

Zoning Board of Adjustment
Town of Ferrisburgh, VT

Minutes for meeting of September 2, 2020

Note: This meeting was conducted remotely. All participants joined the meeting through a Zoom online meeting.

Members present: Norm Smith (Chair), Bob Beach, Mike Delaney, Dave Mentzer, Diane Nadon, Katie Quinn, John Paul

Town official present: Bonnie Barnes, Zoning Administrator

Participants present: Patrick McDevitt, Bob A., Debbie Smith, Jeff Tweedy, Peter Welch, Alan Calfee, Sarah Beers, Ziggy Comeau, Mr. and Mrs. Laberge, Patrick McDevitt, Tom Cucciniello, Ed Schinick, Sarah Ashkinaze, Alan Ashkinaze, Bob Ashkinaze, Arabella and Roger Holzapfel, Ryan Sheehan, Meg and Charlie Langworthy, John and Holly Laramee, Mr. Hall

Approval of minutes from August 5, 2020. Bonnie Barnes noted that she was still in the process of transcribing the minutes from the August meeting and that they would be prepared for review at the October meeting. No vote was taken on the approval of the August 5, 2020 minutes.

Application No. 20-083 (Boardman/Izzo) to demolish existing garage and construct a new two-story garage on same footprint; property ID #19/20/01; 276 Summer Point Lane, Shoreland (SD-2) District, conditional use; continued from August 5 hearing.

Norm Smith called the meeting to order at 7:05 pm. Norm Smith explained that this is a continuation of a hearing to construct a new two-story garage and that there was a site visit before the meeting. Ms. Jill Boardman was present for the application and explained that they are currently building a new two-story garage on the exact footprint of the former garage and they are hoping to get approval tonight.

Mr. Alan Calfee noted that he was present to represent his stepfather, Peter Davis, who owns the property next to the Boardmans and that they were very surprised after seeing the approval of the original permit to replace the existing garage roof and other measures to drive by in early April and see the very large garage which they feel does not fit in with the Summer Point lane neighborhood. Mr. Calfee noted that they feel it is a modern and blocky structure and sticks out and is nothing like the previous garage in that there are windows everywhere on the second floor which they noted they were using for storage and it has been remarked that this may be used as an office. Mr. Calfee noted that they feel that at some point it will likely be used for a bedroom which will then impact the septic and wastewater permit and that their well sits very close to the property boundary. Mr. Calfee relayed that this is a 30-foot tall building that looms

over the area and that there was some cleared vegetation which then limits the privacy, there are wastewater issues, and it does not fit in with the neighborhood. Sarah Beers noted that she felt it was in no way detrimental to the neighborhood and that it is covered in the back by pre-existing vegetation and also that they drive by this property every day and they are not offended by it at all. Diane Nolan noted that she had arrived slightly late, but that she had had her own site visit in the morning and asked if Mr. Calfee could repeat his statements. Mr. Calfee noted that his concerns were about the character of the neighborhood, the original permit issue, concern that the second story space would be a bedroom with no change to the septic system, and the structure itself is high and looms over neighboring properties due to pre-existing non-compliance with the setback.

Mike Delaney asked if there was any plumbing or water pipes included in the structure and Ms. Boardman noted there is no water. Mike Delaney asked about outdoor lighting and canned lights, Ms. Boardman noted that they are fully covered and that it is downlighting and as enclosed as possible. Ms. Boardman noted that it is not a bedroom, addressing Mr. Calfee's concern - Ms. Boardman noted that it is her she-shed upstairs and that it may be a space to do yoga on occasion. Norm Smith confirmed that it is not a bedroom, and that she understands that she would need to amend her wastewater permit if it were a bedroom. Diane Nolan asked about Mr. Calfee's shed and the obstruction of view, and Mr. Calfee noted that the shed does not obstruct the view from the kitchen area, the windows from the kitchen are beyond the wood shed. Norm Smith introduced Ziggy Comeau from across the street and stated on Ms. Comeau's behalf that she has no problem with the use of the structure, and said that it looked fine and they have done a good job. Norm Smith noted that she would be siding it with cedar clapboard, and also noted that the rendering showed that bottom is a white shade, but he confirmed with Ms. Boardman that it would be a dark gray. Ms. Boardman noted that the only white side would have been facing the house, but it will be a dark charcoal grey and the soffit and trim was shown as white but it would be black and the rest is naturally stained cedar. Norm Smith confirmed there were no other questions from the Board Members. Norm Smith confirmed there were no other questions from the public or the Board. **Katie Quinn moved to close the hearing at 7:18 pm, and it was seconded by John Paul. The motion carried.** Norm Smith noted that this was something they may want to discuss in deliberation, and also thanked the members of the public for speaking. Dave Mentzer confirmed this would be discussed in deliberation.

Application No. 20-086 (LaBerge) to replace garage on nonconforming lot; property ID 15/02/18; 307 Monkton Road; Highway Commercial (HC-2) District; conditional use.

Norm Smith noted this was application was to replace a garage on a nonconforming lot on Monkton Road, and asked Mr. and Mrs. Laberge to speak if present. Mr. Laberge was present for the application and noted that the old garage was decrepit and started to come down on its own, they demolished it and removed the debris. Mr. Laberge noted that after they obtain their permit they would get an excavator and remove the old slab and construct a 20 foot by 24 foot structure that would be smaller than the older structure and push the new garage ten feet back

to make the backyard more accessible. Norm Smith asked if there were any neighbors present to comment on the application, to which there were none. Norm Smith asked if any of the Board members had questions about the application, and Bob Beach asked if it were 10 feet further or closer to the road, and Mr. Laberge noted that it was further away. Katie Quinn asked for clarification and Mr. Laberge noted it would be 10 feet further away from Monkton Road, and 60 feet from the back property line. Dave Mentzer asked if it was the side yard property line setback that needed the waiver condition, which was confirmed by Mr. Laberge. Mike Delaney asked if the structure would be more nonconforming, to which Mr. Laberge answered no. Bob Beach asked what the side setback was, which Mr. Laberge noted that according to his measurements, it was 4 feet off the side property line. Norm Smith pointed to the sketch which noted 4 feet from the side, 60 feet from the back, which is beyond the setback regulations, and that the front setback was beyond as well, and that this application is improving the situation. Bob Beach asked if there were any comments from the side neighbors, to which Norm Smith confirmed there were none. Bonnie Barnes clarified that this is in front of the Board as it's a nonconforming lot, and as he is not building exactly on the previous footprint, his application will reduce the degree of nonconformity.

Norm Smith asked if there were any other questions from the Board, and there were none, but asked if anyone was interested in knowing more about the design of the building, which Diane Nolan confirmed. Norm Smith asked about the materials they were using to build the structure and how many stories the structure would be. Mr. Laberge noted they were purchasing the structure from Livingston in Bristol and that it would be a two-car garage which would be 10.5 feet tall and it would be conventional meaning that it will match the double-wide manufactured home as much as possible with green roof and siding. Norm Smith thanked the Laberges and asked if there were any other questions, or if someone would like to make a motion to close the hearing. **Diane Nolan made a motion to close the hearing, which Mike Delaney seconded and the motion carried, closing the hearing at 7:27 pm.** Norm Smith asked if there was a motion to approve the waiver. Dave Mentzer noted the waiver criteria which is that the use is allowed in the district, that it's in conformance with the Town Plan, that it's in conformance with the land use in the district in which it's located, and that it's not offending the sensibilities of the average person. **Dave Mentzer moved to approve as submitted, and Diane Nolan seconded, with no further discussion the motion carried.**

Application No. 20-093 (Comeau) to erect a deck/camper platform; property ID #20-093; 267 Summer Point; Shoreland (SD-2) and Rural Agricultural (RA-5) Districts; conditional use.

Ziggy Comeau was present to speak to the application, and Norm Smith presented the application and noted it's a conditional use. Ms. Comeau noted that she purchased property on the lake in 2006 primarily to take her grandchildren there and as such built a few bigger decks to sit on. Ms. Comeau went on to explain that after the hurricanes came through in 2016, they were unable to access the property until this year when Green Mountain Power came in and upgraded a line that went through the property and cleared the trees out. Ms. Comeau noted

that she understood she needed to get a permit to install a few campers on the property. Norm Smith clarified that she would like permission to place two travel trailers (campers/travel trailers/recreational vehicles), and Bonnie Smith noted that there were a few decks that had been constructed over the years, and any structure needs a permit and it's a matter for the Board to decide on whether or not a permit is needed for a recreational vehicle. Diane Nolan asked how the recreational vehicles were handling sewage. Ms. Comeau noted that the campers had their own sewage storage systems but that if they were approaching full, that they would take it to a disposal station. Ms. Comeau explained that after the hurricane came, they were not able to get in but that GMP put in some new poles and they cleared out all the trees and that her son who is an electrician helped to take some trees out and that now she has one recreational vehicle there and the recreational vehicles were self-contained but she understands she needs a permit. Norm Smith clarified that the permit is needed for the structure (deck) and that's what's up for discussion, per Bonnie Barnes instruction. Ms. Comeau noted that half of the one deck was destroyed when the trees came down, and that she wanted the rotten part off, she was going to add back onto it and needs to replace, but she needs a permit.

Bonnie Barnes noted that she received some phone calls and concern and she visited the site, and there had been a lot of clearing done, because it was so close to the lake, she wanted to check with the shoreland permitting folks and find out if she needed a permit as shoreland has jurisdiction, they grant permissions, they conduct enforcement actions, which is why she needed to see if the state required anything, by the state's measurement, the clearing is beyond the 250 foot mark. Bonnie Barnes noted she did not measure it and it's not her determination, but that's the information she received from the state. Norm Smith asked if Ms. Comeau had anything else to note, Ms. Comeau reiterated that she purchased the land, that the hurricanes made it unfeasible for access and that she was seeking her permit for the campers and the structures.

Norm Smith asked if there was anyone in the audience who wished to speak about the application. Mr. Jeff Tweedy provided a letter to Bonnie and asked that any action on this matter be deferred to another meeting as he did not get notice until he heard from neighbors, and confirmed that Bonnie did send along the notice after he reached out. Mr. Tweedy noted that he has engaged counsel as there are a number of issues and there is unanimous opposition from the neighbors who did not get notices who are proximate, Mr. Tweedy would like to take the time to flesh this out with counsel and discuss some of the issues that they see with the application, which takes time. Mr. Tweedy explained that one of the issues immediately noticed was the Town zoning that required a shoreland permit for anything less than 2 acres, but that was just one of the issues noticed. Mr. Tweedy went on to explain that the neighbors would like to confer with counsel and bring together all of the folks in the neighborhood who oppose and would like to organize before action is taken on this matter as it's very significant to the neighborhood. Mr. Tweedy explained that it's a very neat and tidy neighborhood and that while everyone is adding onto premises, there is an agreement that campers should not be present and would like the opportunity to be in front of the Board. Norm Smith asked if Mr. Tweedy had engaged counsel, which Mr. Tweedy confirmed. Norm Smith asked whom Mr. Tweedy had engaged and Mr. Tweedy answered it was Mr. Jim Foley and Milbury. Mr. Tweedy

noted that they had been in front of the Board 8 or 9 years ago for an 8,000 boathouse, but the counsel at that point had a delay and they need time to organize. Diane Nolan asked about his property location, and Mr. Tweedy noted he was at 256 Summer Point and noted some of his neighbors. Mr. Tweedy noted that notice went to a few neighbors and that it didn't go to others, folks who may have to drive by it every day. Mr. Tweedy noted that part of their comments will point out some of the statements Ms. Comeau have made that are untrue.

Norm Smith asked for the next neighbor's comments. Patrick McDevitt noted that he was at 258 Summer Point Lane, which is right across the street, he supports a delay as the original request was for a deck and this seems to have evolved into a deck, camper and now two campers. Mr. McDevitt noted that there were concerns over the clearing by GMP and that a lot more vegetation had been razed on the site and he was unsure of whether or not it met the 250 foot threshold. Mr. McDevitt stated he would like more clarification of what's being requested as he is unsupportive of an approval that becomes something more extensive than originally proposed. Norm Smith asked if Mr. McDevitt was concerned about the campers and Mr. McDevitt said he was and also that he was concerned about wastewater implications.

Norm Smith asked if there were any questions from the Board members, and there being none, he asked the next neighbor to speak. Tom Cucciniello noted that the property in question has an easement that goes into his yard, and he is concerned with that regard as one morning an excavator came onto the property and dug up trees and he was wondering how that played into the conversation. Norm Smith asked for clarification from Mr. Cucciniello on what the question was and what the easement was for. Mr. Cucciniello explained that the easement is for lake access and Norm Smith noted that he understood that the easement was for lake access for Ms. Comeau. Diane Nolan asked Mr. Cucciniello where his property was, and Mr. Cucciniello noted it was at 222 Summer Point Lane. Mr. Tweedy noted that the easement is not contiguous to the Comeau property, but that one would have to drive around on the lane and that it is 20 feet wide and runs across a wooded end of the Cucciniello property and that a visual inspection may be helpful. Norm Smith asked if Mr. Cucciniello had any other comments, and Mr. Cucciniello noted that he also would like to see a delay on a decision. Norm Smith asked if any of the Board members had any questions and Bob Beach asked what type of easement Mr. Cucciniello had. Mr. Cucciniello remarked that it's his understanding that it's a walking easement. Bob Beach asked how long it dates back to, and Mr. Cucciniello noted he thought it was from 1937. Katie Quinn asked who was responsible for bringing the digging equipment in, and Mr. Cucciniello noted that he thought it was Ms. Comeau's partner, Katie Quinn clarified that it was not GMP, and Mr. Cucciniello remarked no.

Norm Smith asked the next neighbor to speak, and Sarah Beers noted she had a few points. Ms. Beers noted she lived at 328 Summer Point Lane and that they had been there for 15 years and in that time, the only camper she had seen was on the Phillips property and it was not visible. Ms. Beers noted that when they understood there was clearing on the site, they spoke with GMP and GMP pointed out all of the trees that were not removed by them. Ms. Beers noted that if a site visit was done, they would see that there were a large number of trees

removed and she wanted to state this for the record so that there was a protection of the history of what happened on the site in the past few months.

Norm Smith asked if there were any other questions, and Diane Nolan commented that when she had done the site visit in the morning, that she observed other campers that were not behind buildings and in some cases a few campers. Mr. Tweedy noted that roughly four or five years ago he reached out to the Zoning Administrator Ken and pointed out what Diane Nolan was referring to, a camper in the entrance of a property belonging to Mr. Curtis who hardly uses the camper and which has a tarp over it. Mr. Tweedy continued to note that Mr. Curtis was asked to have an inspection conducted and to remove the camper, and there were no noticeable repercussions. Mr. Tweedy noted that Ms. Comeau should be reviewed by the Board under the zoning ordinance and this matter should not go ignored. Norm Smith wanted to clarify that the application itself was for a platform and not to locate a camper or travel trailer on the lot.

Norm Smith asked if any other neighbors would like to comment, to which Mr. Edward Schinick responded. Mr. Schinick noted that he resided at 330 Summer Point Lane with his wife Karen, and they supported a delay so that they may better understand what the process is, the thinking, and the intention of the application. Mr. Schinick noted that they would like to understand the relationship between the camper, the tree clearing and the platform as it was a surprise to them to see the campers with no permit obtained and they feel that having a better understanding of the process is very important. Norm Smith asked the Board members if they had any questions and Bob Beach asked Mr. Cucciniello if when they removed the trees from the property, if it was on his property in the right-of-way. Mr. Cucciniello noted that it was on his property. Bob Beach asked if it was across the road, to which Mr. Cucciniello noted that it was on a wooded spot on his property.

Bob Beach noted that he believed in the by-laws that there is an opportunity for property owners to park a camper for a certain amount of time - either ten days or two weeks. Bonnie Barnes noted that section 5.3 does refer to campers and it has three sections that have to do with the place they should be parked and that the only time limit is for invitees, which is fourteen days - which is not germane to Ms. Comeau's application given that it refers to guests. Norm Smith noted that the language in the by-laws noted that a camper may be parked on a property owner's property provided that A. it should be parked behind the building line of the principal property and B. it should not be used as permanent living quarters and is not hooked up to water or sewers. Mr. Tweedy noted it was the clarification that he wanted to make, that there was a bar in the subsection to putting a camper there if there is no principal dwelling or building on the lot.

Norm Smith asked if there were any other residents who wished to speak, and Ms. Sarah Ashkinaze noted that she wanted to piggyback on what the Schinicks noted, that they are unhappy with the situation and their family has been in the neighborhood for 61 years. Ms. Ashkinaze noted that her family has deeded the house to she and her brother and wanted

clarification on why these campers suddenly appeared. Ms. Ashkinaze clarified that they resided at 326 Summer Point Lane, after being asked by Norm Smith. Norm Smith asked the Board if they had any questions on the statement and if anyone else was present to speak about the application. Alan Ashkinaze asked why the space was able to be cleared, and if the trees would be replanted. Mr. Alan Ashkinaze was under the impression when Mr. Philips owned it, it was a wetland and unbuildable. Norm Smith asked if any other neighbors were present, and thanked Mr. Alan Ashkinaze for his comments. Mr. Bob Ashkinaze noted that he has concerns about the application and stated that he was concerned that his property value would decrease as a result of the campers. Mr. Bob Ashkinaze also noted that he believes people should follow the law and that they should not be building anything without approval from higher authorities. Norm Smith thanked Mr. Bob Ashkinaze for his comments and asked if there were any other comments from neighbors.

There being none, Norm Smith asked if the Board Members had any comments. **Dave Mentzer made a motion to recess the hearing until the next meeting**, given the neighborhood outcry and also a seemingly incomplete application. Dave Mentzer went on to note that Ms. Comeau has given testimony that there are two campers that are not in the drawing, that the clearing may extend into 250 foot buffer zone but it's unclear, and that he recommends that the applicant amend the permit with scaled drawings with intended use of the property. **Bob Beach seconded the motion.** Mike Delaney advocated that there be a full intent for the drawings, correct measurement so they understand whether or not it's in the shoreland zone, and that he completely agrees with the motion. Norm Smith verified that there was a motion to continue the hearing till the next meeting and that the Board was asking Ms. Comeau to provide more detail and intent, to which Dave Mentzer affirmed. Dave Mentzer clarified further that the Board needs scaled drawings and all of the structures on site, which in this case of no primary dwelling, includes the trailer or any other structure. Norm asked if there were any further comments and asked all in favor to say Aye. **The motion carried** to continue the hearing till next meeting.

Bonnie clarified as a matter of housekeeping that some felt they did not get adequate notice, and asked that all who wished to be notified and had an interest in this proceeding provide an email to her that she can use for a list for getting in touch and providing materials on the matter. Norm Smith noted that he would look to hear from counsel before next meeting, and that a memo would be helpful at least a week in advance of the next hearing, which will take place on October 7th. Mr. Bob Ashkinaze asked what would happen if the meeting is postponed, whether everything would stop and if the applicant could continue to use the property as it's being used. Norm Smith asked Ms. Comeau if she had an intent to put anything else on the property, to which Ms. Comeau answered she was planning on bringing a camper down. Norm Smith asked Ms. Comeau to refrain from doing so, but noted that what is currently on the property could stay. Norm Smith clarified after questions from neighbors that Ms. Comeau had attended the meeting at Town Hall as she had insufficient access to internet.

Application No. 20-100 (Sheehan) for Home Occupation II permit to operate off-premises excavation business with on-site storage of equipment; property ID #14/01/36. 1B; 1335 Sand Road, Rural Agricultural (RA-5) District; conditional use.

Norm Smith asked Mr. Ryan Sheehan if he could speak to the application. Mr. Sheehan noted that he would like to keep his equipment as his home for his off-site excavation business and that he intended to store material at his home. Norm Smith asked if there were any materials he would be storing other than the equipment, and Mr. Sheehan noted that there would be a small sand pile and some pipe. Dave Mentzer asked how long the business had been operating out of this location. Mr. Sheehan had noted that he does not have an exact date, but that he started in 2016. Norm Smith clarified that it was about three years and asked if there were any other questions or neighbors who wished to speak.

Arabella Holzapfel noted that she wanted to express deep thanks to Mr. Sheehan for pursuing a permit for the occupation at the property and that the Board members may be aware that this began as an agricultural permit. Ms. Holzapfel continued to note that it was a sugar house originally, but was clear to neighbors that the property was being used for more than a sugar house. Ms. Holzapfel noted that the original applicant seemingly wanted to go by without a permitting process by labelling it as an agricultural operation. Ms. Holzapfel noted that she does not in any way oppose the continuation of the business, but wanted to ensure there were parameters around it such as operating hours or to make sure it does not grow larger than it presently is. Norm Smith clarified that the desire was for there to be conditions that tightened up the business, and Ms. Holzapfel noted that conditions on the conditional use permit would be an interest. Norm Smith thanked Ms. Holzapfel and asked if there were other neighbors present. Roger Holzapfel noted that he agreed with Arabella and that the construction of the sugar house and garage was a surprise to the neighbors at the time, and that the garage is larger than the two-family condo that exists on the property. Mr. Holzapfel noted that they are wary, but that they have no issues with the continuation of the business and that he thinks some conditions may be necessary to address the boundary issues and would like to talk about those issues.

Norm Smith asked who may be interested in speaking next, Bob Beach asked if John Sheehan had operated his excavating business while living at the property and Mr. Sheehan clarified that it was not operated on the property. Meg Langworthy introduced herself and noted that she also wanted to thank Mr. Sheehan for making the application, given that the neighborhood is concerned and felt they were misled by the grandfather, John Sheehan regarding the agricultural permit for the sugar house and construction of the garage. Ms. Langworthy went on to explain that the garage was the third garage and very out of scale and that when it was constructed, she had called Bonnie and expressed her concerns. Ms. Langworthy noted there was a lot of construction equipment coming and going, that they were operating without a permit, that there were dump trucks at all different hours, two excavators coming and going with different piles, and that the property abutted a conservation area. Ms. Langworthy explained that she did not wish to have any issues with neighbors but they were concerned with the family

saying one thing and doing another and that they do not wish to lose any more of the character of the residential community as it is a neighborhood and not a construction yard. Mr. Charlie Langworthy noted that he was delighted to have Mr. Sheehan as a neighbor and that he did not share all of the concerns of his wife, but he did not want to see it get larger. Diane Nolan asked if the documents that Roger and Arabella submitted, if they concerned boundary issues and wetlands and if they could discuss it. Ms. Holly Laramée offered to discuss, but Norm Smith noted he wanted to ensure that the Langworthys had finished their comments, which was confirmed.

Ms. Laramée noted that they were unaware of what was happening on Mr. Sheehan's property and that it was nice to meet him. Ms. Laramée noted that his property was butting up against theirs and there is lots of sumac on the property so they could not see what was happening, but could hear the switch and came to the Board meeting a few years ago. Ms. Laramée noted they were not opposed to the business being there so long as it stays the same size, they walked on the property line and it has encroached on their property line - they are not concerned but they want to be sure it doesn't encroach and be a larger business that takes up the neighborhood charm. Ms. Laramée noted they wanted to see it as an appropriately zoned business, and is happy about the transparency to make sure everyone is on the same page.

John Paul asked if Ryan's letter should be read into the record. Norm Smith asked if the neighbors had seen a copy of the letter, and Bob Beach noted it would be part of the evidence of the hearing. Bonnie Barnes displayed the letter on-screen on the meeting, and Norm Smith suggested that if the folks who raised concerns send an email to Bonnie Barnes, she can send them a copy as it may not be efficient to read the letter aloud.

Norm Smith asked if anyone else was there to speak about the application and there being no additional comments, Bob Beach noted that the letter defined the scope of the applicant's business and expectation that it won't grow. Bob Beach noted that a site visit may be appropriate before the next meeting, in which time the neighbors can see the letter and think about it and that the site visit will allow everyone to see the property and share concerns before the proposal moves forward. Norm Smith asked if there was a motion to continue the hearing at the next meeting, and **Diane Nolan moved to continue the hearing.**

Dave Mentzer asked if the application contained drawings that indicated setbacks and any wetlands. Bonnie Barnes noted that the application was for a home occupation and that there's no requirement for drawings. Bonnie clarified that the buildings already existed and that while there is controversy they are permitted to exist and that there are drawings in John Sheehan's file for the garage, sugar shack, and storage shed that was granted in 2018, but it's not in this file. Norm Smith stated that it was not in the file, there is a series of photographs for the site, but no drawings. Dave Mentzer pointed out a large barrel shaped structure and asked if that was permitted or if it was under construction, and Bonnie clarified that is the large structure on the site which is a barn and it was permitted in 2018. Bonnie Barnes further explained that the challenge was against Mr. John Sheehan and it was not Ryan's project and that when she

asked the state about whether or not the structure was an agricultural structure after concerns by neighbors that it was not, the state department ruled it was an agricultural structure which ended her jurisdiction over the matter. Dave Mentzer clarified that there wasn't any ongoing construction, and that it is just use and operations, which Norm Smith verified.

Dianed moved that they continue the hearing, which was seconded by Katie Quinn and the motion carried. Norm Smith asked Ryan and the members when they could schedule the site visit, all noted that they could visit the site at 5:30 pm before the next meeting on October 7th. The neighbors present expressed their gratitude, and Norm Smith noted that they understood the concerns and the Board would try to address them.

Application No. 20-069 (Nilson, Atlas Gunworks) to construct a new 5,000 sq. ft. steel building; property ID #05/01/11.12; 7058 Route 7; Highway Commercial (HC-2) District; conditional use; continued from August 5 meeting.

Norm Smith asked if they had heard anything from Mr. Nilson, or if anyone had appeared for the application. There being no answer, **Bob Beach made a motion to continue the hearing until the next meeting, which was seconded by Mike Delaney and the motion carried.**

Application No. 20-073 (Hall) to build detached garage without the minimum required setback; property ID # 15/02/02. 114; 116 Burroughs Farm Road; Rural Agricultural (RA-5) District; waiver: continued from August 5 meeting.

Norm Smith noted that this was the last application of the evening, and that Mr. and Mrs. Hall would like to build a detached garage and they are requesting a waiver, but the Board had been waiting for drawings. Bonnie Barnes noted that Mr. Hall had submitted drawings before the last meeting, but that it was her error in not including the drawings in the file as she missed them. Bonnie Barnes noted that the files are very large and there's a limited capacity to show them and that Norm Smith may be the only Board member who could see them. Norm Smith noted he pulled the files out and that the waiver is for the 80 foot setback, and the waiver is for 15 feet.

Mr. Hall was present for the application and explained that the detached garage would be sited 65 feet from the front setback, and that if the 80 feet were maintained it would interfere with a small orchard with several pre-existing trees that had been planted over the years. Norm Smith noted that it was a very nice looking structure and that the drawings were very detailed. Dave Mentzer asked if it abutted Burroughs Farm Road, and Bonnie Barnes noted that this was correct. Bonnie Barnes commented that as a neighbor, she feels that this is an awesome looking building. Bob Beach asked if the orchard was impacted, and if so, how much. Mr. Hall noted that in the pictures he sent, you could see that there were 5-6 apple trees and if the 80 foot setback was maintained, there would be 8 trees that would need to be removed which includes evergreens, apples, and peach trees and he would rather not remove as it seems

counterproductive to remove existing evergreens which are hard to grow on that soil and he believed that maintaining the existing trees would make the landscape more biodiverse.

Katie Quinn asked what the use of the structure is. Mr. Hall noted that it would be a double-car garage with a shop, and the upper floor would be a large room, an office and a great room which he wanted to make a bedroom for his children and grandchildren when they come to visit. Katie Quinn asked if there would be a bathroom, and Mr. Hall noted there would be a bathroom, but no kitchen. Mike Delaney asked if the bathroom was in compliance with their septic system. Mr. Hall noted that it was and that the current wastewater permit application is with his engineer, Mr. Stewart, who designed the original wastewater system and it's off to the state to review. Mr. Hall noted that the system is designed for 600 gallons per day, they currently have three bedrooms, and this system would allow for another bedroom per Mr. Stewart, and he believed it was likely approved by the state.

Norm Smith confirmed that the permit from the state is not in-hand at this point, and asked if there are any questions as the application is for the detached garage and does not explicitly mention bedrooms or living space. Mr. Hall noted that this was an additional guest bedroom, not living space and Norm Smith clarified that it could be considered living space given that there were plans to have people in the space. Mr. Hall commented that it was his interpretation that living space would need a separate kitchen, and Mike Delaney noted that it would not be considered a dwelling unit for that reason. Bob Beach noted it could be a condition of the permit.

Norm Smith asked if there were any other questions or if anyone was present to speak to the application. Bob Beach noted he would like to see the plan, and Norm Smith noted it was a detailed drawing of an attractive building that was done professionally. Bob Beach noted that it seemed contrary to cut trees due to the setback requirements. Dave Mentzer noted that from the get-go, he did not realize there was an orchard and thinks it improves character to maintain the orchard. Mr. Hall noted that the design was to complement the pre-existing building. Dave Mentzer noted he had to step away but thinks it's a good application, and supported a motion to approve the waiver. Norm Smith noted that the plans show an office, bathroom and that the plans were detailed.

A motion to close the hearing was made by Mike Delaney and seconded by Bob Beach and the motion carried. The hearing closed at 8:42 pm. Norm Smith asked if there was a motion to approve the permit as submitted, Bob Beach made the motion which was subject to the submission of the state wastewater permit and stated that the waiver was due to the natural landscaping that pre-existed as it warranted the waiver submission. Diane Nolan seconded, and the motion carried. Bonnie Barnes noted that based on the unfortunate experience with the Boardman garage application, if they may consider with Mr. Hall's application to amend the face of the permit to show the garage and loft on the second floor so that everyone can see that it's a bit more than a garage. There was an agreement that this wasn't an issue, and Norm Smith thanked Mr. Hall for his presence

Other Business

Ms. Boardman noted that she had a procedural question and asked if the Board would be making a decision on her application this evening. Norm Smith noted that they would need to discuss it amongst themselves and that they may issue a written decision and they would make an effort to expedite their decision. Ms. Boardman noted that she called Bonnie six months ago, and it doesn't seem right that Ms. Comeau can live on her property without approval. Bonnie Barnes clarified that she does not think Ms. Comeau is living on the property, and Ms. Boardman noted that she believes they are there three or four nights a week. Norm Smith thanked Ms. Boardman and asked that everyone who was still on the line please leave so that the Board could enter deliberations. Deliberations began at approximately 8:53 pm.

Executive Session and Deliberations

The executive session and deliberations ended when the meeting was adjourned at 9:18 pm. **Bob Beach made a motion to adjourn the meeting, which was seconded by John Paul and the motion carried.**