

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

FINAL – Minutes for meeting of April 3, 2019; approved on April 23, 2019.

**Members present:** Arabella Holzapfel (chair), Bonnie Barnes, Bob Beach, Anne Cohn, Carl Cole, Clark Hinsdale, Dave Mentzer, Kurt Plank, Jean Richardson, Norm Smith.

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

Jean Richardson made a motion to approve the minutes of March 6, 2019, as submitted. Carl Cole seconded. Bonnie Barnes, Bob Beach, Anne Cohn, Carl Cole, Arabella Holzapfel, Dave Mentzer, Kurt Plank, Jean Richardson and Norm Smith voted in favor. Clark Hinsdale abstained. **Motion approved.**

Anne Cohn made a motion to approve the minutes of March 26, 2019, as submitted. Bob Beach seconded. Bonnie Barnes, Bob Beach, Anne Cohn, Carl Cole, Arabella Holzapfel, Dave Mentzer, Jean Richardson and Norm Smith voted in favor. Clark Hinsdale and Kurt Plank abstained. **Motion approved.**

Bonnie Barnes said the agenda for the meeting, calling for a follow-up discussion on how to treat rural districts, was a stab at what came out of the previous week's meeting, and she figured other issues would also be raised.

Jean Richardson said it was interesting that overlay districts, all the rage in zoning circles a few years ago, seemed to be no longer in style. She said she thought it was important for the group to go through consultant Brandy Saxton's document that compares the aims of the town plan with the current zoning bylaws.

Bob Beach said it was very valuable to have Saxton at the previous meeting, providing an overview of the task at hand. Others agreed. He said it seemed she was suggesting "less is more" when it comes to zoning bylaws, that there was a need to get rid of a great deal of extraneous stuff in the current bylaws. Beach also said it was interesting to hear Saxton talk about seeing land-use planning efforts being a challenge all over the state.

Arabella Holzapfel said it seemed Saxton was agreeing that the town basically has the Route 7 corridor—including highway commercial areas, the North Ferrisburgh village in the Hollow, and a couple of industrial areas—and then all the rest. Much of what remains is conserved land, state or federal land, or land now in the Conservation District—perhaps as much as half of the land in the town—and the rest is basically rural, now divided between Rural Residential, with two-acre zoning, and Rural Agricultural, with five-acre zoning. It has been suggested that the town might want to lump all the rural land together, with perhaps one number for zoning density per acre.

Holzapfel said Saxton had also pointed out the importance of deciding how development should be organized in terms of roadways, perhaps calling for house lots to spread along

and close to existing town roads in some places, and for clusters of homes at the end of shared roadways in others. Carl Cole said these questions would always be site specific, often determined by the septic capacity of the land. He said you can't broad-brush the whole town. It's rural, he said, but if you don't have septic capacity, you can't really do anything. He suggested that there are new septic rules about to come out in Vermont, but doesn't think they'll make significant changes.

Jean Richardson said the town would need to decide how to phrase the rules for rural lots, whether going with one minimum lot size, or using density-based zoning that allows more flexibility.

Norm Smith suggested the town could go with a small lot size for most of the town developable land, and then let property owners figure out what that means for their individual lots. He said the town should consider designating zoning districts based on where the town wants development to occur, and where it doesn't.

Bonnie Barnes said property owners want to know what they can do with their five-acre and 10-acre lots. They want to be able to look at a map and the regulations and know exactly what they can and can't do. Norm Smith wondered if that's really what zoning bylaws should be about, and asked whether they shouldn't be more about where the town wants to see development take place and where it doesn't want development: We know we want to see more development in town centers, so that's where we should allow greater density.

Jean Richardson asked whether there should be any acreage number applied. She said the town should be encouraging home occupations, agriculture-based businesses, etc., throughout the town, and concentrated settlement where we really want it.

Clark Hinsdale noted that in most cases land is developable, and whatever issues there are can be overcome, but that there are some places, including wetlands and steep slopes, where there shouldn't be any development. He said rules will change as technology makes it possible to solve some septic issues. He said new state rules that came out in 2007 made some properties developable that hadn't been before. Concentrated development calls for things like municipal septic systems, or offsite systems that serve more than one parcel. But he conceded that there will always be places where development is not possible.

Jean Richardson said the maps showed that about half of the town is already out of play. Carl Cole added that the town is not zoning in perpetuity, but rather for the life of the current town plan. Bob Beach wondered whether not assigning a number for zoning density would open the town up to rampant development if there was a breakthrough in septic system technology.

Clark Hinsdale mentioned that some towns make it necessary to have 25 acres or more for a Planned Unit Development (PUD), while other rules provide flexibility for smaller lots. Jean Richardson said the group has talked about making PUDs possible in all parts of town,

not just on larger lots. That would, again, call for site-specific determinations on exactly what's allowed on a particular parcel.

Clark Hinsdale said he was pleased to hear the town had been advised not to go with overlays. He feels that overlays just introduce more and more complexity, and suggested Monkton's rules provide a cautionary example. Jean Richardson said one kind of overlay that might be useful is one that shows where, exactly, the town wants to encourage denser development.

Arabella Holzapfel said Saxton's suggestion was to aim to have maps and use tables available for the public to see in September. Holzapfel feels the group needs to develop a timeline, which she hopes it can discuss at its next meeting, basically a structure that will get them to September with something to share.

Jean Richardson said she's keen to go through Saxton's document, comparing the town plan and the current zoning bylaws, basically line by line. Bonnie Barnes said that would definitely help inform the discussions.

Clark Hinsdale said it was important to discuss road capacity and classification when deciding where development should be encouraged. He pointed out there are a few developments in town that are reached off Route 7, but are basically invisible from the town's major north-south roadway.

Jean Richardson said it was hard to imagine that there is a huge number of people dying to move to Ferrisburgh, in part because it currently does not have a town center. Clark Hinsdale said it's important to attract more people, since a continually shrinking and aging population would likely lead to some unfortunate events, including possibly the loss of the town's elementary school, which he said would be a huge blow. He said the town needs to ask itself if it wants to grow enough to support the school, and if so how.

Anne Cohn said the school is down to about 150 students. She said it would be great if some young families wanted to come to town and take over the big houses now owned by older residents, and to see those older folks moving into more appropriate housing right in Ferrisburgh.

Clark Hinsdale mentioned that student loan debt is putting a crimp on young people's lives, leading them to put off homeownership, and having families. He said there is also a lack of smaller, energy-efficient, one-story homes that would meet the needs of older people. He said Ferrisburgh, and Vermont, are really being squeezed on both ends, with younger people struggling to afford homes, and older people unable to remain in the community if they want to get out of their too-large homes.

Jean Richardson said one growth center for Ferrisburgh should be in North Ferrisburgh, which has land available and reasonable septic capacity. Anne Cohn said the town really should be trying to woo seniors and young families. Norm Smith said it might not take the form of marketing, but that the town should create structures that make it possible to

create the kinds of housing, and housing density, that are in demand. Carl Cole said he didn't really see pressure for further development increasing any time soon. He noted a partner who basically has a development ready to go, but that there has been little interest.

Clark Hinsdale wondered about providing bonuses for development the town likes and wants, in the appropriate places. He said the town was afraid of families at one time, because of the perceived cost of providing services, in particular schools, and having to spend more money on infrastructure. Now, after 10 years of essentially stagnation, he said, the town has an inventory of housing that doesn't meet the demand. Would a 10-times bonus on density, maybe allowing 10 homes on a five-acre lot, attract the right kind of development? Or would it just scare townspeople?

Bob Beach noted that there had been dissenters in Ferrisburgh to the idea of encouraging "town center" or "village" development. Clark Hinsdale mentioned so-called "hamlet" zoning that encourages high-density development in an area of town where that hasn't taken place in the past. He described it as bigger than a PUD but smaller than a village. Beach said some lakeshore parts of town already have higher-density development, with access to the lake from all of the lots.

Jean Richardson said that it would be important for the group to look closely at the maps and start deciding what the density requirements would be in various areas, getting some lines on the map to discuss going forward. She also suggested trying to stick to the existing parcel lines, so that fewer parcels would be in more than one zoning district.

Bob Beach agreed that lines on the map would lead to valuable discussions and the beginning of consensus to push the process forward.

Anne Cohn wondered if we need to think defensively about some parts of town, and some kinds of development, about things that the town does not want to see happen. Jean Richardson said she wasn't sure there was anything the town could do to keep every millimeter of the Route 7 corridor from being developed. Carl Cole pointed out that Katie Hill had been one of the leaders in an effort to develop ideas on the Route 7 corridor and felt it would be good for the committee members to see that work.

Kurt Plank said he did not disagree on the inevitability of Route 7 development but felt the town could formulate regulations to encourage development that is more appealing. He said examples were the Shelburne shopping center and a housing development behind the Shelburne school. That housing development might have looked a little barren at first, he said, but now it's a nice neighborhood, removed from Route 7, but accessible from it. You can put verbiage in your zoning bylaws to encourage this kind of development.

Clark Hinsdale said there was pressure on Ferrisburgh because it had somewhat laxer development rules than some other nearby towns, so that some developments rejected by other towns ended up here. Kurt Plank said it was possible to control how parcels are developed for commercial use. Zoning bylaws can include requirements to preserve the town's character and its nature, requiring fewer curb cuts, more screening, etc. Anne Cohn

said the idea of having one entrance and one exit to a development, with roads that lead to more than one place, would help.

Arabella Holzapfel said the committee should plan to go through Brandy Saxton's document thoroughly, and/or get tracing paper and start drawing lines on the map, looking at rural areas and how they can be classified. Anne Cohn and Jean Richardson thought a combination of both would be good, looking at what's in the document and then seeing how a decision would affect the map, and vice versa. They said Kurt Plank had pointed out that there is a great deal of wording in the bylaws now that does not agree with what's in the new town plan.

Bob Beach said Shelburne had density of population to support developments like the shopping center that Ferrisburgh just doesn't have. Kurt Plank said the point was to discuss the style of development that's allowed or encouraged, not a specific group of businesses like a grocery store, drug store or hardware store. Zoning bylaws can move the town in the right direction, he said, and can then change direction and morph when they need to. Should a developer come along, things will happen in accordance with the town's vision. But if the town just lets things start stacking up, he said, then it won't have to look farther than South Burlington and parts of Shelburne for examples of what will happen along Route 7.

Norm Smith pointed out that the committee has to come up with a set of bylaws that will be acceptable to Ferrisburgh's townspeople, who will be voting on it.

Arabella Holzapfel said the next meeting would be held at 5:30 p.m. on April 23. The committee will hope to have a new map and other information from Brandy Saxton. Holzapfel, Bonnie Barnes and Jean Richardson suggested various committee members take the lead on discussion of different sections of Saxton's document, with everyone's homework between now and then being a close reading of the document.

Kurt Plank made a motion to adjourn the meeting at 6:54 p.m. Norm Smith seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells