

Land Use Regulation Update Committee
Town of Ferrisburgh, Vt.

DRAFT – Minutes for meeting of July 30, 2019.

Members present: Bonnie Barnes, Gail Blasius, Anne Cohn, Carl Cole, Clark Hinsdale, Arabella Holzapel, Karen Pettersen, Kurt Plank.

Visitor: Brandy Saxton.

1. Call to order; approve minutes. Arabella Holzapel called the meeting to order at 5:30 p.m. The committee did not take up minutes from the previous meeting.

2. Discussion of draft zoning regulations with consultant Brandy Saxton of Place Sense.

As at the previous meeting on July 17, drafts of several sections of the revised zoning bylaws, prepared by consultant Brandy Saxton, were distributed in advance of the meeting, and Saxton was on hand for a discussion of the drafts with committee members.

a. Wetland protection. This section of the draft bylaws covers development in Class 2 and Class 3 wetlands, as mapped in the state’s Vermont Natural Resources Atlas. Brandy Saxton said this section was recommended to provide a local voice in how development takes place when wetlands are involved. Carl Cole said many areas in town can be called Class 3 wetlands, though perhaps are not labeled as such on state maps, and wondered how the town, or property owners, could identify those areas. Saxton said the state’s wetland maps are improving, and that local officials could include identification of wetlands on individual parcels as part of the subdivision process.

b. Riparian buffers. Brandy Saxton said the riparian buffer standards are similar to those for wetlands. She said the benefit of having local language on wetlands and riparian buffers is that there is development now in areas of the town delineated as such, and eventually people will want to make changes to these developments. She said having rules, as some towns do, that simply prohibit any development in wetlands or riparian buffers makes it hard to reach sensible decisions about changes to existing development.

Bonnie Barnes said having rules that prohibit land development and soil disturbance in wetlands and riparian buffers seem to require that maps be part of the regulations. Saxton said the town can use maps as illustrations when presenting its draft zoning bylaws. But she said maps should refer to state maps that apply, but not make those maps part of the regulations, because the state maps are changed every few years. She suggested the wetlands data is getting better over time.

Karen Pettersen noted a section that talks about development being conditionally allowed in a riparian buffer, or a wetland, if it will not have “adverse impact,” and wondered who

decides. Saxton said there is guidance available from the state, but that it's ultimately up to town boards. Their role, she said, is to weigh the evidence and make decisions.

c. Flood hazard overlay district. Arabella Holzapfel said committee member Jean Richardson had sent some questions via e-mail since she was unable to attend the meeting. One question was that she had understood Brandy Saxton to say at an earlier meeting that overlay districts were not a good idea, because they added complexity and expense for residents and town officials. Saxton said overlays did make sense in some instances, particularly when they are tied to regulatory maps, as is the case in flood hazard districts. The districts are delineated by maps created by the Federal Emergency Management Agency and other federal entities.

She said most of the language in the flood hazard overlay section is required by federal law, and other parts are based on the state's model for floodplain development. But the town can make some choices, she said, in the rules on exemptions and prohibitions.

Asked about a rule that prohibits outdoor storage in the floodplain, Saxton said it was based on damage done during Tropical Storm Irene, when material, including round, plastic-covered hay bales, was picked up by floodwaters, doing a lot of damage downstream, and in one instance destroying a covered bridge.

She said rules do allow development in the floodplain, but require flood-proofing, and added that new construction in the floodplain typically requires engineering solutions. She said the town does not have a lot discretion to exercise, since the standards are difficult to meet and highly technical.

d. River corridor overlay district. This overlay district includes river corridors, which are defined as the waterway plus 50 feet on either side, identified in the Vermont Agency of Natural Resources Statewide River Corridor Maps. A question for the town is how far up each stream it wants to extend this district. Brandy Saxton suggested the town spend some time with the river corridor maps before making any decisions.

Saxton said the flood hazard overlay is required, while the river corridor overlay is recommended, because it can be necessary to receive aid money after an event that causes damage. She said the river corridor rules impose an administrative burden, but also have a theoretical benefit. The river corridor language comes mostly from the state, and only a limited amount of change is allowed. She said it might be possible to knit together the standards on riparian buffers and the river corridor rules.

e. Shoreland protection overlay district. Committee members decided not to pursue a Shoreland Protection Overlay District. At previous meetings, members had determined that the town would allow the state, with its relatively new Shoreland Protection Act, to make the rules on and provide oversight of lakeshore development. Under state law, towns are required to accept state rules on shoreland property unless they want to impose their own rules that are at least as strict as state standards.

3. Other business: Arabella Holzapfel suggested the committee should begin talking about public outreach, with a goal of having a public meeting in the fall—she suggested October—to present drafts of zoning district maps and use tables for those districts. This would be followed by meetings on the draft language of the zoning bylaws.

Brandy Saxton said in her experience the greatest interest from the public is in the zoning district boundaries, and what kinds of development are permitted in the various districts. She said there is some interest in subdivision regulations but meetings on other, more technical sections of land-use regulation are not as well attended.

4. Next meeting agenda: Arabella Holzapfel suggested topics for the next meeting, including a continued discussion of the rural zoning districts; density bonuses for PUDs; and what design standards might look like and how the committee feels about them. She also thought the committee should look again at zoning maps and use tables to begin its preparation for the fall meetings with the public.

Committee members agreed to meet next on August 7 at 5:30 p.m., in advance of the Zoning Board of Adjustment meeting that evening at 7 p.m.

5. Adjournment. Kurt Plank made a motion to adjourn the meeting at 7:33 p.m. Carl Cole seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells