

Land Use Regulation Update Committee *Town of Ferrisburgh, Vt.*

FINAL – Minutes for meeting of February 26, 2019; approved March 6, 2019.

Members present: Arabella Holzapfel (chair), Bonnie Barnes, Bob Beach, Anne Cohn, Carl Cole, Steve Gutowski, Kurt Plank. **Members absent:** Dave Mentzer, Karen Pettersen, Norm Smith.

1. Call to order. Arabella Holzapfel called the meeting to order at 5:30 p.m.

2. Approval of minutes from January 22, 2019. Bonnie Barnes said Arabella Holzapfel is chair of the committee. The minutes from January 22 incorrectly identified Barnes as co-chair and she asked to have the minutes amended. Anne Cohn made a motion to approve the minutes of January 22 as amended. Steve Gutowski seconded. All voted in favor.

Motion approved.

3. PUD discussion: state legislation and examples from other towns. In advance of the meeting, Bonnie Barnes shared information on Planned Unit Developments (PUDs) and rural zoning districts from the state of Vermont and other towns. Towns included Bakersfield, Brattleboro, Manchester, Westford and Weybridge. She said she'd found a range of levels of sophistication and specificity regarding PUDs in town regulations. She said PUDs are good tools for managing development, and that flexibility appears to be important. She said the town would have to decide whether to spell out very specific rules or keep things more flexible. She thought Weybridge's rules were a good example of clarity, simplicity and flexibility.

Carl Cole pointed out that affordable housing requirements are often part of PUD rules, but said towns like Ferrisburgh need to be careful in imposing these kinds of requirements because there is not a significant market for affordable housing this far from a population center like Burlington. He also said that while the town might want to encourage PUDs, it should not rule out conventional larger lots.

Bonnie Barnes said PUD rules could provide for a variety of different designs, so that they could work for different lots, and to achieve different purposes. Carl Cole said the town should consider rules about density of development, but also consider encouraging various lot sizes in different kinds of PUD. Bob Beach also suggested the rules be more flexible than the current regulations. Barnes said added flexibility would probably call for more rigorous site plan review, to establish what was possible or advisable on a particular lot.

The idea of more rigorous review had committee members wondering whether a design review board would be more appropriate than the current two-stage process involving the Planning Commission and the Zoning Board. Kurt Plank said this would allow the town to address, in one meeting, issues like density as well as the kinds of housing being proposed. Carl Cole suggested the key to what a landowner can do is septic capacity, so larger lot size would be needed if the septic system has to be on the lot, or a community septic system to

serve a subdivision. To really increase flexibility in development requires a town septic system, he said.

4. Soil map discussion. This segued into a discussion of a soil map created by Dave Mentzer, a committee member who was not able to attend the meeting. He used data on soil and septic capacity to identify areas in town well suited or moderately suited to development, based on soil type, and not already zoned Rural Residential (RR-2). About 10 pockets were identified on the map as potential RR-2 additions, based solely on soil type.

Committee members thanked Mentzer for his work, and thought it would be helpful if the map also identified conserved property and state-owned land.

5. Examples of other towns' rural zoning districts. Bonnie Barnes said any tweaking of Ferrisburgh's rural districts—Rural Residential (with two-acre zoning) and Rural Agricultural (five-acre zoning)—would likely be driven by soil issues, as per Dave Mentzer's map. She said finding more spots suitable for higher density development would be more about soil issues than about any words or philosophy the town could come up with. She noted some other towns were driven in their development decisions by concern about developing or preserving a town center or core, or by an overall philosophy concerning development density and/or preservation of open land. Here, where so much of the town is flat lowlands and wetlands, philosophy may necessarily take a backseat to soil issues.

The discussion turned to the town's Conservation District, which has 25-acre zoning, and is designed, according to the town's current zoning bylaws, "to protect high elevations, wetlands, wildlife, flood hazard areas and (to) discourage development of remote, unserved areas which are unsuitable for residential and commercial development." Discussion included whether some of the CON-25 boundaries were arbitrary, and whether there could be a conservation overlay, which some other towns are using, rather than a separate zoning district. The town could then protect sensitive areas while also allowing more flexibility for some properties. Committee members pointed out that if there were no Conservation District, there would still need to be some kind of underlying zoning district to control housing density.

It was pointed out that technology should permit the town to more accurately delineate the borders of various areas that need protection.

Bob Beach said it might make sense to keep the existing Conservation District and have landowners make an argument to the town about why their land should not be subject to the CON-25 limitations. Committee members said redrawing or eliminating the conservation district would be a big deal. Steve Gutowski said landowners know, or should know, what they're getting into when they buy land in the Conservation District. Anne Cohn suggested having the Conservation Commission weigh in on these questions, and it was noted that Karen Pettersen, a Conservation Commission representative to the committee, was not able to attend the February meeting.

6. Other business. Steve Gutowski, who currently represents the selectboard on the committee, said he hoped to remain on the committee despite stepping down from the selectboard. He said he would ask members of the selectboard at their next meeting whether they wanted to name another selectboard representative to the committee.

There was a brief discussion of next steps for the committee. Bob Beach said he felt the group was gaining momentum but it would take more time. Anne Cohn wondered if the group should meet more often. Kurt Plank asked whether Brandy Saxton, who is working with the town on the zoning bylaws rewrite, could take ideas from the committee and turn them into something more formal. He said it might help to have some of the committee's ideas on paper. Bonnie Barnes said she would be able to devote some time to this, and suggested that the committee would want to be very clear about its needs before approaching Saxton about getting more involved. Barnes said she could start working on models of where things need to change, or not, based on what she hears at the committee meetings. Anne Cohn said that would call for the committee to reach agreement on various issues.

Kurt Plank asked whether the town could hire Saxton to attend committee meetings and lead/direct the discussions, perhaps workshopping with the group and polishing up the ideas that arise.

Members talked about money available for the project, and whether money that is not spent this fiscal year (before June 30) could be rolled over and added to money that will be in next year's budget. Some thought the committee could, between now and June 30, make good use of the money currently unspent.

Committee members decided to add another meeting each month, to be held in conjunction with the monthly meeting of the Zoning Board. The meeting will take place at 5:30 p.m., preceding the ZBA meeting, which is held at 7 p.m. on the first Wednesday of each month. The first of these new meetings will be held on March 6, 2019. The committee will continue to meet at 5:30 p.m. on the fourth Tuesday of each month.

Bonnie Barnes said she would review the work that's already been done by Brandy Saxton and see how it fits in with the committee's discussions so far, and would talk with her about further work with the committee.

7. Adjournment. Steve Gutowski made a motion to adjourn the meeting at 7:19 p.m. Anne Cohn seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells