

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

FINAL – Minutes for meeting of April 4, 2018; approved May 2, 2018

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

**Town official present:** Bonnie Barnes, zoning administrator.

**Visitors:** Carol Allen, Aubrey Choquette, Lacy Couture, Andre Emmell, Barry Estabrook, Anna Charlebois Ouellette, Rux Martin, Jim Purdy, Lisa Whitley, Patrick Whitley.

Norm Smith, chair, called the meeting to order at 7 p.m.

**Approval of minutes from February 7, 2018:** Clark Hinsdale made a motion to approve the minutes of February 7, 2018, as submitted. Dave Mentzer seconded. Clark Hinsdale, Dave Mentzer, John Paul and Norm Smith voted in favor. Bob Beach and Mike Delaney abstained. **Motion approved.**

### **HEARING No. 1**

**Application 18-015.** Application by Town & Country Homes Inc. and Paulette McNary for a Conditional Use Permit for a modular and mobile home sales lot. The property is at 1908 Route 7, in the Rural Agricultural District (RA-5) and identified in Town of Ferrisburgh tax maps as parcel 15/01/06.1.

Norm Smith opened the hearing at 7:05 p.m. Pat Whitley and Lacy Couture of Town & Country and Jim Purdy of Geomapping Associates were present to speak for the application. Town & Country wants to move its operations from its current site on Panton Road to the Route 7 location, the former home of the Ferrisburgh Driving Range. The 17.63-acre parcel is one lot in a two-lot subdivision of Paulette McNary's property that was approved by the Ferrisburgh Planning Commission at its March 21 meeting. Whitley said the sales lot would include an office and a display of about six model homes. Only office staff would be present at this location. Homes are delivered directly to customers from the manufacturer and construction crews also go directly to work sites.

The office would be open from 8 a.m. to 5 p.m. on weekdays, 9 a.m. to 4 p.m. on Saturdays and closed on Sundays. Whitley expects there to be little turnover of cars in the parking lot, which is designed for 10 cars. He said the display homes, including mostly modular homes but also double-wide mobile homes, would probably be replaced every one to three years, and that the area around each home would be landscaped. The homes would not require foundations. The septic system to serve the office building would be on the east side of the property.

Jim Purdy of Geomapping Associates in Pittsford said it was not yet clear if there would be enough impervious surface created by the development of the lot to require a state

stormwater permit. Whitley and Purdy said the applicants had not yet addressed state building permit and stormwater issues, wanting to resolve the zoning questions first.

Board member Clark Hinsdale said because this project is neither a permitted nor conditional use in the RA-5 district, it would have to be deemed as consistent with other uses in the area. Whitley said the only zone that specifically allows a mobile home sales lot is the Highway Commercial District (HC-2). He said the RA-5 district does allow mobile home parks, and that he feels his sales lot will look like a compact subdivision. He said there would be minimal traffic, less than with a residential development, and this makes the project a good fit for the area.

There was a brief discussion of wetlands on the parcel, with Zoning Administrator Bonnie Barnes noting remediation had been required because of disturbance of a wetland area in the installation of a solar array on the McNary property. Jim Purdy said the applicants were aware of the wetland issues, and felt they could provide the required 50-foot buffer between wetlands on the site and any planned development. Whitley said the field that makes up most of the parcel would be left as a hayfield, with the office, model homes and parking areas on the highest section of the lot, right along Route 7.

Norm Smith asked if there was any public comment on the application. Anna Charlebois Ouellette, who lives across the street from the parcel, said she was in favor of the project, because the applicants were going to clean up the lot and fix up the existing barn. She also felt the sales lot would be a good use of the property, and felt it was healthy for the town to support its businesses.

Barry Estabrook, who lives nearby on Locust Lane, said he was strongly against the application. He said he had read the section of the town's zoning bylaws related to the RA-5 District and had found no mention of anything like a modular home sales lot. He feels that the town does not prohibit that kind of development—allowing it in the Highway Conservation District, for example—but it should not be welcomed in the Rural Agricultural District. He said he felt wetlands were also a significant issue on the parcel. And he said the appearance of the project would be that of a subdivision, with a number of houses in a small space, which should not be allowed in a rural area.

Rux Martin, who also lives on Locust Lane, said she would be affected by the application, which she said would bring a dramatic change to the area, contributing to sprawl along Route 7. She said she was fiercely in favor of development within Ferrisburgh, but in places already available for commercial projects, not in rural areas, and certainly not in the scenic corridor that is this part of Route 7. She also said it was clear that the property contained significant wetland areas.

Pat Whitley said he has been looking for years for a location in the HC-2 District, without any luck. He also asked whether neighbors would like to see the property improved or continue to decline. And he said that the project would definitely not look like a car dealership with lights, signs and blow-up figures that wave at you as you drive by. He also said he planned to do whatever was necessary to avoid disturbing wetlands.

Aubrey Choquette, who lives on the corner of Toppers Crossing and Route 7, said he can see the parcel in question from his kitchen window, and thinks screening the project from neighbors would be an issue. He also said the area is a gateway to Ferrisburgh that he hoped would be protected from inappropriate development.

Norm Smith asked board members whether they would like to include a site visit in their consideration of the application, and members said they would. The board suggested a site visit in advance of their next meeting, on May 2, and asked that the applicants stake out any building locations. Board members said they would like to see more detailed plans from the applicants a least a week in advance of that, including images of what the houses would like on the lot, and a proposed landscaping plan.

Clark Hinsdale said he felt that zoning regulations presented a high hurdle for this application, since the board would be required to rule that this project is consistent with other uses in an area that is now largely rural.

Dave Mentzer made a motion to continue the hearing at the board's next meeting on May 2, with a site visit at 6 p.m. to proceed the Zoning Board meeting at 7, and this application to be first on the evening's agenda. John Paul seconded. All voted in favor. **Motion approved.**

Clark Hinsdale made a motion to adjourn the meeting at 7:45 p.m. Bob Beach seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells