

TOWN OF FERRISBURGH
ZONING BOARD OF ADJUSTMENT
MINUTES OF OCTOBER 2, 2013

Present: Charlene Stavenow-Chair, Robert Beach, Alyth Hescock, Mike Delaney, Rayne Herzog, John Paul and Julie Adams

Visitors: Carlos Basille, Andrew Sears, Jason LeBeau, Suzanne Fay, Toby Goldsmith, Lee Weisman, Vicki Williams, Mary Jane Rice, John Rice, Robyn Hill, Greg Hill, Jim Sullivan, James Apgar, Rena Diana, Stewart Diana, Richard Esty, Bryon Hehir, Chris VonTrapp, Mary Jackman Sullivan, Chris Stackhouse and Steve Revell

The meeting was opened at 7:00 pm. Rayne Herzog moves to approve the minutes of September 4, 2013 as written; second by John Paul. So voted.

13-060 Andrew Sears.

The hearing is reopened at 7:05 pm; Mr. Sears is present and has a slight change of plans. He wants to start out smaller. He doesn't want the taproom and there will be no retail sales to customers so he won't need the extra parking spaces. Julie Adams moves to amend the original parking plan from the required 40 spaces to 30 spaces. The tap room will be removed and Andrew can go ahead with his permit. The CO will be issued when the parking plan is submitted and approved. Second by Rayne Herzog. So voted.

13-061 Carlos Basille.

The hearing is reopened; Mr. Basille speaks for the permit. There was a site visit earlier this evening. Carlos has removed a lot of debris from the back lot, has fixed up a customer room, and has spoken with Steve Revell about the septic. He has a plan that shows eight spots for cars for sale and six spots for customers parking. He would like to start the business soon and upgrade the septic later; the State says he can use a port-o-let for his own use. He plans to do more cleanup of the lot. The AOT has checked his drive way. He will not have any parking in the front on Route 7. He is not doing car repairs just car sales. There is an exterior light on a motion sensor in the rear. His hours will be from 9-5 Monday to Friday and 9-12 on Saturday. He is not going to add the apartment at this time.

Julie Adams moves to close the hearing; second by Bob Beach. So voted

Rayne Herzog moves to approve the permit as presented with the following conditions: there will be no parking on the Route 7 side; there will be no apartment until there is approved septic installed; Carlos will provide documentation on the use of a port-o-let which will be installed behind the building; the hours of operation will be from 9 am to 5 pm Monday to Friday and 9 am-12 noon on Saturday; Carlos will have the lot cleaned up within 30 days; there will be no additional outdoor lighting and Carlos will have an approved septic plan within a year. Second by Bob Beach. So voted.

13-084 Gary Gray

The hearing is reopened. Mr. Gray is not present. He has his wetlands permit. He needs to provide his building elevations. The hearing is recessed to November 5.

13-092 Lee Weisman and Toby Goldsmith

Lee and Toby speak for the permit. The hearing is opened for a CUP. They would like to build a small addition for a mud room on their camp on Kimball Point Lane. It would have the same appearance as the camp; it meets the setback requirements and they have spoken with their neighbor Susan Carter and she is ok with the project.

John Paul moves to close the hearing; second by Julie Adams. So voted.

John Paul moves to approve 13-092 as presented; second by Julie Adams. So voted

13-082 Greg and Robyn Hill applicants for the John Rice property.

The hearing is reopened; Robyn and Greg Hill speak for the permit. There was a site visit earlier this evening. They have presented the final plans for the proposed storage garage for their boat and RV and work space. They plan to fit it in between the existing large trees and keep as many of the existing trees as possible. They would like to have it heated and have a convenience toilet. The toilet will be for the owners use only; there will not be any increase in the number of occupants. The septic will enter a pump station and go to the existing septic system for the house which was recently upgraded with a state of the art system. The building will be built next to the neighbors leach field which is on the Rice Property but will not have footings and shouldn't impact the functioning of the existing leach field. If necessary they can install rain gutters and divert the rain water from the roof away from the area. The building will be very energy efficient and heated to protect the boat and RV and provide a work space for Greg. The building will meet all the setback and height requirements and will conform with state septic requirements. They have a design for the building which blends with the surroundings. The building will be rectangular 25 X 40 feet and 25 feet high. Steve Revell has measured the shore line setback with surveying equipment to be sure it meets the setback regulations.

Attorney Bryon Hehir asks that if this is a preexisting small lot does it meet the zoning regulations for an accessory use. This is a large garage for the area and wonders if it is in the flood zone. Steve Revell replies he has measured the land elevation which is 105 to 106 feet above sea level and not in the flood zone.

Stuart Diana has letters from his neighbors asking him to speak for them. This is the third design for the building. The neighbors are opposing this building for the following reasons: not fitting the character of the area, the septic issues, the potential erosion of the shore line and it is the biggest garage in the area and bigger than some of the camps. They are also concerned about the future use of the property. Robyn replies that this will not be used as living space; it is just to protect the boat and RV and the first plans were to show the idea for the building and this is the final plan; the exterior will match the house exterior and blend in.

Jim Sullivan, representing Dr. Fisch, states the concern about the scope and size of the building and the water and septic. A typical garage isn't heated and doesn't have water; also there is concern about the trench for the water and septic disturbing the roots of the trees. He understands the good intentions of the Hills but wonders what will happen later.

Rena Diana thinks the timing of the proposal was very hurried with an unclear presentation. It is difficult to build a new building on the lake shore on a small lot.

John Rice, owner of the lot, says that the leach field was unknown to him but any issues can be worked out. He knows that the neighbors are concerned about the size and that most neighbors have more than one structure on their property. It would be helpful to have more guidelines for the "character of the area" to know what meets the rules.

Stewart Diana says the leach field is not the only issue; it is also the size and the erosion of the shore line.

Chris Stackhouse says that a stone wall can be built to control the erosion and a heated shop is normal in Vermont. He says that "consistent" is a vague term to define and that the existing trees will mitigate the appearance of the building.

Chris VonTrapp asks if an accessory apartment is a permitted use in the area.

Vicki Williams states that this is a community that should be preserved and protected.

John Rice replies that there have been two new large buildings built recently and a number of the lots have more than one building. It is a permitted use and shouldn't be stopped.

Robyn Hill says they are very sorry about the turmoil they have caused and that they like the sense of community in the area and want to build what would be appropriate for the neighborhood.

John Paul moves to close the hearing; second by Julie Adams. So voted.

The Zoning Board enters deliberative session at 8:40 pm

Respectfully submitted
Chet Hawkins
Minute Taker