

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

FINAL – Minutes for meeting of September 5, 2018; approved October 3, 2018.

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

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

**Visitors:** James DeRosia, Aleta Greeno, Lydia Hibbard, Arabella Holzapfel, Roger Holzapfel, Joe Kowalski, Brent Jerger, Peter Knights, Joe Laberge, Steve Lackey, Sue Lackey, Chris Palmer.

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

**Approval of minutes from July 11, 2018:** Dave Mentzer made a motion to approve the minutes of July 11, 2018, as submitted. Bob Beach seconded. All voted in favor. **Motion approved.**

**Application 18-081.**                      Application by Melissa Moore and Les Griffith for a Conditional Use Permit for short-term rental of a condominium at 1355 Sand Road. The property is partially in the Shoreland District (SD-2) and partially in the Conservation District (CON-25) and identified in Town of Ferrisburgh tax maps as parcel 14/01/36.1B.

Norm Smith opened the hearing at 7:05 p.m. Neighbor Aleta Greeno was present to speak for the application, in which the owners are asking for permission to rent their condo on Sand Road using Airbnb. Greeno said the applicants are out of town frequently and want to try renting their condo out for short terms over the next year to see how it goes. She said they own one of the two condos at the location, and have asked Greeno to manage the condo rental in their absence.

Neighbor Roger Holzapfel asked whether the owners would be renting out part of the condo while they were also in residence, and Greeno said no, they would be renting out the entire unit. She also said the rentals would typically be for a weekend, and that the unit would never be rented for more than a month. Joe Laberge, who owns the other condo at the location, said he had no problem with the application.

Rayne Herzog made a motion to close the public hearing at 7:10 p.m. John Paul seconded. All voted in favor. **Motion approved.**

John Paul made a motion to approve the application as submitted. Rayne Herzog seconded. Board members noted that others in town are renting properties using Airbnb without asking permission, and thanked the applicants for coming to the Zoning Board. All voted in favor of approving the application. **Motion approved.**

**Application 18-084.** Application by Peter Knights for a Conditional Use Permit to renovate a dock on Lake Champlain at 122 Trails End. The property is in the Shoreland District (SD-2) and identified in Town of Ferrisburgh tax maps as parcel 07/01/02.

Norm Smith opened the hearing at 7:13 p.m. Peter Knights was present to speak for the application. He said the project would involve repairing and refurbishing an existing concrete dock. He said he has permits from the state and from the Army Corps of Engineers for the project, which will use the footprint of the existing dock, but will raise the height to 98.5 feet above sea level; the level of Lake Champlain varies but is currently just above 94 feet.

Dave Mentzer made a motion to close the hearing at 7:16 p.m. Clark Hinsdale seconded. All voted in favor. **Motion approved.**

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

**Application 18-086.** Application by Joseph Kowalski for a Conditional Use Permit to add a roof and screening to an existing 10-foot by 16-foot deck at 242 Button Bay Lane. The property is in the Shoreland District (SD-2) and identified in Town of Ferrisburgh tax maps as parcel 13/01/40.

Norm Smith opened the hearing at 7:17 p.m. Joe Kowalski was present to speak for the application. The project involves adding a roof and screening to an existing deck on the lakeshore lot, turning the deck into a screened porch. There will be no additional lighting.

Mike Delaney made a motion to close the public hearing at 7:19 p.m. John Paul seconded. All voted in favor. **Motion approved.**

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

**Application 18-089.** Application by Susan and Steve Lackey for a Conditional Use Permit to add a 3/4-bathroom to an existing camp at 108 South Road on Long Point. The property is in the Shoreland District (SD-2) and identified in Town of Ferrisburgh tax maps as parcel 99/99/99.078.

Norm Smith opened the hearing at 7:20 p.m. Sue and Steve Lackey were present to speak for the application. The project involves adding a 3/4-bathroom to the house, enclosing a 5-foot by 8-foot section of an existing screened porch. The Lackeys plan to have the work done in late October so that neighbors would not be affected during the summer season. The work is expected to take 10 days to two weeks. The project has been approved by the Long Point Corporation.

Clark Hinsdale made a motion to close the hearing at 7:25 p.m. Bob Beach seconded. All voted in favor. **Motion approved.**

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

**Other business:** James DeRosia, who owns a 3.5-acre lot on Dakin Road at the intersection with Route 7, attended the meeting to ask for an opinion from the board about how to proceed with a possible project on his property. He owns a storage unit that he uses to store material for his vintage clothing business. A local artist saw the unit and thought it would be a good space for a studio and/or gallery. This got DeRosia thinking he could establish an “art park” on his property for use by artists as retail and studio space. He thought he could start with one unit and add others as necessary.

Board members suggested that the plan, since it envisions access by the public, would raise a lot of issues, including accessibility, parking, plumbing and electrical, and heating and cooling if it was a year-round enterprise. Board members said the project didn’t fit neatly into any of the permitted or conditional uses in the Rural Agricultural District (RA-5), while noting that the area, while largely residential, does feature properties with a lot of different uses, including the Dakin Farm retail store across Route 7 and a small engine repair shop just to the east on Dakin Road.

Board members suggested an “art park” might be considered as what the zoning bylaws call a Home Occupation II, which envisions businesses run out of private homes and/or accessory buildings. They said that if DeRosia decides to pursue the idea, he should put a detailed proposal together and bring it to the town. The proposal would also need to include any signage for the project.

**Application 18-091.** Application by Chris and Kathy Palmer for a Conditional Use Permit to replace an existing 6-foot by 9-foot shed with a 10-foot by 12-foot shed at 114 Annex Road on Long Point. The property is Shoreland District (SD-2) and identified in Town of Ferrisburgh tax maps as parcel 99/99/99.011.

Norm Smith opened the hearing at 7:43 p.m. Chris Palmer was present to speak for the application. The project involves replacing an existing 6-foot by 9-foot shed at the lakeshore camp with a 10-foot by 12-foot shed. The new shed would be about a foot taller. The project has been approved by the Long Point Corporation, and Palmer said his neighbors had no issues.

Bob Beach made a motion to close the hearing at 7:47 p.m. Clark Hinsdale seconded. All voted in favor. **Motion approved.**

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

**Other business:** Brent Jerger attended the meeting to ask for the board's thoughts on his application for a state permit to operate a salvage yard on his family's property on Shellhouse Mountain Road. He said the state wants him to pay \$750 for a permit that would allow him to operate a salvage yard. His family has been operating a salvage yard for close to 50 years, long before the town adopted zoning bylaws. He said the state permit he is pursuing would not involve crushing cars on the property or accepting additional cars.

Jerger said his plan now is to scale back the operation, which at one point involved more than 200 cars. He would like to reduce that over the next year or two to 50 cars, keeping only what he described as antique, classic and collectable cars. He said he is already in the process of moving cars off the property. The town's Conservation Commission is supporting the move to downsize the operation. He said the property is home to a lot of wildlife, including a bobcat family that currently has three kittens.

He told the board the state had informed him he needed a permit from the town to get the state permit. The family sought a town permit for the salvage yard many years ago, he said, but the request was turned down.

Board members were uncertain about the need for a town permit for a continuously operated business that long pre-dated the town's zoning bylaws. They asked Bonnie Barnes, zoning administrator, to research the question and get back to the board and Jerger.

**Adjournment:** Rayne Herzog made a motion to close the public meeting at 8 p.m. Mike Delaney seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells