

Land Use Regulation Update Committee
Town of Ferrisburgh, Vt.

FINAL – Minutes for meeting of March 6, 2019; approved April 3, 2019.

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

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

Approval of minutes from February 26, 2019. Carl Cole made a motion to approve the minutes of February 26 as submitted. Steve Gutowski seconded. Arabella Holzapfel, Bonnie Barnes, Anne Cohn, Carl Cole, Steve Gutowski and Kurt Plank voted in favor. Karen Pettersen, Jean Richardson and Norm Smith abstained. **Motion approved.**

Announcements. Bonnie Barnes said she had spoken to Brandy Saxton, who has worked as a consultant for the town on the zoning bylaws rewrite, and Saxton will be available to attend the next meeting of the committee at 5:30 p.m. on March 26. Saxton also said she would be available this spring to work on the project, particularly in May and June. Barnes said she and Saxton had discussed ways to make the best use of Saxton's time, and the town's money. The thought is that the committee should provide Saxton with significant chunks of their thoughts on the new zoning bylaws and have her improve on them.

Continue discussion of rural district designations, e.g. concept of overlay as a mechanism for conserving specific land areas (alternative to or enhancement of CON-25). Bonnie Barnes provided committee members with excerpts from a publication on innovative land use planning techniques, including sections on lot size averaging and feature-based density. Lot size averaging calls for the average size of the lots in a subdivision to be equal to or greater than a specified minimum, rather than requiring that each individual lot meet the minimum lot threshold. So a 15-acre parcel in a district with five-acre zoning could typically be divided only into three five-acre lots; under lot size averaging, the parcel could also be subdivided into two one-acre lots and one 13-acre lot, with the three dwellings clustered in one portion of the original parcel and most of the 13-acre lot left open.

In feature-based density, the features of an individual parcel are considered in determining the density of development allowed, rather than simply limiting density according to the underlying zoning district. So if a parcel includes steep slopes or wetlands, it may require that this portion of the lot be removed from the total parcel size in determining allowable density. And portions of a parcel with, for example, better septic capability might be allowed to have a higher density than typically allowed in the zoning district.

The committee also continued a discussion of zoning overlays, as a possible alternative to or enhancement of the town's Conservation District, which is designed to protect parcels of ecological significance. Bonnie Barnes said the question is something of a cost-benefit

analysis, asking whether the overlay concept—which identifies areas such as wetlands, flood plains and steep slopes—is a viable plan for Ferrisburgh, given the levels of complexity it would introduce. The suggestion is that it would require careful mapping of the town to show what’s going on ecologically.

Karen Pettersen said one benefit of the overlay would be to show that ecologically significant properties don’t follow zoning district or parcel boundaries; for example, there can be flood plains and wetlands worthy of protection in any district. Barnes said the question is whether the overlay process could help in coming up with answers on what should be allowed on any given parcel. Dave Mentzer said there certainly would be a cost to imposing these kinds of rules, but that there is definitely a need to protect resources.

Jean Richardson said a challenge facing the committee, and the town, is that it’s currently possible to do almost anything almost anywhere in town, because of all the conditional uses allowed in the various zoning districts. She feels it’s important to make thoughtful changes to the permitted and conditional uses, creating language that gives better guidance to the zoning board. She also suggested the overlay concept had been considered in the past but that there was little appetite for it because of the complexity. And she said she feels the committee should look at the underlying districts before tackling an overlay map.

Carl Cole said the simpler the rules, the better, for the zoning board and planning commission, and for townspeople. Norm Smith said Ferrisburgh needs to decide where it wants development to occur, and whether it wants to steer development into the town center, or centers. Richardson said the town should always be looking to its new town plan, adopted in 2018, as a policy document. Kurt Plank noted that Brandy Saxton has done valuable work on these issues, comparing the town plan to the current zoning bylaws. And he said Saxton had suggested that the zoning map would be a good starting point for the town’s discussions. It was noted that the maps in the town plan and the zoning bylaws should agree, for the most part.

Jean Richardson said it seems clear that there should not be as many conditional uses allowed in the Conservation District. Kurt Plank said it will be important to simplify the bylaws so it’s easier for the zoning board to make decisions, coming up with a clean document that makes decisions, as often as possible, cut and dried.

There was a discussion about mapping and its importance in moving forward with changing the zoning bylaws, particularly if a conservation overlay is found to be a valuable addition. The committee is seeking help from a mapping expert to put together a map that shows conserved land, state land and land that’s ecologically significant—steep slopes, riparian boundaries, flood zones, wetlands, etc. It’s expected that the map will be ready for the committee’s next meeting. It was also pointed out that state-owned land, such as state parks and wildlife management areas; conserved land; and land that is protected for various ecological reasons make up a very significant portion of the land in town.

It was noted that state septic rules had played a role in creating many of the 10-acre lots in town. And many people simply wanted to have their homes on large parcels, which is still

true. But Ferrisburgh is also becoming, for some, a bedroom community for Burlington and Chittenden County, meaning that there are folks who would be happy to build on a 1/4-acre lot. While the town does not have a role in septic issues, which are handled by the state, the town does need to be on the same page with the state, and particularly should guard against creating lots that are unbuildable due to septic restrictions.

Dave Mentzer said the bylaws should establish a way to deal with density questions in what is basically a rural, agricultural town, and that this should start with a map.

Anne Cohn said people should generally be able to build on their parcels, but that the town needs to take care of sensitive areas, particularly by preserving contiguous sections of farmland and forestland where possible, and by protecting agricultural soils and ecologically valuable features. Jean Richardson thought the ideas of feature-based density and lot size averaging might be valuable tools in this conservation work.

There was a brief discussion of promoting more densely developed, mixed-use areas in the Route 7 corridor. Carl Cole said a great deal of work on this had been done a few years back by a group formed specifically to consider the Route 7 corridor and issues relating to its development. Again, committee members said mapping would be important in determining how to deal with different sections, including commercial areas north, south and center; two industrial zones; and the North Ferrisburgh historic village district.

Arabella Holzapfel said the committee should be coming up with questions for Brandy Saxton at the next meeting, such as how tools like lot size averaging and feature-based density might go along with the zoning overlay concept. She also wondered whether Saxton, after hearing the committee's thoughts on development and land use issues, would be able to write a draft of the zoning bylaws the committee could edit.

Adjournment. Steve Gutowski made a motion to adjourn the meeting at 6:41 p.m. Kurt Plank seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells