

Zoning Board of Adjustment

Town of Ferrisburgh, Vt.

FINAL – Minutes for meeting of December 6, 2017; approved May 2, 2018

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

Town official present: Bonnie Barnes, zoning administrator.

Visitors: Jerry Fisher, Whittany Fisher, Clark Hinsdale, Suzanne Hinsdale, Ben Lessard, Heidi Lessard, Paul Paquin, Steve Schenker, Lorie Soter, Tom Spencer.

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

Approval of minutes from November 1, 2017: Bob Beach made a motion to approve the minutes of November 1, 2017, as submitted, with one addition: Following the description of the hearing on Application 17-123 by Mark Franceschetti, the minutes should reflect that the board voted to close the hearing before adjourning the meeting. John Paul seconded. Norm Smith, Bob Beach, Mike Delaney and John Paul voted in favor. Rayne Herzog and Dave Mentzer abstained. **Motion approved.**

HEARING No. 1

Application 17-133. Application by the Vermont Agency of Transportation for a Conditional Use Permit for work at the Ferrisburgh park and ride lot, including interior renovations to the historic train depot and a new passenger rail platform. The property is located at the intersection of Route 7 and Route 22A in the Industrial District (IND-2) and is identified in the Town of Ferrisburgh tax maps as parcel 15/01/22.

Norm Smith opened the hearing at 7:05 p.m. Steve Schenker, an architect who is working on the project with the Vermont Agency of Transportation (VAOT), was present to speak for the application. Schenker said the project would continue development of a passenger rail depot. The depot building was moved to the site a few years back, but the interior was left unfinished. The proposed project will involve finishing the interior as well as adding a 300-foot-long passenger rail platform along the railroad tracks. The hope, he said, is to create an operating Amtrak rail station. He expects the work to go out to bid in the spring or summer of 2018. How soon the station will actually be served by passenger trains is unclear, but board member Rayne Herzog said he had heard it could be as soon as three years.

Board members asked about a stormwater permit for the site, and Schenker said he was not sure about the status, but would find out and submit the information to the town. Schenker said lighting would include eight light fixtures on the platform, which would brighten when a train pulled in and then dim when there was no train traffic.

He said the plan was not to cover the platform, assuming that people would wait in the station during inclement weather. If a roof on the platform was desired in the future, board members said, VAOT could come back to the board to seek an amended permit. Schenker said the project did have a building permit from the state, issued previously but still in effect.

John Paul made a motion to close the hearing at 7:09 p.m. Rayne Herzog seconded. All voted in favor. **Motion approved.**

John Paul made a motion to approve the application as submitted, on the condition that a copy of the stormwater permit be provided to the town, and that the applicant would have to return to the board for an amended permit if the lighting plans changed or if it was decided to build a covered platform. All voted in favor. **Motion approved.**

HEARING No. 2

Application 17-134. Application by Tom Spencer for a Conditional Use Permit to build a shoreside deck, platform and stairs on an undeveloped lakeshore lot. The parcel is at 785 Spencer Farm Road in the Shoreland District (SD-2) and is identified in the Town of Ferrisburgh tax maps as parcel 12/01/10.

Norm Smith opened the hearing at 7:10 p.m. Tom Spencer was present to speak for the application.

Spencer said he was in the process of selling an empty lot and that the buyers wanted to make sure they could put stairs down a significant drop-off to reach the lake. He said he had received a shoreland permit from the state. In answer to board members' questions, Spencer said the project, which would be done by Dock Doctors, was just for the stairs, and would not involve additional lighting or removal of trees.

Mike Delaney made a motion to close the public hearing at 7:14 p.m. Rayne Herzog seconded. All voted in favor. **Motion approved.**

Dave Mentzer made a motion to approve the application as submitted. Rayne Herzog seconded. All voted in favor. **Motion approved.**

HEARING No. 3

Application 17-135. Application by Jerry and Whittany Fisher for a Conditional Use Permit to operate a food truck during the summer in the southeast corner of the Aubuchon parking lot. The property, owned by F.I.C. LLC/Pomerleau Real Estate, is in the Highway Commercial District (HC-2) and is identified in the Town of Ferrisburgh Tax Maps as parcel 15/02/06.

Norm Smith opened the hearing at 7:15 p.m. Jerry and Whittany Fisher were present to speak for the application.

The Fishers want to operate a snack shack in the Aubuchon lot during summer months. They said they have permission from Pomerleau Real Estate, owner of the lot. In response to board member questions, they said the operation would run from May 1 to September 30, from 11 a.m. to 8 p.m. The food truck would remain on the property during the period of operation and there would be several tables and chairs for customers. The operation would use an existing power connection.

Paul Paquin, representing the American Legion in Vergennes, said he and his organization were strongly against the application, because it would compete with other businesses in town that sell food, including the Legion. He also said that the food truck operation would take up parking spaces that might be needed for Aubuchon employees and customers.

Board members noted that the food truck itself would not use any parking spaces, since it would be parked just off the marked lot, and felt that any customer parking would be minimal and of brief duration. They also thought that Aubuchon employees could use parking spaces behind the store if necessary.

Dave Mentzer made a motion to close the public hearing at 7:22 p.m. Rayne Herzog seconded. All voted in favor. **Motion approved.**

Dave Mentzer made a motion to approve the application as submitted, with operating dates and times from May 1 to September 30, 11 a.m. to 8 p.m. The owner would also be required to provide a letter of approval from the parcel's owner. Rayne Herzog seconded. All voted in favor. **Motion approved.**

HEARING No. 4

Application 17-136. Application by Ben and Heidi Lessard for a Conditional Use Permit to operate a bed and breakfast at their home on 149 Piney Woods Road. The property is in the Rural Agriculture District (RA-5) and is identified in the Town of Ferrisburgh Tax Maps as parcel 05/01/44.151.

Norm Smith opened the hearing at 7:25 p.m. Ben and Heidi Lessard were present to speak for the application.

The Lessards want to rent out a spare bedroom using Airbnb, an online marketplace for short-term lodging and vacation rentals. The room would be used by a maximum of two people, and would involve parking for at most two cars. The Lessards do not anticipate any building renovations, lighting changes or signage.

Neighboring property owner Lorie Soter worried that parking two additional cars on the lot might block her access, and access by emergency vehicles, to a right-of-way road that serves her home and her mother's house.

The Lessards said they have two vehicles, and board members suggested that the Lessards could park their own vehicles in their existing two-car garage when they have guests, and that a condition of approval could be that the right-of-way road is never blocked. Lorie Soter and the Lessards agreed that would be a reasonable condition.

Rayne Herzog made a motion to close the public hearing at 7:32 p.m. John Paul seconded. All voted in favor. **Motion approved.**

Mike Delaney made a motion to approve the application, with the condition that parked vehicles will never block entrance or egress to the adjoining property. Dave Mentzer seconded. All voted in favor. **Motion approved.**

At 7:35 p.m., board members asked Clark Hinsdale to join them to discuss his application to fill an open position on the Zoning Board of Adjustment. Hinsdale, who lived in Charlotte for many years, has been a property owner in Ferrisburgh for some time, and is now a fulltime resident of the town. As such, he is interested in getting involved in town government. He feels his experience with the Chittenden County Regional Planning Commission and organizations and boards in Charlotte over the years had given him experience that could be valuable for the Ferrisburgh ZBA. He noted that Charlotte had already experienced some of the development pressure that was just really getting started in Ferrisburgh.

He said he thought it was an exciting time for the ZBA and the town's Planning Commission, with the new town plan now in place and an effort under way to revamp the town's zoning regulations to conform with that plan.

Norm Smith, board chair, apologized for some miscommunication between himself and the selectboard about Hinsdale's application. He thanked Hinsdale for his interest, and his patience, and said the board would consider his application and get back to him.

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

The board then went into deliberative session to discuss recent applications and other matters.

— Respectfully submitted,

Tim Etchells