

TOWN OF FERRISBURGH
ZONING BOARD OF ADJUSTMENT
Minutes of August 6, 2014

Present: Charlene Stavenow - Chair, Bob Beach, Alyth Hescock, Rayne Herzog and Mike Delaney

Visitors: Bernie Loven, Robin Steady, Penny Cyr, James Cyr, Bill Sullivan, Victor Lavoie Sr., Sidney Jewell, Heath Jewell, Marvin Ball, Larry Barnes, Richard Rotax, Lyle Loven, Ron Stearns, Dennis Steady, Roxanne McGuire, Whitney Palmer, Paul Gregory, Brent Jerger and Ken Wheeling, Zoning Administrator.

The regular meeting is opened at 7:00 pm.

Mike Delaney moves to approve the minutes of July 2, 2014; second by Rayne Herzog. So voted with Charlene Stavenow abstaining.

Matt Wamsganz, representing COCO, has met with Peter Norris to discuss the plantings around the COCO convenience store on Route 7. Peter has suggestions on improving the choice of trees to be planted. The Board approves the changes in type, size, location and number of trees to be planted as it is an improvement. The Board asks that Ken check with Peter about the changes. Matt also asks for approval of a small change to the sign; which there is a picture showing the change for the Board to review. The Board agrees with the new sign design as it is an improvement.

14-066 Dock View Route 7

The public hearing for a CUP to amend Permit 12-070 to expand a previously permitted commercial building and abandon the permit for a 3 unit multi-family structure in the HC-2 district is opened at 7:15 pm. Tyler O'Leary speaks for the permit. They would like to expand the previously permitted commercial building and abandon the 3 unit multifamily structure. It would be wood construction with clapboard siding and have down lighting similar to the existing building. There is adequate parking on site. There is no public comment and the hearing is closed at 7:25 pm.

Bob Beach moves to approve 14-066 as presented noting that it will be 1000 Sq. Ft smaller than the previously permitted structures, it will have a similar down lighting plan and a landscaping plan will be submitted.

Appeal hearing of a notice of violation for Bernie Loven is opened at 7:25 pm.

There was a site visit earlier this evening with Charlene and Mike and Ken at Bernie's.

Ken Wheeling, Zoning Administrator, speaks. He received a complaint from a neighbor that Bernie was operating a Junk Yard on Bernie's property at 252 Quaker Street. Ken was asked by Loretta Lawrence, Chair of the Selectboard, to review the property. Ken investigated and sent a letter to Bernie stating that he appeared to be in violation of the zoning bylaws. Bernie admitted that he sells tires and collects scrap metal.

Ken then issued a violation notice; Ken notes that the property has been somewhat cleaned up. He states there is standing water in the tires which could breed mosquitoes

Bernie speaks. He has met with members of the Selectboard about the Junk Yard issue. Bernie feels the junk yard issue was settled 7 years ago when the Town's junk ordinance was voted down. Bernie feels that this zoning ordinance is so vague that anything can be called a "junk yard". He feels that he does a service for the Townspeople and that he is doing recycling, not a junk yard; this is his private property not a "junk yard". Anyone can store scrap metal outside and not be a "junk yard". He did not clean up his yard so that the Zoning Board could see what his yard is like. This is country living and the people have a different style of living. He does not buy or sell scrap metal on his property. He does not feel that selling a few used tires is a business. Bernie says there is no definition of how much junk is a "junk yard" and the law is too vague.

Public Comment

Victor Lavoie states that if Bernie would build a fence than his neighbor couldn't see it.

Bob Beach, Alyth Hescoock and Rayne Herzog went to the site after the meeting. There is no further public comment and the hearing is closed at 8:05 pm.

14-060 Malcolm Willard

The Public Hearing is opened at 8:10 pm; there is no one present and the hearing is recessed to September 3rd.

Meeting adjourned at 8:15 pm.

Respectfully submitted

Chet Hawkins Minute Taker