

Approved MINUTES
APPROVED ON :Nov. 15, 2023

TOWN OF FERRISBURGH
PLANNING COMMISSION
MINUTES
WEDNESDAY October 18 2023
At Town Offices and on Zoom

Members present: Bob Beach, Bessie Sessions, Walter Reed, Gail Blasius, Bonnie Barnes, Jean Richardson, Mike Quinn, Anne Cohn.

Members Absent: Arabella Holzapfel

Minute taker: Jean Richardson

Town staff present: Steven True

Applicants present: Henry Prange; Julien Martindale; Scott Hardy

Members of the Public present: Dan Mallach; Craig Heindel; Don Dewees; Amanda Holland

1. Meeting was called to order at 6:53 pm by Bob, and quorum determined.
2. Minutes of September 20, 2023 were approved on **MOTION** of Gail, seconded by Bessie. Motion carried.
3. Amendment to Agenda: Steve stated that he had received a request to have Application 23-103, Spillane and Curley, reviewed under Combined Review. After discussion it was agreed that this was a reasonable request. Steve will review the necessary steps and contact Norm.
4. Public Presentation on options for the Vergennes Bypass by Dan Mallach of Dubois and King. Dan provided a detailed document outlining a range of alternative routes and sought input. Further public hearings will be announced as this study continues.
5. **Application 23-102:** Sketch Plan Review for a 2-Lot Subdivision and Waiver request under Article 10, section 11; Lot 10 Atkins Farm Road; Applicant Scott Hardy; Ferrisburgh Town Center District (FTC-1); Parcel ID 20/20/15.10. Continuation of Sketch Plan opened on August 16, 2023.

An informal site visit took place prior to this evening's meeting. Boundary pins were observed.

Applicant provided an updated and corrected plat addressing most of the issues raised by the PC at the August meeting.

PC discussed the large area on proposed Lot 12 which indicates it is "for benefit of Lot 10". PC finds that this is not part of the Subdivision and should be removed from the Final Plat. Applicant agrees.

PC requests that the access and driveway to the building envelope on Lot 10 be added to the Plat. PC and applicant reviewed recorded Mylar Slide 96F which indicates previously approved house location and driveway access. Applicant agrees to add access and envelope to Final Plat.

PC requests letter from the State, per Public Water System Permit PID#E-1605, WSID #5010, dated December 30 2004 (Exhibit 15), which states as follows: "*Project Conditions: (5) "... No changes shall be made in the project without the written approval of the Department of Environmental Conservation.*"

PC requests written approval from the Division of Wastewater Management, per Wastewater Permit # WW-9-0663 dated December 2007, which states as follows: “(6) ...*No other method or location of wastewater disposal shall be allowed without prior review and approval by the Division of Wastewater management*”. Applicant agrees to obtain state approvals.

Steve indicates that the entire parcel of 2.08 acres has been sold and new owners have submitted a Building permit for a 3 bedroom house. The 2.08 acre parcel is presently permitted one 4 bedroom house.

PC requests clarification of any deeded access and use of Lot 12 by property immediately to the north on route 7 (Joseph Owen, parcel 20/20/15). Applicant agrees to clarify this access and easement.

PC discussed history of change in zoning since the Atkins Subdivision was established. This Lot 10 of the original Subdivision now lies in the new FTC District with 1 acre zoning. All other lots in the Subdivision are in the RA 2 acre District. Town Plan is now encouraging more dense development in this FTC District.

Applicant requests a Waiver for road frontage. FTC District requires 200 feet. Applicants propose 128.72 feet for new Lot 10 (a reduction of 71.28 feet) and 148.85 feet for new Lot 12 (a reduction of 51.5 feet).

After discussion the PC agrees that this waiver request is a small deviation for this specific location within a Subdivision, and meets the intent of the Town Plan and Land Use Regulations.

PUBLIC COMMENT - None

MOTION to classify this a Minor Subdivision with one Public Hearing, made by Jean, seconded by Mike. Bessie and Walter abstain. Motion carried.

6. Application 23-102 Sketch Plan Review for a 2-Lot Planned Unit Development and Subdivision, 523 Fuller Mountain Road; Applicants: Henry Prange and Julien Martindale; Rural Agricultural (RA-5) District; Parcel ID 11/01/32.1

Site visit took place on Saturday, September 23. Members of the Conservation Commission and PC were present, and walked across the property and into the proposed conservation and no build area with Applicants.

Applicants are awaiting septic information from an engineer. Applicants provide an updated sketch of the 10.05-acre parcel and possible lot line for subdivision. The road frontage in 5 acre District is 400 feet. Applicant requests a waiver, and proposes full conservation of about 3.8 acres of forestland with stream. The road frontage proposed for the present house lot is 150 feet and 250 feet, for the new lot.

PC discussed Waiver request in detail and finds that the proposed road frontage deviation from 400 feet (250 and 150 feet deviation) would not comply with the Town Plan and it is too great a deviation from the Zoning District Regulations.

After further discussion there was consensus that the 400 feet should be retained by either of the two parcels with either a shared or second access. The access and driveway easement will be 60 feet. Applicants will meet with the Engineer and determine best configuration based on location of septic and driveway and prepare a proposed Final Plat.

PUBLIC COMMENT: Craig Heindel, representing the Conservation Commission, provided a proposed lot map with location of lines for the conserved area to include the ravine, stream and forest, plus a 100 foot no build zone. Craig also provided proposed language for inclusion on the Plat and in Deeds, including: 1. No cutting of trees or shrubs in the conservation area except for invasives. 2. No motorized vehicles. 3. Minimal lighting.

Applicants agree to add conservation language to Plat and deeds and hope that they will have materials for the December PC Final Plat Hearing.

PC finds that this does not qualify as a PUD, it is a 2 Lot Subdivision.

MOTION to classify this Application as a Minor Subdivision with one Public Hearing, made by Gail, seconded by Walter. Motion carried.

7. Act 171 Discussion.

Jean stated that in 2018 the Legislature passed Act 171, adding the requirement for Town Plans to include language “*for the maintenance of forest blocks, wildlife habitat and habitat connectors*”, and thus minimize forest fragmentation. Our Town Plan (2017-2025) was last updated prior to this Act, but the Conservation Commission has been advising the PC on conditions that the PC can require of Applicants to meet this new requirement. This semester the Conservation Commission is working with a UVM class who will be able to provide us with an updated map of forest blocks, and perhaps some suggestions for incorporating Act 171 into the Town Plan and Land Use Regulations. The PC needs to start updating the Town Plan.

Don Dewees described the mapping that the class hopes to provide.

8. Other Business: None

9. Next meeting: November 15, 2023.

10. Meeting adjourned at 8:45 pm on motion of Bonnie, seconded by Gail. Motion carried.

Respectfully Submitted,

Jean Richardson