

Minutes approved on April 6, 2022

Zoning Board of Adjustment
Town of Ferrisburgh, Vermont

Minutes for meeting of March 2, 2022

Note: This meeting was conducted remotely and in person at the Town Hall. Some participants joined the meeting through a Zoom online meeting.

Members present: Norm Smith, Dave Mentzer, Diane Nadon, Katie Quinn, Mike Delaney.

Members absent: Bob Beach, John Paul.

Town officials present: Steven True, zoning administrator, Bonnie Barnes, outgoing zoning administrator.

Participants present: Peter Welch, Rayce Burnham, Kevin Sullivan, Karen Stradtner, Rick Ebel, Donna Ebel, Mike Redmond, Elizabeth Filosa.

Approval of minutes from February 2 Meeting. Norm Smith called the meeting to order at 7:05 p.m. Reviewing the minutes from the February 2 meeting, it was noted that ZBA member Bob Beach was absent; participant Donna Ebel's name was corrected; Application No. 21-188 was unanimously approved as submitted; on Application No. 22-178 Mike Delaney **asked** whether the quarried material removed was used for Kevin Sullivan's business and not for separate sale. With these corrections, **Dave Mentzer moved, and Katie Quinn seconded approval of the minutes as corrected. Motion carried.**

Application No. 22-005 (Keenan) for shed/studio plus deck; property ID no. 19/20/17.1; 412 Thendara Road; Shoreland (SD-2) District; conditional use.

The hearing was opened at 7:10. Peter Welch presented the application and explained that the owner would like to build a garden shed/painting studio on flat terrain with open woods. The structure would sit on rocks on the ground. No outside lighting is intended. Materials: vertical siding. Low-pitched shed roof. No piped-in water or plumbing, but electricity would be provided. Mike Delaney asked whether the project had state shoreland protection approval, and Peter Welch responded that he would be checking with them.

Diane Nadon moved to close the public hearing; seconded by Dave Mentzer. The public hearing was closed at 7:14. Dave Mentzer moved to approve the application as submitted, with conditions that there be no exterior lighting, and that state shoreland approval be submitted. Seconded by Mike Delaney. Motion carried.

Application No. 22-006 (Ferguson) to enclose existing deck; property ID # 07/01/07.CON2; 520 Wood Road; Shoreland (SD-2) District; conditional use.

The hearing was opened at 7:15. Rayce Burnham presented the application, which is to enclose an existing deck on the southerly side of the house and convert it into a family room. The siding will be matched. The same footprint would be maintained, no closer to the lake, and will not involve shoreland protection approval. Existing trees will be maintained as much as possible. Exterior lighting may be added on the south side.

Dave Mentzer moved to close the public hearing; seconded by Diane Nadon. The public hearing was closed at 7:20. Dave Mentzer moved to approve the application as submitted, with the condition that any exterior lighting be full cut-off fixtures. Seconded by Mike Delaney. Motion carried.

Application No. 21-178 (Sullivan) for improvements to existing quarry; property ID # 13/01/59.1; 2078 Jersey Street; Rural Agricultural (RA-5) District; conditional use; continued from February 2 hearing.

The hearing was opened at 7:25. Present on behalf of the application were Kevin Sullivan, Sarah Stradtner, Elizabeth Filosa, atty. Norm Smith noted that the Board had received a letter from attorney Liam Murphy stating his opinion that the Board could not consider evidence pertaining to whether the quarry was a pre-existing nonconforming use at this hearing because the issue had been raised at a previous hearing on an appeal of a zoning violation. Norm Smith stated that he will take the letter into consideration and asked whether there would be any evidence that the quarry was in operation prior to the property's acquisition by Kevin Sullivan. Elizabeth Filosa stated that Kevin Sullivan has knowledge of the scope of use of the quarry if the board decides not to follow the letter's advice. Kevin Sullivan stated that he was aware of stone taken off the property by the grandson of the previous owner within a year of his purchase of the property. Rick and Donna Ebel, neighbors, stated that to their knowledge no stone was quarried in that time period. Mike Redmond, adjoining neighbor to the north, stated that he knows the grandson and saw no quarrying activity.

Concerning the siting of an improved access road to the quarrying site, the site map depicts areas in pink to be removed, and areas in blue to be added. Norm Smith asked if the route could be moved closer to the pond and farther from the Redmond boundary; Kevin Sullivan replied that it was a possibility. Kevin Sullivan also agreed to remove the compost pile. Norm Smith requested a more detailed map, showing dimensions. Issues and conditions were discussed: time of use restrictions, no blasting, no stone-cutting on site, dust, noise, proximity of the road to the Redmond boundary. Mike Redmond stated that his principal concerns were stone-cutting on the property and the road's proximity to his boundary. He asked whether a more substantial evergreen barrier could be installed. Norm Smith: how long? Mike Redmond: 200-250 feet. Norm Smith reminded the applicant that the Board would need a more detailed map and queried whether the grandson of the former owner could provide an affidavit concerning his quarrying activity. He asked for this supplemental information within a week. Rick Ebel observed that 40 years ago there was one pit on the ridge. Increased quarrying activity has had a distinct impact on this residential neighborhood.

At 7:44 Dave Mentzer moved to continue the hearing until the next meeting on April 6; Katie Quinn seconded.

The Board discussed issues arising from the Sullivan conditional use application.

Adjournment

Dave Mentzer moved to adjourn the meeting; Mike Delaney seconded. Motion carried. The meeting was adjourned at 8:20.