

Zoning Board of Adjustment
Town of Ferrisburgh, Vt.

Approved – Minutes for meeting of June 3, 2020

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

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

Town official present: Bonnie Barnes, zoning administrator.

Participants present: Mark Boudreau, Carl Cole, Mike Hinsdale, Mark Franceschetti. Norm Smith, chair, opened the meeting at 7 p.m.

Approval of minutes from May 6, 2020 as corrected. All voted in favor. **Motion approved.**

Application No. 20-036 by Pat and Kristine McDevitt to finish and enclose a deck and to partially finish a garage for a rec room. The property, at 258 Summer Point Lane, is in the Shoreland (SD-2) District, parcel id no. 19/20/03.1.

Norm Smith opened the hearing at 7:15 p.m. Mark Boudreau was present to speak for the application. The McDevitts plan to take an existing deck, insulate the floor to R50, put in walls and add a shed roof. They would maintain the existing character of the building, and add no additional square footage. The area would include a mud room, small closet, pantry and laundry. The addition will have a green standing-seam roof, in keeping with the original building and a new window set, in keeping with the existing windows.

The existing three-bay garage will have an upstairs finished for rec space. The existing cathedral ceiling will be insulated and will exceed current energy standards. There is an existing water service to the garage. With no new flows, and in consultation with Lincoln Applied Geology, they are upgrading the potable water and wastewater service to the garage, and separating the potable water line from the existing wastewater line.

Mike Delaney requested documentation of the repairs and changes to the potable water and wastewater service to the garage.

Diane Nadon moved to close the hearing; Bob Beach seconded. Dave Mentzer moved to approve the application as presented, with the condition that all exterior lighting be full cutoff fixtures, and that documentation of the changes to water and wastewater service be provided. Mike Delaney seconded. All voted in favor. **Motion approved.**

Application No. 20-021 by Adam Nilson of Atlas Gunworks Inc. for a 2800 square foot addition to an existing building. The property, at 7058 Route 7, is in the Highway Commercial (HC-2) District, parcel id no. 05/01/11.12.

Norm Smith re-opened the hearing at 7:35 p.m. This application was recessed from the May 6, 2020 hearing. A site visit was conducted on May 9, 2020. After discussion about the hours and volume of business, Dave Mentzer moved to close the public hearing; Diane Nadon seconded. Dave Mentzer moved to approve the application as presented, with the condition that all exterior lighting be full cutoff fixtures; Mike Delaney seconded. All voted in favor. **Motion approved.**

Application No. 20-114 by Mark Franceschetti for two additional self-storage buildings. The property, at 14 Old Hollow Road, at its intersection with Route 7, is in the Village District, an 8-acre parcel, id no. 18/20/71.

Norm Smith re-opened the hearing at 7:45 p.m. This application was recessed from the May 6, 2020 hearing. A site visit was conducted on May 9, 2010. Carl Cole and Mark Franceschetti spoke for the application. Dave Mentzer questioned whether the application was an extension of an existing use or a new use, stating that he felt that it was an extension of an existing use. Mike Delaney clarified that lot coverage applied only to the buildings. Carl Cole stated that the regulations with respect to the use issue were a bit ambiguous, but felt that additional storage buildings did not constitute a new use, reminding the Board that it approved the first set of buildings as a single use. Mike Hinsdale, an adjoiner, stated his concern with the new buildings being in a separate location on the property from the original storage units. He felt it would be a better use of space if the new buildings were added nearer to the existing buildings, rather than spreading the buildings out. Hinsdale also expressed concern about additional traffic generated, a negative effect on the Hollow and a negative effect on the value of his property, a rental unit on Route 7. Mark Franceschetti responded that the area is wet in spots and he wanted to leave natural drainage to the north. There is also existing stormwater ditching. Dave Mentzer questioned whether relocating the buildings would encroach on setbacks. Mark Franceschetti responded that the proposed relocations created additional potential problems, but that he was willing to consider relocating the proposed units. Diane Nadon pointed out that there was no entrance or exit onto Hollow Road from either the existing or proposed units. Carl Cole noted several considerations, among them maintaining an appropriate distance from the mound system, and from the property to the north, and felt that the proposed plan worked as well as any for the site. Dave Mentzer sketched a relocation of the buildings and confirmed that the setbacks would be adequate, although he couldn't speak to any drainage issues. Snow disposal was discussed. Carl Cole mentioned that there was some slope to the site under discussion, as well as perc-able soils. Mike Hinsdale questioned whether the site was all that wet. Carl Cole stated that anything the Board approved would have to get state stormwater discharge approval as well; any development that creates more than half an acre of impervious surface (including parking areas) requires a state stormwater permit. Mike Hinsdale suggested that an applicant should obtain a stormwater permit before coming to the ZBA for approval. Norm Smith pointed out that the Board would condition its approval on obtaining all state approvals, and suggested that the Board go into deliberative session. Bob Beach pointed out that Mark Franceschetti can listen to the comments and respond to the concerns, and it was suggested that Mark Franceschetti and Mike Hinsdale see if they can arrive at a proposal that is acceptable to them both.

Carl Cole suggested that the Board recess its hearing rather than close it, in order for Franceschetti and Hinsdale to see if they could come up with a plan. Norm Smith summarized the issues under

consideration: one, where can the proposed storage units be reasonably placed on the site; and two, under the zoning regulations the owner of an 8-acre parcel is allowed 1 acre per use. This parcel has 8 uses already, so a key question is whether this application represents an additional use or the expansion of an existing use. Carl Cole pointed out that this issue is essentially already decided, because the Board has already approved two storage buildings as one use. Bob Beach agreed that the Board should recess the hearing for one month to allow the applicant and the neighbor to see if they could agree, and perhaps arrange a site visit if an alternate site was suggested.

Katie Quinn moved to recess the hearing; Mike Delaney seconded. All voted in favor; motion approved.

In other business, Bonnie Barnes reported a violation of a conditional use permit at 276 Summer Point Lane. The permit was granted for a one-story garage, not to exceed in height or square footage the original structure, and to be constructed on the original structure's footprint. One of the owners self-reported that the building does not conform with the permit. Barnes went out to the site and took photos which she shared with the Board. She notes that she has sufficient information to pursue a zoning violation, but asks if the Board has any comments or requests. She confirmed that the building appears to have been constructed on the original footprint. Bob Beach stated that the second floor does not appear to be plumbed. Mike Delaney noted that this is not the first time that the builder involved has exceeded the limits of his permit. Barnes commented that although the applicant represented that he would not exceed the height of the original structure, which was reflected in the minutes, the approved motion and the permit itself failed to mention this particular condition.

The Board agreed that the applicants must return to seek a conditional use permit for the building they constructed. Bonnie Barnes will draft a letter to that effect, along with a demand that all work stop unless and until a permit is granted.

Adjournment: Diane Nadon made a motion to adjourn at 8:37 p.m. Bob Beach seconded. All voted in favor. **Motion approved.**

Respectfully submitted,
Diane Nadon and Bonnie Barnes