

Zoning Board of Adjustment
Town of Ferrisburgh, Vt.

FINAL – Minutes for meeting of July 10, 2019; approved August 7, 2019.

Members present: Norm Smith (chair), Mike Delaney, Dave Mentzer, Diane Nadon, John Paul. **Absent:** Bob Beach and Katie Quinn.

Town official present: Bonnie Barnes, zoning administrator.

Visitors: Dan Berry, Chris Girard. **By phone:** Dave Ringer, Mary Ringer.

Norm Smith called the meeting to order at 7 p.m. Board members welcomed Diane Nadon to her first meeting as a member of the zoning board. Her application for an open spot on the board was recently approved by the Ferrisburgh selectboard.

John Paul made a motion to approve the minutes of the meetings on April 3 and June 5, 2019, as submitted. Mike Delaney seconded. Mike Delaney, Diane Nadon, John Paul and Norm Smith voted in favor. Dave Mentzer abstained. **Motion approved.**

Application No. 19-050 by Don and Linda Zinn for a Conditional Use Permit to replace an existing deck with a new, slightly larger deck at their home on Long Point. The property is at 68 Pleasant Bay Road in the Shoreland District (SD-2) and listed in Town of Ferrisburgh Tax Maps as parcel 99/99/99.002.

Norm Smith opened the hearing at 7:04 p.m. Dan Berry, builder, was present to speak for the application. He said the plan is to replace an old deck, now in disrepair, with a new open deck that runs the full length of the house on the lakeshore side and is two feet wider, and so closer to the lake, than the existing deck. He provided paperwork to the board showing that the project had been approved by the Long Point Corporation and registered with the state as required by the Shoreland Protection Act.

Dave Mentzer made a motion to close the hearing at 7:06 p.m. John Paul seconded. All voted in favor. **Motion approved.** Mike Delaney made a motion to approve the application as presented. Dave Mentzer seconded. All voted in favor. **Motion approved.**

Application No. 19-051 by David Safford for a Conditional Use Permit to install a floating dock and ramp at a home on Long Point. The property is at 168 East Road in the Shoreland District (SD-2) and listed in Town of Ferrisburgh Tax Maps as parcel 99/99/99.042.

Norm Smith opened the hearing at 7:07 p.m. Chris Girard from Dock Doctors, the company that will be installing the ramp and floating dock, was present to speak for the application. He said the project involves installing a seasonal, removable dock system, with a ramp anchored to a concrete pad on shore and the dock anchored to two concrete pads placed on the bottom of the lake. He provided a document from the Long Point Corporation approving the project, and said because the dock and ramp are less than 50 feet in length there is no lake encroachment permit required from the state. Because there is no fill being

added to the lake, the Army Corps of Engineers does not need to be involved. He said the dock will be removed in the off season.

John Paul made a motion to close the hearing at 7:12 p.m. Dave Mentzer seconded. All voted in favor. **Motion approved.** Dave Mentzer made a motion to approve the application as submitted. John Paul seconded. All voted in favor. **Motion approved.**

Application No. 19-044 by Dave and Mary Ringer for a Waiver to construct a garage at their home. The property is at 17 Middlebrook Road in the Rural Agricultural District (RA-5) and listed on the Town of Ferrisburgh Tax Maps as parcel 15/02/10. The waiver is required because the location of the new garage will not meet the setback rules for the lot.

Norm Smith opened the hearing at 7:15 p.m. He called Dave and Mary Ringer on a conference phone so they could speak for the application. The Ringers said they intend to purchase and install a Livingston Landscaping building, 14 feet by 28 feet, which will replace an existing storage shed. The building will not require a concrete foundation, and no new driveway area will be created. The Ringers say they want to put up the building to provide more secure storage for equipment, including a rototiller and tractor. Mary Ringer said there had been two attempted break-ins at their property, and neighbors had seen several items stolen recently.

The Ringers said the building would have gray architectural shingles and the siding would be as close a match as possible to existing buildings on the property. They said the location of the new garage would require a waiver for the setbacks because of a leach field and the existing driveway. The Ringers said the location would not block the views of traffic on either South Middlebrook or Monkton Roads. It would not be closer than allowed to the property lines of either neighbor, since it would be on the road side of the property. They said there are hedges on the South Middlebrook Road side of the property and a stand of ash trees on the Monkton Road side, which would help ensure that the new garage did not stick out.

Diane Nadon made a motion to close the public hearing at 7:24 p.m. Mike Delaney seconded. All voted in favor. **Motion approved.** John Paul made a motion to approve the application as submitted. Diane Nadon seconded. All voted in favor. **Motion approved.**

In reply to a question from the Ringers, board members said those who wanted to formally object to the project were required to attend the hearing.

An application from another Long Point resident, Victor Vella, to replace an existing porch was on the agenda for this meeting, but the applicant requested a delay until the August meeting. He also asked to be able to attend the meeting by phone, as the Ringers had done at this meeting. Norm Smith said he did not want to see attending by phone become standard operating procedure, but thought it made sense if there were extenuating circumstances that prevented an applicant from attending a meeting in person, when the request was a relatively simple matter. So Victor Vella will be able to call in to the August meeting. Board members suggested that in this instance it would make sense for the

applicant to have any neighboring property owners affirmatively sign off on their project in advance.

Bonnie Barnes, zoning administrator, said another property owner has asked about getting approval from the board to operate an Airbnb at their lakeshore property near Button Bay. They also asked to attend the August meeting by phone. Norm Smith said in this instance, he did not think a phone call was sufficient for discussing the issues that could arise, or for the board and the applicant to hear any concerns from neighbors. Board members felt it would be important for the applicant to attend the meeting in person.

Norm Smith said if there was going to be a precedent established regarding attending by phone, he felt it should be that relatively simple applications would be okay, when extenuating circumstances prevent attendance in person. Otherwise, the answer would usually be no.

Dave Mentzer made a motion to adjourn the meeting at 7:36 p.m. John Paul seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells