

Minutes Approved on: Aug. 4, 2021

Town of Ferrisburgh, VT

Minutes for meeting of June 2, 2021

Note: This meeting was conducted remotely. All participants joined the meeting through a Zoom online meeting.

Members present: Norm Smith (Chair), Bob Beach, Diane Nadon, Katie Quinn, John Paul, Mike Delaney **Members absent:** Dave Mentzer

Town official present: Bonnie Barnes, Zoning Administrator, Robyn King, Minute Taker

Participants present: Mark Franceschetti, Edward Amirault, Andrea Lalumiere, Deborah Healey, Mike Wichrowski (Vt. Dept. of Fish & Wildlife), Roderick Cole, Virginia Wilson, William Wilson, Craig Linke, Steve Roorda

Approval of minutes from May 5, 2021. Norm Smith called the meeting to order at 7:02 pm and asked if Board Members had the opportunity to review the minutes. Katie Quinn noted that on the third page, second paragraph of the minutes, there was an error noting Mike Quinn instead of Katie Quinn. Bonnie Barnes noted that Mr. Rehm's name was spelled incorrectly. ***There being no further comments, John Paul moved to approve the minutes as revised which was seconded by Katie Quinn and the motion passed unanimously.***

Application No. 21-013 (Franceschetti) for office space in existing commercial building; property ID # 18/20/71; 14 Old Hollow Road; Village (VIL-2) district; conditional use; continued from May 5 hearing.

After an introduction, Mark Franceschetti was present to speak to the application. Mr. Franceschetti explained that he had submitted a parking plan and explained that according to the zoning regulations, he recognized he would need eleven spaces for the two offices based on their square footage and then an additional seven spaces for the apartments. Mr. Franceschetti noted that this totaled eighteen spaces, and that there are nineteen spaces shown on the parking plan. Norm Smith clarified that there are twenty spaces shown and Mark Franceschetti noted that there is extra and that with the nine by eighteen spacing there was an idea to remove the berm between the Pleasant Valley storage and the tenants. Mr. Franceschetti went on to explain that he had met the requirements explained to him by the state and also put in a walkway to the cemetery.

Bob Beach and Mike Delaney thanked Mr. Franceschetti for the plan. Norm Smith asked if there were any members of the public present to speak about the application, which there were none. Norm Smith asked if he would be marking specific spaces for the tenants and office and Mr. Franceschetti noted that he hadn't done it this way in the past, but it may make most sense to keep the tenant parking where it is and have tenants on one side and office parking on the other. Mr. Franceschetti expressed a desire to keep the property in good appearance and

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explained some improvements on-site, including the extended walkway and the berm with plantings.

There being no further comments, ***Bob Beach made a motion to close the hearing, which was seconded by John Paul and the hearing was closed at 7:14 pm. Bob Beach made a motion to approve the application as submitted recognizing that the use is fitting of the character of the neighborhood and the applicant has shown adequate parking with the parking plan attached. Katie Quinn seconded the motion and the motion passed unanimously.***

Mr. Franceschetti committed to submitting an amended parking plan that shows some of the landscaping improvements mentioned.

Application No. 21-048 (Matthews) for kennel; property ID # 10/01/46; 991 Middlebrook Road; Rural Agricultural (RA-5) district; conditional use.

Edward Amirault noted he was present on behalf of Anne Matthews. Mr. Amirault explained that the proposal included a privacy fence in the middle of the field on the property, which would be three hundred feet away from the road to block the dogs' view of the road and the neighboring property so that the dogs would not see other dogs or people coming by. Mr. Amirault specified that there would not be blockage of any view, with the exception of the dogs. Mr. Amirault noted that they would not be constructing anything other than the fence, and that a new law noted that if there were any more than two litters of dogs per year, they would be considered a kennel and that due to demand, there was an extra litter of dogs this year and they were ensuring that they were meeting the regulations through this application. Mr. Amirault explained that there were no plans for additional dogs or boarding.

Norm Smith clarified that as they were raising dogs for commercial purposes, under the regulations this was considered a kennel and would need a conditional use permit, which Bonnie Barnes confirmed. Bonnie Barnes went on to note that the fence would be something she could permit, but she included it given the kennel application.

Katie Quinn remarked that she knew the property well and that there are no immediate neighbors, there has been the raising of dogs for quite some time, and that the property is an old farm and this seems to be nothing new for the property. Norm Smith confirmed that the intent was to raise 2-3 litters per year, which Mr. Amirault agreed with. Norm Smith asked if they generally sell the puppies at eight weeks old, which prevents the amount of dogs on the property, which Mr. Amirault noted was correct. Norm Smith asked if there were any members of the public present to speak to the application and there were none.

There being no further questions, Bob Beach made a motion to close the public hearing, which was seconded by Mike Delaney and the motion passed unanimously. The public hearing closed at 7:23 pm. John Paul moved to approve the application as presented, which was seconded by Mike Delaney and the motion passed unanimously.

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Application No. 21-075 (Lalumiere) for shed; property ID # 08/01/56; 116 Ferry Road; Conservation (CON-25) district; conditional use.

Andrea Lalumiere explained that they would like to put in a gravel pad with a pre-built Livingston shed in the middle of the lot that they own that is adjacent to the lot with the house that she and her mother live in. Andrea Lalumiere explained that there would be water and electricity going to the shed and that while the FEMA maps showed that the shed would be placed in the flood area, it has never and likely will never flood due to wetlands. Andrea Lalumiere explained that the property abuts the creek and they were going through the LOMA process, and confirmed that the paperwork was being submitted this week.

Norm Smith asked if there was any comment from the Conservation Commission and Bonnie Barnes noted they were asked to review the property and she had included a map that was what the natural resources atlas would show. Bonnie Barnes explained that Craig Heindel of the Conservation Commission reviewed this and conducted his own mapping and saw no issues of any significance.

There being no further questions, Katie Quinn moved to close the public hearing, which was seconded by Diane Nadon and the motion passed unanimously. The public hearing closed at 7:28 pm. Bob Beach made a motion to accept the application as proposed, subject to the condition of the receipt of the LOMA which was seconded by Diane Nadon. The motion passed unanimously.

Application No. 21-063 (Vt. Dept. Fish & Wildlife) replacement of boat ramp and construction of dock; property ID # 08/01/01; Fort Cassin Road fishing access; Conservation (CON-25) district; conditional use.

Norm Smith introduced the application, and Mike Wichrowski from the Vt. Dept. of Fish and Wildlife was present to speak to the application. Mr. Wichrowski noted that this is a popular boat ramp on the site at Otter Creek, but there have been prop wash issues from people power loading and loading improperly. Mr. Wichrowski pointed out that this can blow out material at the end of the ramp. Mr. Wichrowski noted that the Department had done a survey and the existing ramp goes down 94 feet and there's a 12-15% grade but that where the boat ramp drops off, there's a 40% slope. Mr. Wichrowski commented that they had examined different ways to fix this and it was agreed that the best remedy was to reposition the ramp so that it's at a 45% angle and points downstream towards Lake Champlain. Mr. Wichrowski noted this would be more length and a better slope which would allow people to be in deeper water more quickly and would avoid people going perpendicular on a steep river bank and this would allow the ramp to be more usable in lower water. Mr. Wichrowski explained that the ramp would be 15% grade when completed, but it could be as much as 18%. Mr. Wichrowski explained that they also intend to have a dock installed, but that was earmarked for 2022, while they would look to complete the ramp construction in September as this would be near the end of boating season and before waterfall season.

Katie Quinn asked what the purpose of the dock is, and Mr. Wichrowski noted that it makes things easier for anglers who are by themselves, prevents damage to bass boats, and eases

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access for people with mobility issues. Bob Beach explained that he has frequented the site fairly often and that it's obvious the ramp is being washed out near the bottom. Bob Beach continued that when he has seen boat ramps in NY, they often have a place to tie off, and that he was in favor of this proposal and thought it was a great addition for people who fish in Ferrisburgh. John Paul noted that he was in agreement and in favor of the proposal, and he had almost ripped an axle off at one point and thinks this is a nice spot, given the proximity of the lake. Diane Nadon noted she was also in favor of the proposal. Mike Delaney asked if the Department needed a Shoreland Permit, and Mr. Wichrowski confirmed that they would be getting a Shoreland Permit for the dock, but there would be a separate permit from Rivers Department.

After there being no comment from the public, ***Mike Delaney made a motion to close the public hearing, which was seconded by Diane Nadon and the motion passed unanimously. The public hearing was closed at 7:38 pm. Mike Delaney made a motion to approve the application as presented, which was seconded by John Paul and the motion passed unanimously.***

Application No. 21-076 (Wilson) for dormer addition; property ID # 21/20/07; 492 Mile Point Road; Shoreland (SD-2) district; conditional use.

Roderick Cole was present to speak on behalf of Mr. and Mrs. Wilson. Mr. Cole explained this would be a reissuance of permit 16-103 from March of 2016 which involved the construction of an approximately 320 square foot dormer off of the existing garage that would be a bathroom and multipurpose room that would be on the east side of the building which is a sheer rock face. Mr. Cole noted that according to Town records, this is the third time a bathroom has been mentioned, with permits going back to 1998. Mr. Cole explained that he had contacted Shoreland and they noted there was no permit needed given that there's no addition of impervious surface and he had also connected with Jeremy Ravell from Lincoln Applied Geology regarding the septic and there was a confirmation that nothing additional was needed. Virginia Wilson commented that neither she nor William Wilson had anything to add.

Katie Quinn asked what the space would be used for, and Ms. Wilson explained the multipurpose room would be used for crafting. Katie Quinn asked if it would be used as an Airbnb and Ms. Wilson said it would not. Mr. Cole explained if there was a kitchen, it would be considered an apartment and there was not a likelihood this would be approved with the septic system in place.

There being no further questions, ***Diane Nadon made a motion to close the public hearing, which was seconded by Katie Quinn and the motion passed unanimously. The public hearing closed at 7:44 pm. Bob Beach made a motion to approve the application as presented given that this was approved 5 years ago and the builder has discussed the matter with the appropriate authorities to find that there were no additional permit requirements, which was seconded by John Paul. The motion passed unanimously.***

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Application No. 21-078 (Linke) for agricultural enterprise; property ID # 08/01/66.2; 4240 Basin Harbor Road; Rural Agricultural (RA-5); conditional use.

Craig Linke was present to speak to the application and noted he would like to sell farm products including chicken, duck, rabbit, and vegetables and that he is a butcher at Vermont livestock and slaughter. Norm Smith asked if the need for a permit was for a shop at the site. Bonnie Barnes explained that this would qualify as an agricultural enterprise given the items to be sold as not all items would be produced at the farm. Bonnie Barnes clarified that an On-Farm Business was slightly different and a permitted use but covered items that were produced on the property specifically and noted she was open to changing the nature of the permit if circumstances had changed.

Norm Smith asked if Mr. Linke was selling only products that were produced at the farm, or if he was intending to sell products from other locations. Mr. Linke noted that he intended to sell duck, eggs, and rabbit that was raised on the farm in addition to some home catering items like demi gloss. Norm Smith asked if it would be out of the building already on site, and Craig confirmed this. Bob Beach noted that Mr. Linke had been at the property for quite some time and he has observed how the wildlife has grown and noted that Mr. Linke was very responsible and a talented individual and was supportive of this enterprise.

Norm Smith noted that the Board could approve this application as an agricultural enterprise to allow Mr. Linke to bring in external products and asked if there were any conditions that may need to be considered. Bonnie Barnes explained she could not think of any conditions given that there is an agricultural structure on-site, and Bonnie Barnes asked if there would be processing and selling on-site. Mr. Linke explained that the store would be on site but he would need to make some product off-site given USDA standards on pre-packaged meat. Norm Smith noted that the structure is a 20 foot by 30 foot shed that was registered as exempt and Bonnie Barnes explained it was an after-the-fact permit and she was able to issue it directly.

Mike Delaney asked about parking needs, and Bonnie Barnes explained that the regulations did not cover parking for an agricultural enterprise and the Board had the ability to ask about parking and distance from the road in addition to anything else they may ask a business owner. Bonnie Barnes asked the applicant about space for parking, and Mr. Linke noted there was a roundabout and it was far back from the road and he was pursuing a state license to sell pre-packaged product that was USDA grade and from the farm. Norm Smith asked how many customers may be present at any time, and Mr. Linke noted he was unsure given that he had not launched.

There being no further questions, Katie Quinn moved to close the public hearing, which was seconded by Diane Nadon and the public hearing closed at 7:54 pm. Bob Beach made a motion to approve the application for an agricultural enterprise, which was seconded by John Paul and the motion passed unanimously.

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Comeau Application Update

Bob Beach asked if there could be a discussion of the Comeau lot. Norm Smith noted there had been a number of points of communication, but noted he was unsure if there was a current application. Bob Beach noted he was approached by a neighbor and asked if the zoning regulations had changed which would allow Ms. Comeau to continue using the lot as she had been with several travel trailers on site.

Bonnie Barnes noted that the last permit application had concerned construction of decks in front of the trailers and she had gotten in touch with Ms. Comeau and her son and she was interested in being on the agenda during the July meeting on the 7th. Bonnie Barnes explained the permit would be a conditional use permit for the decks, and the neighborhood members had learned that there was no longer a requirement in the zoning regulations that a camper would need to be parked behind a house. Bonnie Barnes explained that this was the basis of an argument, that there would need to be a house present in order to have a travel trailer and that this was omitted from the most recent zoning regulations as it seemed open for interpretation and was an aesthetic provision and did not serve a regulatory purpose. Bonnie Barnes explained that there was still an issue of how many campers or trailers could be parked on a property and this may be a state issue. Bonnie Barnes noted that she had talked to Ms. Comeau's son at length and pointed out the issue of the number of campers allowed and that her interpretation was that more than two may not be justifiable but this would likely be discussed in July.

Bob Beach noted this was a challenging issue to deal with given the number of campers that had been bought during the pandemic and that he anticipated this was an issue in Ferrisburgh and other towns and appreciated the clarification.

Application No. 21-072 (Roorda) for garage with insufficient side-yard setback; property ID # 14/02/06/11; 505 Walker Road; Rural Agricultural (RA-5) District waiver.

Norm Smith introduced the application and asked about the width of the lot, and Steve Roorda noted it was considerably larger than the proposed project but he was not sure of the exact dimensions. Norm Smith asked about the placement in relation to the driveway, and Mr. Roorda noted it was 20 feet from the driveway. Mr. Roorda explained that the neighboring property that would be most affected was his father-in-law and that he had no issue, given that the property was a dairy farm. Norm Smith noted that if this was moved 12-15 feet towards the driveway, one would not be able to turn, which makes sense.

Katie Quinn asked about the location of the property, which Mr. Roorda noted that it would be 12 feet off of the Deer Valley Farm's fence line. Norm Smith asked how many cars could fit in the garage, and Mr. Roorda noted it would be a three car garage.

There being no further questions, ***Diane Nadon made a motion to close the public hearing, which was seconded by Katie Quinn and the motion passed unanimously. The public hearing closed at 8:19 pm. Katie Quinn moved to accept the application as presented.***

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Katie Quinn asked about lighting and Mr. Roorda confirmed that it would be down-facing lighting that illuminates the driveway. Katie Quinn clarified that the garage would face the house, which was confirmed by Mr. Roorda.

After discussion, the motion was amended to an approval of a three bay garage with down-shielded cutoff lighting which was made by Diane Nadon, with Katie Quinn seconding. The motion passed unanimously.

Other Business

Norm Smith noted that there was an email sent by Bonnie Barnes that there was discussion at a Selectboard hearing about a revision of application fees for planning and zoning items. Norm Smith asked members if they would like to discuss this matter tonight, and it was remarked by several Board Members that they did not have a chance to review and discuss. It was noted that this would be discussed at the July meeting.

Adjournment

There being no further business, ***John Paul made a motion to adjourn the meeting, which was seconded by Diane Nadon and the motion passed unanimously. The meeting adjourned at 8:23 pm.***