

Land Use Regulation Update Committee
Town of Ferrisburgh, Vt.

DRAFT – Minutes for meeting of April 28, 2020.

Members present (via teleconference): Gail Blasius, Carl Cole, Kristin DeBellis, Arabella Holzapfel, Karen Pettersen, Kurt Plank, Jean Richardson, Norm Smith.

Visitor present: Craig Heindel, chair, Ferrisburgh Conservation Commission.

1. Call to order. Arabella Holzapfel called the meeting to order at 5:30 p.m., via teleconference, using Zoom.

2. Review current draft of zoning/subdivision revision.

Arabella Holzapfel, Norm Smith and other committee members thanked Jean Richardson, Bonnie Barnes, Karen Pettersen and Carl Cole, who are serving on a subcommittee of the group preparing a draft of the zoning bylaws and subdivision regulations.

The committee members present then went through the current draft, concentrating on sections added for the first time, or extensively revised.

The discussion began with Article IX, which concerns permits and approvals. The focus was on a section describing what a permit application must contain, and the form it should take, including a detailed site plan and information on any necessary state permits.

There was a brief discussion about a section of Article IX referring to the zoning administrator's duties in awarding certificates of compliance and occupancy. Granting a certificate of compliance means the project complies with the town's zoning bylaws and meets all the conditions involved in granting a permit. The certificate of occupancy is granted following a site visit by the zoning administrator to certify that plumbing, electrical and heating systems are all functioning. Bonnie Barnes, zoning administrator, said the certificate of occupancy is often required before bank loans can be processed.

Committee members also spent time on a new section covering site plan reviews, added so the bylaws would better reflect what the Zoning Board and Planning Commission are already doing.

Language was added to a section of Article IX on conditional use review. Committee members suggested this section should include a review of plans for exterior lighting.

Committee members reviewed new language in Article XI on performance bonds, which must have approval from the selectboard, and noted that these bond requirements apply mostly to construction of roads and other public improvements that might someday be taken on by the town. In general, the changes in this language were designed to make the rules less restrictive and provide developers and the town additional flexibility.

There was a brief discussion of new language about signs and fences, added to provide more clarity. It was noted signs in the town right of way would need approval from the selectboard, upon receiving advice from the road foreman. The proposed new rules also discuss lighting for signs, prohibiting lights that point toward streets or nearby residences, or skyward. The draft adds language about fences that does not appear in the current bylaws, exempting from the rules agricultural fences, fences one can see through, and fences less than four feet in height. The proposed rules also note that fences are not subject to setback regulations, and that fences impinging on neighbors' views will be subject to site plan review.

3. Open discussion about public outreach and timetable, and how/whether that will impact the committee's meeting schedule.

Arabella Holzapfel asked how often the Land Use Regulation Update Committee should meet in this COVID-19 landscape, when the group can only get together via teleconference. She thought it still made sense to meet monthly, on the last Tuesday, to keep up momentum. Norm Smith agreed. He said the committee's plans for public outreach may have to be revised since it's difficult to bring together large groups to provide feedback via teleconferencing.

Bonnie Barnes discussed the state planning grant the town has received, "Visualizing Density." She said the clock is running on the grant, but that many of the outreach activities the grant is designed to encourage can't happen in the current environment. She thought it might make sense for the town to seek an extension on the grant. Jean Richardson agreed, but said the group should still forge ahead on rewriting the zoning and subdivision regulations, and try to get those done as soon as possible.

Arabella Holzapfel and Bonnie Barnes said they would begin discussions with the committee's consultant about how and whether the grant could be extended. Holzapfel said decoupling the grant and the bylaws rewrite was something envisioned previously by the committee, but that the Planning Commission would need to sign off on the idea. Since the only Planning Commission members present were Holzapfel and Kristin DeBellis, Holzapfel hoped this could be added to the agenda for the commission's next meeting on May 20. Bonnie Barnes said she would do so.

Committee members agreed to keep working on the draft bylaws, including going over the section on definitions, and Jean Richardson said she would work on a draft of the section on Planned Residential Developments. Bonnie Barnes noted that the need to fine-tune this section was one of the reasons the town sought out the state planning grant, looking specifically at ways the town could encourage greater density of development in selected parts of the town. She said the goal was to come up with more flexible rules that would give developers incentives to work with smaller lot sizes in some projects.

Committee members said it was clear making changes to density of development in some sections of Ferrisburgh would require extensive outreach efforts, and ultimately broad public support.

4. Adjournment. Norm Smith made a motion to adjourn the meeting at 7:08 p.m. Carl Cole seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells