

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

FINAL – Minutes for meeting of November 7, 2018; approved December 5, 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:** Scott Baker, Dan Berry, Carolyn Brady, Joseph Chase, Sean Dye, Diane Haight, Meghan Sheradin, Ed Symula, Susan Symula.

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

**Approval of minutes from May 23, 2018, a meeting on an appeal of a decision by the zoning administrator regarding the dog rescue operation on Sand Road:** Bonnie Barnes had been informed these minutes from earlier in the year had not been approved by the board. John Paul made a motion to approve the minutes of May 23 as submitted. Rayne Herzog seconded. Mike Delaney, Rayne Herzog, Dave Mentzer, John Paul and Norm Smith voted in favor. Bob Beach and Clark Hinsdale abstained. **Motion approved.**

**Approval of minutes from the meeting of October 3, 2018:** Rayne Herzog made a motion to approve the minutes of October 3 as submitted. John Paul seconded. Bob Beach, Rayne Herzog, Clark Hinsdale, Dave Mentzer, John Paul and Norm Smith voted in favor. Mike Delaney abstained. **Motion approved.**

**Application 18-107.** Application by Ruth Dennis for a Conditional Use Permit to raise a camp at 161 South Road on Long Point. The property is in the Shoreland District (SD-2) and identified in Town of Ferrisburgh tax maps as parcel 99/99/99.071.

Norm Smith called the hearing to order at 7:02 p.m. Dan Berry was present to speak for the application. He said the plan is to raise the level of the camp to 105 feet, on the existing footprint. This has been done with several other camps in the area following the record flooding in the spring of 2011, when Lake Champlain reached 103 feet. The Long Point Corporation has approved the project.

Clark Hinsdale made a motion to close the public hearing at 7:04 p.m. Dave Mentzer seconded. All voted in favor. **Motion approved.**

Clark Hinsdale made a motion to approve the application as presented. Rayne Herzog seconded. All voted in favor. **Motion approved.**

**Application 18-110.** Application by Joseph Chase on behalf of the estate of Jean Chase for waiver of dimensional standards to construct a single family residence on an existing small lot on Button

Bay Lane. The property is in the Shoreland District (SD-2) and identified in Town of Ferrisburgh tax maps as parcel 12/01/35.

Norm Smith opened the hearing at 7:05 p.m. Joseph Chase and Scott Baker, of Barnard & Gervais LLC, a surveying and engineering firm, were present to speak for the application. Chase said he was acting as executor of his mother's estate. The hope is to be able to build a house on the lakeshore lot, which does not have the frontage or depth required to receive a building permit without a waiver.

With the 100-foot setback required under the state's Shoreland Protection Act as well as the required front and side setbacks required by the town's zoning bylaws, there is essentially no place on the property to build. The lot, referred to in the application as Lot 12, abuts the northern boundary of another Chase-owned lot, Lot 11, which has an existing residence. Chase and Baker noted that the Chase family is in the midst of seeking approval from the Planning Commission for a three-lot subdivision on a 15-acre parcel across Button Bay Lane from Lots 11 and 12. That proposal includes building four mound systems, two of which would serve Lots 11 and 12. Chase said the family had owned land in the area since 1962.

To create a building envelope on Lot 12 without encroaching on the 100-foot shoreland setback, the applicants are proposing to seek a waiver so that the required 80-foot front setback is reduced to 20 feet, and the 25-foot side setbacks are reduced to 10 feet.

Scott Baker said his firm had looked at imagery of the nearby lots, most of which have existing houses that pre-date Ferrisburgh's zoning bylaws, and found that the setbacks were similar to those sought for Lot 12.

Board members noted that there was no actual site plan, including parking and building type, size and location, included in the application, which made it difficult to assess the impact on the neighborhood. Baker and Chase said they hoped to determine whether they could get a waiver, and thus know that they had a buildable lot, before creating a detailed site plan.

Clark Hinsdale said the board could attach conditions to their approval of the waiver that would minimize the impact on neighbors.

Neighbor Ed Symula said he was concerned about whether having a house built 20 feet from the center of road would complicate snowplowing on Button Bay Lane. He also wondered what the plan was for a water supply. Baker pointed out that several existing houses on the road, including the one on Lot 11, had similar setbacks to those proposed for Lot 12. He also said the plan was to drill a well on the property across the street to serve Lot 12, rather than hook into the local private water system.

Neighbor Meghan Sheradin wondered whether a four-bedroom house would be appropriate for the small lot, and also if a house of that size would violate the rule restricting the building's footprint to 20 percent of the lot size. Baker said the four-

bedroom designation referred to the septic capacity available, rather than to any final design decisions. He noted that it is not unusual for lakeshore camps to have several small bedrooms. Norm Smith said the building's footprint, rather than the building envelope, is what's used to determine the percentage of the lot used for the house. Baker said the drawing provided to the board showed a house of about 28-feet by 42-feet, which would be within the 20 percent allowed.

Baker and Chase also said they would wait to pursue a state shoreland permit for the lot until after they determined whether they would receive a waiver from the town.

Board members decided a site visit was in order. They asked Baker and Chase to have the property staked to show the building envelope and proposed setbacks. Baker said his firm would make that happen, and board members said they would visit individually between now and the next meeting of the board in December. They asked Baker to let Bonnie Barnes know when the property was staked so she could let the board members know that it was ready to view.

Bob Beach made a motion at 8:04 p.m. to recess the hearing until the next board meeting on December 5. Mike Delaney seconded. All voted in favor. **Motion approved.**

**Application 18-109.** Application by Marc Milowsky for a Conditional Use Permit to make three additions to a lakefront home: a 16-foot by 18-foot enclosed porch on the west side, a 4-foot by 7-foot covered entryway on the south, and a reconfiguration of two bathrooms that would add an 8-foot by 18-foot section to the east side. The property is at 276 Summer Point Lane in the Shoreland District (SD-2) and is identified in Town of Ferrisburgh tax maps as parcel 19/20/01.

Norm Smith opened the hearing at 8:06 p.m. Peter Welch was present to speak for the application on behalf of Marc Milowsky. Welch pointed out the owner had received a permit some years back to replace the existing house, but that had not happened. He provided a site plan locating the proposed additions and photos of the existing house. He said the porch addition would be within the 100-foot setback called for in the state's Shoreland Protection Act, and so would require sign-off from the state. He noted the front of the house was on the high point of the lot and the property sloped away from the lake in the area that would include the three additions. He said the applicant has not yet approached the state, believing that having approval from the town would make that process easier. Board members said they could make obtaining a state permit one of the conditions for the town's approval.

Bob Beach made a motion to close the hearing at 8:20 p.m. Clark Hinsdale seconded. All voted in favor. **Motion approved.**

Dave Mentzer made a motion to approve the application, with the following conditions: that the additions all be one story only; that the siding and roofing materials match those used in the rest of the house and be appropriate for the neighborhood; that any additional

lighting be downcast, with full cutoff fixtures; and that the applicant obtain a state shoreland permit. John Paul seconded. All voted in favor. **Motion approved.**

**Other business**

Bonnie Barnes, zoning administrator, said she had been contacted by Steve Schenker, an architect working with the Vermont Agency of Transportation on renovations to the historic train depot and a new passenger rail platform in the park-and-ride lot off Routes 7 and 22A. The board approved the project, with conditions, in December 2017. Schenker said he had presented a landscaping plan for the project to the board, but that the Vermont Division for Historic Preservation had determined there would not have been plantings near the depot at the time it was built, and so asked to have any landscaping from that area removed. He wanted to make sure the board was aware of this change in the plans. Norm Smith said the board appreciated the heads-up and no further action was needed from the board.

**Adjournment:** Rayne Herzog made a motion to adjourn at 8:27 p.m. Mike Delaney seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells