quinn abstained. Remaining board members were in favor. Motion passed.

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.

(7:02 pm)

Anna Charlebois-Ouellette distributed a letter from Vergennes-Panton Water District, an executive summary and new sketch plan maps.

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Walter Reed addressed Bonnie Barnes regarding the materials being provided ahead of time.

Anna Charlebois-Ouellette stated that the updated sketch plan captures the village feel. The proposal has been crimped down to 44 living units & 4 commercial. There will be 4 buildings in the first phase containing 4 units each. 5 duplexes that will be rented out, some may be sold. The rest will be single family dwellings. There will be 23 total buildings. Condos will be 2-3 bedrooms, houses set in back will vary in size up to 5 bedrooms, with mostly 3 bedroom single family homes.

Elias Erwin called attention to the table that breaks down the units.

Public Comment: Carolyn Blaise asked if the documents will be available at the Town Offices. Jean Richardson stated that the files should be available to all members of the public whenever the Town Clerk's Office is open.

Walter Reed addressed the letter from Vergennes-Panton Water District: in order for them to make a calculation for how much water is needed, they need a letter from the engineer as to how big these houses are going to be, how big the bedrooms are, what the usage is. That is going to have to be decided. Discussion followed on the number of bedrooms per dwelling type to be used for calculations as well as the need for a decision from the Ferrisburgh Planning Commission to move forward on permitting. Once the sketch plan is approved, the applicant can submit a letter of request to Vergennes-Panton Water District regarding estimated water supply demand, and Vergennes-Panton Water District can confirm whether they can meet that demand under the current infrastructure they have in place.

Craig Heindel confirmed that there are reduced flow-rates for a larger number of units in a development, which hopefully Vergennes-Panton Water District will accept, and also acknowledges that the wetlands are being conserved.

Public Comment: Carolyn Blaise voiced their concern about the project from an ecological perspective, based on everything they reviewed in prior minutes and the town land use documents. They inquired about when the potential ecological impact on the wetlands will be addressed and how that plays into the permitting process. Jean Richardson acknowledged that those concerns will be addressed at the next set of hearings, and that the conservation commission will be addressing their concerns. Elias Erwin noted that a Vermont wetland ecologist has been on site, the applicant is aware of potential concerns, and the wetlands have been evaluated and properly delineated.

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Carolyn Blaise also noted that on a sketch plan they previously reviewed, the waste management system was put up slope by 50 feet from the wetlands. They also inquired whether the applicant is aware of the bedrock and clay-heavy soil which will be difficult for drainage. Elias Erwin confirmed that any wastewater disposal system will have to be properly permitted. Jean confirmed that documents will be submitted 15 days before the hearing where a preliminary plan will be presented, which will be available to the public.

Walter asked the applicant to break down their plan for phases 1-4. Elias Erwin noted that the disposal systems will dictate the construction process. In the project summary, you will see you cannot build these lots until you have a wastewater system associated to support them. Maybe phase one will be the two structures that would include the condominiums and the commercial units, which will be served by mound 1. It is all dictated on the wastewater disposal capacity. Jamie Simpson said that based on previous experience running through process of allocations with septic, we haven't done any of the assigning of units to mounds yet. Jean Richardson stated that a request for the phasing in plan can be put in the list of things that we will need for the preliminary plan.

Jean Richardson motioned to close the public hearing for sketch plan review and to continue deliberation after the public hearing; seconded by Anne Cohn; **motion passed unanimously.**

After deliberation, the applicant will be provided with a written report listing the documentation needed for the preliminary plan to be submitted a minimum of 15 days before the next meeting.

Sketch plan will be deliberated on after the public hearing on May 18, 2022.

Application # 22-049 for preliminary plat of three (3)-lot subdivision; 462 Monkton Road; applicants Peter and Liz Markowski; Rural Agricultural (RA-5) District; tax map id no. 15/02/12.

(7:22 pm)

Bonnie Barnes noted an incorrect application number, it should be 22-049.

Jean Richardson commented that the members of the Planning Commission did not have any of the 15 items from the list in the file for tonight. Peter claims to have submitted the requested documents 3 weeks ago.

Bonnie Barnes also confirmed that she could not find any of the necessary documents.

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Jean Richardson also pointed out that because the Markowski's own all of the land that is part of the Cornerstone-Markowski subdivision, they may need to get a jurisdictional opinion from ACT 250 and Josh Donabedian to say whether or not they need to be a part of that ACT 250 application. This is the 15th item on page 2 of the preliminary plan.

Liz Markowski asked for the contact information for Josh Donabedian.

No public comment.

This application has been recessed to next month due to missing documentation.

Preliminary Plat review continued to next hearing on June 15, 2022.

Application # 22-042 for final plat review of a 2-lot subdivision; 428 Middlebrook Road; applicant(s): Brandon and Kelly Hammond; Rural Agricultural (RA5); tax map id no. 23/20/20.1

(7:30 pm)

Jack Millbank from Civil Engineering Associates attended in person. Brandon Hammond was present on Zoom. The applicant is looking for a 2-lot subdivision and a boundary adjustment, filed under two separate applications with Steven True. Application came to the Planning Commission meeting in January. The Hammond's have about 36-37 acres which is an unusually shaped parcel with a long arm. Michael Quinn pointed out that there was previously an issue with the other party. Jack Millbank confirmed that the issue has been all sorted out with legal process. Today the applicant is seeking final approval for the same two lots presented at the January meeting.

Wetland permits were approved and recorded. Waste water and water supply permit is being done by Lincoln Applied Geology. It has been submitted but does not have final approval yet. Everything else is in place.

Bob Beach motioned to close the public hearing at 7:32 pm. Motion passed unanimously.

Bonnie Barnes suggested 2 motions be made as there are two separate applications in play: 22-042 and 22-050.

No public comment.

Gail motioned to approve the 2-lot subdivision (Application #22-042) as presented; Bessie Sessions seconded. **Motion passed unanimously.**

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Walter Reed motioned to accept the boundary adjustment (Application #22-050) as presented; Anne Cohn seconded. **Motion passed unanimously.**

Sketch plans approved on May 18, 2022.

Application # 22-043 for sketch plan review for a three (3) lot subdivision; 68 Park Lane; applicant(s): Champlain Valley Grain Center & Douglas Sweets; Industrial (IND) District; tax map id no. 15/01/22.4

(7:35 pm)

Lucy Thayer is on Zoom from CCE (Engineering Firm). Hannah and Deborah Townsend and Todd Hardie present in person.

Todd Hardie is representing the Champlain Valley Grain Center to gather, clean and mill grain for distilling and for bakeries in Vermont. The purpose of this project is to promote grain farming jobs and the working landscape. Being in this location is going to lift up grain farming in Vermont. The goal is to use a minimum of 4,000 pounds of grain in the first three years for whiskey distillation, and hope to increase the use of local grain in bakeries and stores. Dialogue has already started with farmers in Addison County that want to diversify their crops or leave the dairy industry. Currently working very closely with Heather Darby at UVM to identify local farms who can grow corn, rye and barley. This location will give us great access to these farms and encourage them. Currently, grain is being shipped in on railway cars from Canada. There is great concern over all the chemicals used in farming. Todd Hardie has a passion for organic farming. There are two cleaning stages – the first stage happens in the combine and the second cleaning and the drying needs to happen on day of harvest or it will spoil. The present application seeks to have three grain silos to allow farmers to bring in their grain for cleaning. The farmers need silos and dryers and the applicant wants to provide that service. This is a central location for that to happen. Todd Hardie founded Caledonia Spirits, used honey to distill into vodka and gin and wants to use this new project as an educational facility. This would be a middle sized, small distillery. Making 1 barrel of whiskey per week at the beginning. Needs to have a critical mass to be sustainable and successful as there is a tremendous investment in making whiskey. Will have a nice, efficient, grain cleaning facility if this is approved. This will be an upgrade from the simple machines currently used. The goal is to buy the land from the town in early 2023 and break ground in the Spring.

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Jean Richardson noted that it should be noted on the application that the town is a co-applicant. Todd Hardie confirmed that the town is the current property owner and the reviewer of the application.

Craig Heindel pointed out that this is a great location for this project. He reminded Lucy Thayer to address all elements of the Land Use Regulations and ensure the project is in compliance. There may be conservation related items to address during the process. One component not identified specifically in the land use regulations is wastewater and water supply. I think this is on site wastewater, Lucy Thayer needs to make sure if there is process wastewater that it is appropriately permitted. Craig Heindel also noted that the wildlife/habitat corridors are not a critical concern on this property.

Todd Hardie will be meeting with John Petrowski next week to talk about wastewater. There are wetlands on one of the 3 lots, but they will not be touched.

Deborah Townsend addressed the bakery wastewater. We use very little water and our process waste is almost zero and domestic strength. Craig Heindel reiterated that the project will require domestic strength wastewater for the bakery & higher strength wastewater for the grain cleaning and distilling process.

Anne Cohn asked if the process water would be all organic. Todd stated that there is chemical waste that comes out of the distilling process, but no chemicals are added. Craig Heindel addressed that Lucy Thayer may need to pursue industrial waste permitting and asked if they will use town water. Todd Hardie confirmed that they will use town water. Craig Heindel noted that it is on clay soil and there are no wells nearby.

Deborah Townsend addressed the bakery portion of the sketch plan. They want to grow lavender for the bees. The facility will be small but bigger than the current one. There will have a small factory store, but not a huge one – it is in and out with no seating. They also want to put in a walkway around the property for the public.

Gail Blasius commented that people like to walk their dogs by the Park and Ride. Anne Cohn pointed out that people may make this a destination by Ferrisburgh Railway Station.

Todd Hardie addressed that it is very important for the distillery to have a retail store to sell direct to the public. What is not sold direct will go to Montpelier to the Department of Liquor Control to go out to stores in VT, then Boston and New York. They would like to also sell local food because we need to have a tasting room to sell the product. This would support local agriculture, including beef and cheese farmers.

Michael Quinn pointed out that Lucy Thayer will want to address the additional wastewater disposal. Because this is industrial zoning, is retail prohibited in this location?

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Jean Richardson noted that it is not prohibited but is also not listed as permitted or conditional. Lucy Thayer confirmed that in their review of the regulations it appeared that it was not permitted; it seemed to be compatible as an accessory use to the principle uses. Jean Richardson addressed the regulations and pointed out that it does seem to fit.

No public comment.

Jean Richardson moved to approve the sketch plan as presented; seconded by Anne Cohn; **motion passed unanimously.**

Sketch plan approved on May 18, 2022.

Application # Application #22-044 for sketch plan review for a two (2) lot subdivision; 2617 Middlebrook Road; applicant(s): Harry Curth; Rural Agricultural (RA-5) district; tax map id no. 15/01/13

(8:00 pm)

Harry Curth was present in person. The applicants have been in this location for 36-37 years and want to downsize from their 3000 sq. ft. farmhouse to a building on the land about half the size of the current dwelling. The plan is to build a new dwelling on the larger 10 acre parcel and sell the existing house on the 5 acre parcel.

Gail asked for clarification on the sketch plan labels. Lot 2 is the current dwelling. Lot 1 is the proposed build. Michael Quinn suggested swapping the lot numbers to make the original dwelling parcel Lot 1. Harry Curth agreed to swap those numbers.

Bessie Sessions inquired about how the applicant will access the new dwelling. Harry Curth said they are not sure yet where the access is going to go, but would prefer to have it from Middlebrook Road.

Walter Reed asked for clarification on lot sizes. It was pointed out that he was working off of an outdated map.

John Bola has to approve the cutout for the driveway. Harry Curth said the other access option is via Old Town Trail, which is now fairly developed as there are two (2) other houses. Because of the scope of the land, the driveway may need to zig-zag from Middlebrook Road or could go straight off Old Town Trail to the house.

Craig Heindel inquired about a wastewater permit for the house.

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Harry Curth said they did development work 5 years ago and came up with design for a well and wastewater (mound system) as well having completed tested soil. Bessie Sessions stated that those should be shown in the next set of documents to be submitted.

Gail Blasius said the next sketch plan should include the building envelope, curb cut and final plot. Jean Richardson addressed the list of 15 items needed for the next step in the process, which can be accessed through Steven True.

