

# **Zoning Board of Adjustment**

## *Town of Ferrisburgh, Vt.*

DRAFT – Minutes for meeting of August 3, 2016

**Members present:** Charlene Stavenow (chair), Bob Beach, Mike Delaney, Rayne Herzog, Dave Mentzer, Norm Smith. **Absent:** John Paul.

**Town official present:** Ken Wheeling, zoning administrator.

**Visitors:** Aubrey Choquette, Carl Cole, Lisa Denton, Lynn Jackson Donnelly, Andre Emmell, Deb Healey, Loretta Lawrence, Cary Lewis, Peter Mazurak, Bob McNary, Jeff Provost, Carl Ruprecht, Chris Stackhouse, Scott Thompson, Ken Villeneuve.

Charlene Stavenow, chair, opened the meeting at 7 p.m.

**Approval of minutes from July 6, 2016:** Norm Smith made a motion to approve the minutes from July 6, 2016, as submitted. Rayne Herzog seconded. Mike Delaney, Rayne Herzog, Dave Mentzer, Norm Smith and Charlene Stavenow voted in favor. Bob Beach abstained. **Motion approved.**

### **HEARING No. 1**

**Application 16-061.** Request by Jolley Associates for Conditional Use Permit to add a 30-foot by 42-foot addition to an existing convenience store in North Ferrisburgh. The property is located on Route 7 in the HC-2 District, identified in the Town of Ferrisburgh tax maps as parcel 18/20/02.

This hearing, recessed on July 6, was reopened on August 3 at 7:05 p.m. Peter Mazurak and Carl Ruprecht were present again to speak for the application. Before the meeting, ZBA members Bob Beach, Dave Mentzer, Norm Smith and Charlene Stavenow, along with zoning administrator Ken Wheeling, did a site visit at the store in North Ferrisburgh; Rayne Herzog and Mike Delaney had visited the site earlier. On July 6, board members asked the applicants to provide further information, including specifics on parking spaces, an elevation drawing, and a report from an acoustic expert on probable noise levels. Board members were generally satisfied with the information provided on August 3 concerning parking and appearance of the site, but the applicants had not yet obtained a report on noise levels. Carl Ruprecht said he had hoped to have the report before the meeting, but did expect to have it in a few days. He also noted that the plan now included planting a hedge of cedar trees near the western side of the building, rather than out on the western edge of the property, to help mitigate noise issues. Board members said they wanted to see a report from an expert on predicted noise levels before proceeding, and expected that the report would also suggest mitigation strategies if it appeared noise levels at the property line would be excessive.

Carl Ruprecht said the applicants would commit to testing the well of neighboring property owner Brian Donnelly. Lynn Jackson Donnelly, who attended the hearing on behalf of the property owners, said that the Donnellys would have their well tested at their own expense to provide a base line. Ruprecht said they would then test the well each year for five years for E. coli, but asked for guidance from the board on how to determine the cause of any contamination that might be found in the future. The board planned to discuss this and other issues regarding the application after the August 3 hearings were completed.

The board recessed the hearing until 7:05 p.m. on September 7, the board's next monthly meeting, at which time they expect to have received the report on predicted noise levels.

## **HEARING No. 2**

**Application 16-044.** Request by John M. Hoehl for a Conditional Use Permit to reconstruct and repair a retaining wall, terrace, stairway and small patio. The property is located at 1044 Grosse Point in the SD-2 District, identified in the Town of Ferrisburgh tax maps as parcel 04/01/44-45.

The hearing opened at 7:25 p.m. Cary Lewis was present to speak for the application. He said the project involved repairing and reconstructing a retaining wall on the south side of the main house at Grosse Point. The wall collapsed about a year ago due to a drainage failure behind the wall. The work will include redoing the drainage system, adding structural supports behind the wall, and reconstructing the stonework. Regrading will also be done on the north side of the house to improve water management. Charlene Stavenow said the applicants had provided a copy of the necessary shoreland permit from the state.

Norm Smith made a motion to close the hearing at 7:35 p.m. Rayne Herzog seconded. All voted in favor. **Motion approved.**

Norm Smith made a motion to approve the application as presented. Bob Beach seconded. All voted in favor. **Motion approved.**

## **HEARING No. 3**

**Application 16-080.** Request by Lisa Denton for a Conditional Use Permit to relocate the Ferrisburgh Bake Shop & Deli to the former Vermont Energy Building. The property is located at 2707 Route 7, in the HC-2 District, identified in the Town of Ferrisburgh tax maps as parcel 23/20/49.

The hearing was opened at 7:38 p.m. Lisa Denton and Jeff Provost were present to speak for the application. Denton is asking for a permit to move her business from its current location next to the Ferrisburgh post office to the former Vermont Energy Company building, now owned by Jeff Provost's Dock Doctors. Provost presented plans for the new

location that include the existing building and a new attached structure designed to look like a barn. The new section will house the bakery and the rest will be devoted to the deli and retail space. He said the gas tanks and gas pumps had been removed, and the area in front of the building will be planted with grass and shrubs, and include a walkway from parking areas on both the north and south sides of the building. He said one of the cabins on the property will remain, with a new frost wall footing, as will an apartment on the second floor of the current structure. Denton said she expects to do all the things she has been doing at the current location, while adding some new menu items and extending the hours of operation. The business is now open from 6 a.m. to 4 p.m., and she expects the new hours to be 6 a.m. to 8 or 9 p.m. Board members asked about plans for lighting, signage and parking, and Provost described his current plans. Because Denton hopes to move to the new space as soon as possible, Denton and Provost hoped the board could approve the application conditionally, with lighting, signage and parking details to follow.

Mike Delaney made a motion to close the hearing at 7:58 p.m. Dave Mentzer seconded. All voted in favor. **Motion approved.**

Norm Smith made a motion to approve the application as submitted, subject to the applicant providing satisfactory plans for parking, lighting and signage. Dave Mentzer seconded. All voted in favor. **Motion approved.**

The board had included on its agenda an item about Palmer's Garage in North Ferrisburgh, but no one from Palmer's appeared.

Norm Smith made a motion to adjourn the meeting at 8:00 p.m. Dave Mentzer seconded. All voted in favor. **Motion approved.**

Respectfully submitted,

Tim Etchells