

Minutes Approved on: Aug. 4, 2021

Zoning Board of Adjustment
Town of Ferrisburgh, VT

Minutes for meeting of July 7, 2021

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

Town official present: Bonnie Barnes, Zoning Administrator, Craig Heindel, Chair of the Conservation Commission, Robyn King, Minute Taker

Participants present: Andrea LaLumiere, James Bahrenburg, Ziggy Comeau, Tyler Donaldson, Janet Chan, Andy Comeau, Tricia Comeau, Carol Allen, Aubrey Choquette, Kenneth Villeneuve, Patricia Connelly, Mildred Reardon, Jeff Tweedy, Wendy Tweedy, Ed Schinik, Karin Schinik, Robert Ashkinaze, Julianne Ashkinaze, Sarah Beers, Chris Jennings, Angela Jennings, Patrick McDevitt, Jill Boardman, Ed Izzo

Approval of minutes from June 2. Norm Smith called the meeting to order at 7:02 pm and asked if Board Members had the opportunity to review the minutes. There being no questions or revisions requested, ***John Paul moved to approve the minutes which was seconded by Katie Quinn and the motion passed unanimously. Dave Mentzer abstained from the vote.***

Application No. 21-083 (Healey) for short-term rental of garage apartment; property ID # 08/01/55; 126 Ferry Road; Conservation (CON-25) district; conditional use.

Andrea LaLumiere was present to speak to the application and noted she had authorization from Deborah Healey to represent her. Ms. LaLumiere explained that when the home was purchased in the 80's, there was an unfinished apartment above the garage which then later was finished and primarily served as a place for family to stay when they were visiting. Ms. LaLumiere noted that when Ms. Healey had converted this space to serve as an Airbnb, they were unaware of the need for a conditional use permit.

Norm Smith asked how long this had been operating as an Airbnb and Ms. LaLumiere explained likely for the past 5 years or a bit longer. Norm Smith asked about parking, and Ms. LaLumiere explained that the driveway was three lanes wide so there was plenty of parking and that the space was small so it's likely that only one or two people would stay at the Airbnb. Craig Heindel from the Conservation Commission explained that the initial review led to a

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concern over adequate wastewater capacity but Ms. Healey had explained that the septic was approved for a three bedroom house and one-bedroom apartment and given that there was no expansion of impervious surface, there were no further comments. Craig Heindel explained that he generally sends these kinds of notes to Bonnie Barnes and Norm Smith directly and it was confirmed that then these notes are then sent around to Board members for review.

There being no further questions from the public or audience, ***Katie Quinn moved to close the public hearing, which was seconded by Diane Nadon and the motion passed unanimously. The public hearing closed at 7:08 pm. Dave Mentzer moved to approve the conditional use application as submitted, which was seconded by John Paul and the motion passed unanimously.***

Application No. 21-096 (Bahrenburg) for free-standing platform; property ID # 04/01/20; 113 Blue Heron Lane; Shoreland (SD-2) district; conditional use.

James Bahrenburg was present to speak to the application and explained that his daughter-in-law used a wheelchair and they were hoping to install a deck closer to the lake so that she could spend time with the family near the lake. Mr. Bahrenburg noted that the idea was to install a 12 by 25 foot platform that she could be wheeled onto that would be on a ledge for minimal visual impact. John Paul asked for clarification on the plan, which Dave Mentzer helped explain. Diane Nadon asked about how the platform would be free standing, and Mr. Bahrenburg noted that his plan was to lay down some four-by-four sleepers on posts and then lay wood or artificial decking on top of this and the current plan did not include any railings or concrete foundation or footings.

Dave Mentzer asked about proximity to the lake, and Mr. Bahrenburg explained it was very close to the lake, but there was a significant drop off. John Paul asked about the elevation above the lake, and Mr. Bahrenburg explained it is likely 10-12 feet so this deck would not be visible from the lake. Norm Smith explained that for safety reasons, it may make sense to have a railing or something preventing the daughter-in-law from rolling off the platform, and Mr. Bahrenburg noted this was a sensible idea, and he could create a barrier on the platform such as a railing or other mechanism. Norm Smith asked about wheelchair access, and Mr. Bahrenburg explained it was manageable with no other developments.

Craig Heindel noted that from the Conservation Commission's viewpoint, this is within the Shoreland District as it's within 250 feet of the lake and it would be appropriate to make contact with Shoreland Protection so that there could be a review of this impervious surface addition and any cutting or changing of vegetation. Mr. Bahrenburg asked if this would be considered impervious and Craig Heindel explained that it may not be, but the sign-off from Shoreland Protection would be needed. Norm Smith explained the Shoreland Protection review process and noted it would be important to have a written document of approval from the State before

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the Board issues full approval. Bonnie Barnes explained she had sent along the contact for the State but could resend it if necessary.

There being no further questions from the Board or from the public, ***Mike Delaney made a motion to close the public hearing, which was seconded by John Paul and the motion passed unanimously. The public hearing closed at 7:16 pm.***

Dave Mentzer noted that it appeared this would need a waiver from the side yard setback and front setback from the lake. It was confirmed that the front setback for lakefront properties is considered to be the lake as the front boundary.

Dave Mentzer made a motion to approve the application as submitted and to grant a waiver for the side yard and lakefront setback subject to the condition that the owner receives confirmation from the State Shoreland Protection that the project will comply with shoreland regulations. John Paul seconded the motion and the motion passed unanimously.

Application No. 21-093 (Donaldson) open-sided shed addition to barn/guest house, insufficient setback; property ID # 21/20/09; 38 Mile Point Road; Shoreland (SD-2) district; waiver.

Tyler Donaldson explained that he and his wife Janet Chan had bought the property in December and the previous owners had made an application for approval of the conversion of the existing carriage house on the property with the addition of an open-sided shed in the Fall of last year. Mr. Donaldson explained that there were two conditions on the approval, the first being a wastewater permit received from the state, which happened in January. Mr. Donaldson noted the second condition was that the shed would not be extended into the side yard setback, and while it was assured that it would not be by the previous owners, a survey showed that it would, given that the property line is at an angle to the orientation of the structure. Mr. Donaldson noted they were looking for a waiver for the corner of the shed to extend into the setback requirement by a little under five feet.

Norm Smith noted this would be a dimensional waiver given the structure was approved. Mike Delaney asked if this was already built, and Mr. Donaldson noted the carriage barn reconstruction has commenced, but the shed was not constructed. Craig Heindel noted that since this was a dimensional waiver, he did not have any comments.

There being no questions, ***Dave Mentzer made a motion to close the public hearing, which was seconded by Katie Quinn. The motion passed unanimously and the public hearing was closed at 7:26 pm. Dave Mentzer made a motion to approve the waiver, which was seconded by Diane Nadon and the motion passed unanimously.***

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Application No. 20-093 (Comeau) for deck; property ID # 19/20/06; 267 Summer Point; Shoreland (SD-2) and Rural Agricultural (RA-5) districts;_conditional use; continued from November 4, 2020 hearing

Ziggy Comeau noted that she purchased the property in 2006 and at that time, the State of Vermont reviewed the property and found four campers. Ms. Comeau noted that she had a design of a septic system created for a three-bedroom home, but that the installation was unaffordable. Ms. Comeau explained there was an old platform on-site and when she had inquired with the former Zoning Administrator, he had relayed that no permit was needed for a replacement. Ms. Comeau explained that when the hurricanes came in, they caused significant tree downages across the property. Ms. Comeau explained that GMP had come in through the right-of-way on the property and they had done significant clearing. Ms. Comeau noted they were trying to clear the property of brush and repair the decking and had also brought down a camper to the site which is when she received comments from the neighbors.

Norm Smith clarified that the application is for placing a couple of platforms on the property and noted that the Board was present to address the application. Norm Smith noted that the drawings were difficult to interpret in terms of the placement of the platforms. Norm Smith asked Ms. Comeau to help explain the drawings submitted, and she noted that her property is 405 feet from the lake, and pointed out the 20 foot right-of-way on the lake. Dave Mentzer clarified that Ms. Comeau's lot was Lot 6 on the drawing, and Ms. Comeau explained where the right-of-way is located in relation to the road. Ms. Comeau explained that they pursued a permit to build a house which included a septic design, and Norm Smith explained that the file did include a wastewater permit for a single family three bedroom dwelling that was issued in March of 2008. Ms. Comeau noted that she had a representative from the State examine the site. Dave Mentzer asked about the application, noting that it was for a platform, and asked how long the campers are generally parked on-site. Ms. Comeau explained they keep the campers on-site for the summer and they leave in the Fall and that she understood she was allowed to have three campers and that when the property was purchased there were four campers on-site.

Jeff Tweedy, a resident of the road, expressed his opposition to the proposal and noted that he had proposed a sensible approach to a solution that would meet the needs of all parties involved. Mr. Tweedy explained that he had submitted a letter and that the application was for a platform, but there were other activities happening on-site such as gravel spreading, trees downed, electric service, and the clearing of the easement on the lake and that none of these items were specified. Mr. Tweedy noted that it was voiced that it would have been a good process for residents to voice their ideas prior to any action being taken, but that the camper had re-appeared, there was lumber on site, trees downed on the easement to the lake and this was a clear violation of the Shorelands Protection Act, given the width being wider than 6 feet in terms of the disturbance. Mr. Tweedy noted that these activities were a violation of the Town zoning by-laws and that while the matter adjourned at the end of last year, there is now a

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continuation of activity, and he was advocating for a formal proceeding with hearings before a permit is considered.

Norm Smith explained that following procedure was the intent of the hearing on the agenda, and Mr. Tweedy asked why the permit application was not posted online and asked about its adequacy. Norm Smith explained that the application before the Board was for two platforms, and Mr. Tweedy noted that before the camper arrived, there were new boards added to the existing platform, and there was a pile of gravel on the site which was all done without any permit from Shoreland Protection. Wendy Tweedy showed the Board a picture of the site, pointing out the piece of equipment on-site that had broken down in May and pointed out the gravel pile.

Trisha Comeau, daughter-in-law of Ziggy Comeau, explained that her family had been working on the property to clear out garbage and to mow the lawn. Trisha Comeau explained that her mother-in-law (the applicant) had been using her camper at a local park and wanted to park it back on the lake. Trisha Comeau noted that the electric at the site had been existing, and that while the excavator had broken down, they were planning on fixing it and bettering the site and hopes that her mother-in-law can enjoy her property.

Patricia Connelly explained that she had been a resident of Summer Point since 2004 and she had not observed any campers on the site since she had been there, and she was in proximity. Ms. Connelly noted she was confused about the nature of the application and whether it was one singular platform or if there were plurals of platforms being considered and asked for consistency. Norm Smith clarified that the application was for one deck.

Patrick McDevitt, another Summer Point resident, noted that during the timing of the application, which was considered in November, the zoning regulations noted that campers could be present on a property so long as they were being the front line of an existing structure and asked if those rules were no longer in effect, which Norm Smith confirmed. Mr. McDevitt asked if these rules were changed with participation from the Ferrisburgh Town public, which Norm Smith confirmed. Mr. McDevitt asked how many campers are allowable on a property. Bonnie Barnes noted that she had looked into this, and that the Town does not regulate the number of campers or RVs on a property, but that the state did and that anything over three campers requires a state wastewater permit.

Dave Mentzer asked if the zoning by-laws have regulations on parking of a singular camper. Bonnie Barnes noted that while the zoning by-laws used to have provisions about a camper being beyond the line of the house, there was and is current regulations noting that an owner may park a camper. Bonnie Barnes explained that it was up for interpretation on whether if an owner has two campers only one can be parked. Bonnie Barnes explained that there is also

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language specifying that invitees may be parked up to a period of 14 days and this leaves up to question the state limit and what the town would consider reasonable.

Chris Jennings, of 165 Summer Point Lane asked a question about the by-laws mentioning a camper. Norm Smith read aloud Section 5.5 of the zoning by-laws and Mr. Jennings noted that it sounded like there could only be one camper. Dave Mentzer explained that this was ambiguous in terms of the ability to park a camper and the state limits. Mr. Jennings asked if there was any precedent, and Norm Smith noted that he was unaware of any. Mr. Jennings asked if the word "it" in the zoning by-laws was singular and explained his preference for this interpretation, and Norm Smith noted this was something that needed to be considered and discussed.

Mildred Reardon, of 328 Summer Point Lane asked for clarification on timelines, citing that the last meeting that this matter was considered was in October of 2020 and it was noted that if Ms. Comeau wanted to proceed, there would need to be a permit application in the spring. Ms. Reardon pointed out that the next action was notification that the zoning regulations had changed and that she actively votes in Town meetings and understood that the Town Meeting was not held in person due to COVID-restrictions. Ms. Reardon asked about the public input in the zoning regulation updates and was unsure if the community had a chance to discuss the changes.

Norm Smith noted that there was a public meeting held with the Planning Commission on the zoning by-law updates, and while this was a Zoom meeting due to COVID, there was open public participation. Norm Smith explained there were a few public-oriented meetings on the zoning by-laws and there were opportunities for public input as well as a vote on Town Meeting Day as a ballot initiative. Norm Smith explained that he was apologetic if Ms. Reardon did not notice these opportunities, but they were present.

Robert Ashkinaze of 326 Summer Point Lane asked why the Town did not make an effort to inform residents who did not live in the Town all year long about the changes to the zoning code and pointed out the obligation to inform and involve citizens in decision-making. Norm Smith noted that the Town did notify residents by publicizing opportunities for public comment in newspapers as is required. Mr. Ashkinaze asked if this was publicized in newspapers such as the New York Times, the New York Daily News, or other newspapers outside of Vermont. Katie Quinn noted that she had property in New York, and she was not notified in this way if the town in which she owned property was making changes, which is acceptable given responsibilities of residents.

Sarah Beers asked about a conversation that was held regarding when a property would be considered a "park" and Norm Smith clarified that it would be if there are more than two mobile homes on a property, then it would be a mobile home park. Sarah Beers explained that she

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supported the comments of Robert Ashkinaze, and noted that the residents of Summer Point Lane may have been unaware of zoning by-law changes. Sarah Beers noted that last year was the first time in many that there was a camper on the property, and she assumed that someone would have notified the residents if there was a change in regulations which impacted this property. Norm Smith explained that there are a number of matters that come before the Board and they are not in a position to specifically notify each opponent of every project of any zoning changes. Norm Smith noted it is the responsibility of the Board to review and act upon applications and help rewrite regulations when asked to do so. Norm Smith explained that it's residents' responsibility to be aware of developments in the Town so they may voice their opinions and it would be unfeasible to singularly contact hundreds of people.

Jill Boardman, a neighbor, explained that she understood the right for residents to use their properties and that it was her opinion that it was a moral obligation of the Town to notify residents of the zoning changes. Jill Boardman noted it was unconscionable not to have contacted the Summer Point Lane residents of the changing regulations given that they were in the middle of a dispute. Jeff Tweedy pointed out that he spoke to Bonnie Barnes several times in May on the avoidance of issues, and there was no mention of zoning regulation changes until June, and he felt this was a deception.

Norm Smith noted there was an interest in refocusing of attention on the merits of the application. Craig Heindel of the Conservation Commission noted that he noticed the application was dated July of 2020 and that the zoning regulations were adopted afterward, and it was unclear if this application was under the previous or current zoning regulations. Craig Heindel noted he created a map to focus on the 2010 regulations and the northern corridor of the property is in the Shoreland District and the southern portion is in the RA-5 district and there are different requirements in each district. Craig Heindel explained that he could not tell where the decks are proposed and he just examined the natural resources aspects including the Shoreland Jurisdiction of 250 feet, and any wastewater regulations that may be in place for sewage disposal.

Craig Heindel noted it would be worth asking for clarification on the state wastewater regulations, and Norm Smith explained there was no wastewater system. Craig Heindel explained that there may be considerations of how long a camper can be on a property without needing in-ground septic and this might be a matter for the Rutland DEC's review. Craig Heindel explained that the activity with the right-of-way would be worth looking into in relation to the Shoreland Protection Act provision given any cutting or laying down of gravel within 250 feet of the lake. Craig Heindel noted that in terms of FEMA and the floodplain, this property may be in the mapped floodplain, and this might be worth looking into although he was unsure of regulations pertaining to a temporary structure.

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Diane Nadon asked for clarification of the map features, and it was explained that there is a town road on the non-lake side which may have impacts on the jurisdiction of the Shoreland Protection Act. John Paul explained that these campers would not be allowed to be hooked up to sewer or water in any regulations. Jeff Tweedy pointed out that the site had standing water three weeks ago, given the forces that make the water go over walls of the adjoining property and that this property may be considered a wetland.

Wendy Tweedy asked for clarification on the wastewater. Ms. Comeau explained that the wastewater is self-contained until dumped, and Norm Smith explained that there is a holding tank that gets emptied out, which was confirmed by Dave Mentzer and Bonnie Barnes. Ms. Comeau noted that she empties out the wastewater at a state park and at the Vergennes sewer plant.

Norm Smith noted that in terms of the adequacy of the plan, there is a need to see where the lot lines are, where the road is, and how far back the proposed structure is from the road, and side lines. Norm Smith noted that as the application is for a deck, the application needs to show the deck and its dimensions. Diane Nadon noted that as Craig Heindel had already made a map, this could be the basis of the drawing. Norm Smith explained that if they are to approve this application, there needs to be a clear understanding of what they would be approving and that the Board cannot approve or deny the application without an adequate plan and the other issues such as the Shoreland review, and the floodplain addressed. Mike Delaney explained that Ms. Comeau would need to re-approach the State regulators. Ms. Comeau noted that she had connected with State officials three years ago and she understood that there were no files related to her property. Norm Smith reiterated the need to address the issue of the Shoreland permit and if the platforms were in the Shoreland how that would be addressed. After discussion, it was reaffirmed that there is a need for confirmation of Shoreland issues being reviewed, floodplain review, and a plot plan that shows the dimensions of the lot. Ms. Comeau noted she was unsure of how to obtain this information, and Bonnie Barnes offered support.

Patricia Connelly noted that with the Ferrisburgh Zoning Regulations changing, there may be a need to get current documentation from the state in case other regulations have changed. Norm Smith explained this was a solid recommendation, and current opinions from the State were needed. Ms. Comeau explained that at one point there were five campers on the lot, and she has done what she can to clean up the lot, which Ms. Mildred Reardon and others contested. Jeff Tweedy explained that there was an interest in returning the lot to the way it originally was and prohibiting future development until the matter had worked its way through Board and court review.

Ed Izzo at 276 Summer Point Lane noted that it was his opinion that if there was a change in the by-laws when there is a matter in contention it is customary to notify parties involved which may have been the Planning Commission's responsibility. Mr. Izzo asked if there was

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awareness of the Planning Commission and also noted that it was his understanding that a petition would need to be brought in front of the Board in order for a change such as this to be made. Norm Smith explained that the Town initiated the town-wide zoning changes due to legal obligations to revise and adopt new zoning laws. Norm Smith explained that the Planning Commission might have been aware of the matter, but he was unsure, and there was a publicly notified input period and it is not the Board's responsibility to inform each citizen of any zoning changes. Mr. Izzo noted that it was his understanding someone would have had to bring the matter in front of the Board for the changes to take place, and Norm Smith reiterated that the Town needed to make town-wide zoning by-law changes and had publicized these changes.

Mr. Izzo asked about the 14-day period of time for a camper from a visitor, and Norm Smith noted this would need to be discussed along with whether the older zoning regulations or the new zoning regulations applied to this application. Mr. Izzo noted that in terms of the floodplain, he had an issue with this when he purchased his property and that there may be grandfathering, but an engineer opinion may be needed. Norm Smith clarified that Ms. Comeau was going to be looking into this issue as part of the application process and this would need a professional opinion.

Norm Smith explained that in order to make progress on the application, they have asked Ms. Comeau to come back in with an accurate plan and more information and they would continue the hearing. Bonnie Barnes explained that she understood the neighbors had more to offer comment on, and she encouraged residents to submit comments in writing. By request, it was clarified who the Board members were and was pointed out that there is useful information on the Town website.

Jeff Tweedy asked about the process of obtaining the contents of the file in advance of the next meeting, and Norm Smith noted that he could come into Town Hall to review the documents as they were part of public record. Bonnie Barnes gave specific information on how to access the records if she is not in.

Diane Nadon made a motion to continue the public hearing at the next scheduled meeting, which was seconded by Katie Quinn and the motion passed unanimously.

Norm Smith suggested a site visit ahead of the next meeting, at 5 pm on August 4th, which was agreeable to Board members.

Wendy Tweedy noted that it was stated that as non-permanent residents they did not have the right to vote even though they pay taxes and wanted to express that they were not lesser citizens because they summer in Ferrisburgh. Norm Smith stated he did not believe this was noted, but offered an apology if it was implied. Bob Ashkinaze asked about which newspaper

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the date of the hearing would be published in, and Bonnie Barnes noted it would be in the Addison Independent as well as on the Ferrisburgh Town website.