No public comment.

Jean Richardson motioned to approve the sketch plan as presented; seconded by Michael Quinn; **motion passed unanimously.**

Sketch plan approved on May 18, 2022.

Application # 22-045 for final plat review for a four (4) lot subdivision; Tappers Crossing (vacant land); applicant(s): Roger Parker; Rural Agricultural (RA-5) district; tax map id no. 15/01/64

(8:10 pm)

Jean Richardson inquired whether this agenda item was cancelled. Bonnie Barnes clarified that Pam Cousino said the Planning Commission cannot move forward with this application, but that the applicant had the option to speak to the application.

Jean Richardson confirmed that the Planning Commission cannot do anything with this because some modifications have been made to the application approved a while back so it has to be reapplied for. Bonnie Barnes pointed out that the file does not show that there has been an application for this.

Bob Beach recalled that as a result of the delay in the timeframe and the changes to the application as presented, that another application was needed. Bonnie Barnes had been assuming that he could go straight through preliminary plat and not have to go through sketch plan.

Jean Richardson and Bonnie Barnes suggested that the application be stricken from the record. Bob Beach added the note that there was not an application and fee submitted.

No public comment.

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Other Business: Discussion of proposed changes to Ferrisburgh Bylaws as they pertain to the local regulation of the licensing of Cannabis Establishments.

Jean Richardson spoke for the subcommittee of the proposed changes to Section 5 of the Land Use Regulations. Cannabis is not treated as agriculture. Places where cannabis is cultivated or processed or sold are called “Cannabis Establishments.”

Arabella Holzapfel, Gail Blasius, Steven True and Jean Richardson made up the subcommittee.

Michael Quinn addressed the previous application approved by the Zoning Board of Adjustment, noting that where Bern Organics is cultivating cannabis would not be allowed as it is in the town center. Jean Richardson stated that it is already grandfathered in.

Jean Richardson pointed out that in order to have this on the ballot for the town vote, they need to get it to the selectboard for the public hearing.

Discussion followed on the proposed changes to the regulations and the definitions for the different tiers. Prohibited cultivation is dependent on the size of the facility. In Tiers 2-6, each level become more complicated so will require conditional uses with site review. Cultivation will be prohibited specifically in Ferrisburgh Town Center (due to proximity to school), the North Ferrisburgh Village District and conservation of the Shoreland – only for cultivation licenses. Retail licenses can be in a number of districts. Manufacturing licenses are only allowed for Tier 1 & Tier 2. Tier 3 can include the use of solvents and because of wastewater complexities, they will be prohibited in all districts.

Bob Beach asked if it is only the use of solvents that pushes a facility into Tier 3. There will be 300 plants grown by Bern Organics but with no solvents used.

Arabella Holzapfel read the Tier 1 and 2 regulations on solvents and extraction methods.

Jean Richardson addressed the wholesaler license regulations. Wholesale will be permitted as conditional; the only section of the entire regulations we felt needed additions were in the bylaws because the state has its own set of regulations as well. In section 5B Jean Richardson asked the board members whether wholesale licenses should be allowed in RA5 and RR2. Bob Beach suggested allowing it and see what happens. Testing laboratories would be allowed in highway mixed use-industrial, but nowhere else.

Michael Quinn suggested the option to add RA5 and RR2 later but could limit the districts initially. This would address the concern over an applicant putting a facility in a place that was a business anyway.

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Bob Beach expressed concern over restricting at this stage because it would be harder to put it back in later. Anne Cohn suggested a site review requirement. Jean Richardson changed the wording to state that it is permitted as conditional use in districts with RA5 and RR2 for industrial and wholesale facilities.

Anne Cohn motioned to approve the proposed changes to the regulations as amended. Seconded by Bessie Sessions. Michael Quinn voted against, the remaining board members voted in favor. **The motion passed 7:1 in favor.**

Gail Blasius made a motion to close the public hearing; Jean Richardson seconded; all were in favor.

Public Meeting adjourned at 8:34 pm.

The next meeting of the Planning Commission is scheduled for June 15, 2022.