

**Zoning Board of Adjustment**  
*Town of Ferrisburgh, Vt.*

APPROVED – Minutes for meeting of September 7, 2016

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

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

**Visitors:** Dylan Barrows, Lynn Jackson Donnelly, Elisse Gebo, Larry Gebo, Brendan Hammond, Peter Mazurak, Jenna Paquette, Carl Ruprecht.

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

**Approval of minutes from August 3, 2016:** Bob Beach made a motion to approve the minutes from August 3, 2016, as submitted. Norm Smith seconded. Bob Beach, Mike Delaney, Rayne Herzog, Dave Mentzer, Norm Smith and Charlene Stavenow voted in favor. John Paul abstained. **Motion approved.**

Ken Wheeling said he was awaiting signage information regarding the Ferrisburgh Bake Shop & Deli/Dock Doctors application, No. 16-080, approved at the August 3 meeting, subject to receipt of plans for lighting, parking and signage. Charlene Stavenow asked Wheeling to send a reminder to applicant Lisa Denton.

**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 August 3, was reopened at 7:05 p.m. on September 6. Peter Mazurak and Carl Ruprecht were present again to speak for the application. Charlene Stavenow reported that the zoning board had received a report on existing and expected noise levels at the property line. The report predicted the noise level would be below the allowed 70 decibels at the property line. Carl Ruprecht said the applicants were still planning to plant a row of cedar trees along the back of the addition, to help reduce noise levels. He said the plan was to use five- to six-foot trees, planted every six to eight feet. Rayne Herzog and other board members suggested a denser planting, with the trees closer together and possibly in two staggered rows so that they would form a hedge more quickly. Ruprecht said he had no objection to doing that.

Lynn Jackson Donnelly, speaking for neighboring property owner Brian Donnelly, said that they hoped the denser planting would help with noise levels associated with the addition. She also reported that they had their well tested, and were awaiting the results. The applicants, Ruprecht said, were still willing to pay for annual tests of the well for five years. Norm Smith said he had no objection to the well-testing agreement, but did not believe this was in the purview of the zoning board.

Dave Mentzer made a motion to close the hearing on Application 16-061. Mike Delaney seconded. Charlene Stavenow said the noise report would be added to the project file. All voted in favor. **Motion approved.**

Charlene Stavenow said the board would discuss the project further following that night's second hearing, and would issue a decision on the application within the required 45-day period. She said she hoped the board would have a decision by the next meeting in October.

## **HEARING No. 2**

**Application 16-099.** Request by Elisse Gebo and Dylan Barrows for a Conditional Use Permit to construct a two-bay garage with living quarters and two bedrooms above, on a 5.9-acre lot. The property is located on Buckwheat Street in the RA-5 District, identified in the Town of Ferrisburgh tax maps as parcel 10/01/18.

The hearing opened at 7:15 p.m. Jenna Paquette, Dylan Barrows, and Elisse and Larry Gebo were present to speak for the application. They said the building would be a two-bay garage with living space above, including two bedrooms, a bath, and a kitchen, a total of 896 square feet.

After examining the application and discussing it with the applicants and the zoning administrator, board members said they believed that the project did not require a Conditional Use Permit, since a single-family home is a permitted use in the RA-5 District. So Ken Wheeling, as zoning administrator, could issue a building permit, without involving the zoning board. Board members did say that if the applicants decided to build a larger home on the site in the future, which is their plan, then they would need to come back to the board for a Conditional Use Permit. That permit would be for the garage, since it would then become an accessory building to the primary home. Because the proposed garage is less than 1,000 square feet, it would meet the size requirements for an accessory building (30 percent of the size of the primary home or 1,000 square feet, whichever is more).

Board members did say that the applicants would need to provide the zoning administrator with a copy of their state-issued septic system permit. They also said that the applicants could build the garage with just one bedroom, rather than the two bedrooms mentioned in the warned application. Accessory buildings are required to have no more than two bedrooms, so a one-bedroom structure could become an accessory building if and when another home was built on the parcel.

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

The board then began a discussion of the Jolley Associates application.

Rayne Herzog made a motion to adjourn at 8:50 p.m. Mike Delany seconded. All voted in favor. **Motion approved.**

Respectfully submitted,

Tim Etchells