Andy Comeau noted that Ms. Comeau's partner was planning on putting on decking on the remainder of the reconstructed deck at the property. Norm Smith asked that Ms. Comeau hold off on this activity. Trisha Comeau explained that the excavator is on the land and asked if it had to be moved, to which there was no comment.

Other Business

Norm Smith noted that the suggested changes in the permit fees were acceptable, and Bonnie Barnes explained she would relay this to the SelectBoard.

Bonnie Barnes noted that there was an appeal of a notice of violation for quarrying activities, and that this was being brought forth by Kevin Sullivan's attorney. Bonnie Barnes noted the need to schedule the hearing within 60 days of June 8th. Bonnie Barnes reminded the Board members that this related to the matter brought in by Mike Redmond, and that she had violated the neighbor who is the appellant. After discussion it was noted that this seems resolvable and it was agreed to schedule this matter on August 4th.

Aubrey Choquette explained that he was present to speak to a matter with his husband, Kenneth Villaneuve. Mr. Choquette noted that he submitted a letter to the Selectboard, and that the matter began 5 years ago when John DeVos of Kimball Brook Farm built a trucking facility for petroleum in Tupper's Crossing which is in the Industrial Zone. Mr. Choquette pointed out that another neighbor, Carol Allen, was also present. It was noted that the Zoning Board of Adjustment, after multiple hearings and revisions to plans approved the project with conditions and that the decision was appealed. Mr. Choquette explained that this was taken to Environmental Court, where the Town's decision was reaffirmed through a de novo proceeding, and then there was a hearing in front of the Supreme Court where one of the conditions was sent back as it regards to nighttime hours. Mr. Choquette explained they were still looking into these nighttime hours, and they were asking the Selectboard to speak up on the issue and asking to reaffirm or support the Zoning Board of Adjustment's original ruling that prohibits operations of trucks at the facility between 10 pm and 5 am. Mr. Choquette pointed out that this was brought to the Selectboard last night, and they wanted a conversation with the Zoning Board of Adjustment before proceeding.

Norm Smith asked if the ask was for this to be operational 24 hours a day. Mr. Choquette explained that this is no longer a 6-day per week operation with no holidays, and that this was now a 7 day per week operation with the stipulation that if there is an emergency such as a gas station running out of gasoline or driver preference there are exceptions. Mr. Choquette explained that the Supreme Court rejected these exceptions as being too vague and the Environmental Court said this should be minimal in terms of the exceptions and it was also too

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vague. Mr. Choquette explained that there was an ask of the Town to support the original decision of no trucks between 10 pm and 5 am.

Norm Smith asked if there was a specific request of the Zoning Board of Adjustment to state this, and Mr. Choquette explained that there was, before the Town Attorney could go to trial and this could be in the form of a memo. Bonnie Barnes noted that the Selectboard was reluctant to act on this request without an understanding of there being a strong opinion of the Zoning Board of Adjustment to object or endorse the idea. There was discussion of the appropriateness of the Zoning Board of Adjustment making this statement and whether it was within their jurisdiction. Bonnie Barnes explained that it is de novo and there will be evidence heard and especially from the neighbors about environmental and noise pollution and this would start with 2021 facts and positions. Bonnie Barnes noted that the Selectboard would take a position as a Town, based on current evidence presented to the court and there was an ask of what the Board may want to note in connection with the Selectboard. It was agreed that there would be a letter drafted to the Selectboard by Norm Smith stating that the Zoning Board of Adjustment had made a decision on the matter which stayed, and the matter would not be re-reviewed.

Bonnie Barnes noted that there was an issue that arose from the Erikson application on Riverview on Otter Creek. Bonnie Barnes noted that this application included the construction of two houses and that a LOMAR was obtained. Bonnie Barnes explained that what was failed to be presented was that not the entire parcel was removed from the floodplain designation, but only a portion off the north-side. Bonnie Barnes explained that Ms. Erikson had wanted to put a basement in one of the units and she wanted to confirm that this needed to come back before the Board. Bonnie Barnes noted that the Board had asked specifically that Ms. Erikson re-appear if a basement was to be installed in the written decision. Bonnie Barnes pointed out that there would need to be a designation if any of the house or permit is outside or within the flood plain, and it was confirmed that Ms. Erikson would need to come back before the Board.

Bonnie Barnes noted that Mr. Franceschetti was awaiting the written decision, and Norm Smith explained that he would work on the draft, and he had been on vacation.

Adjournment

There being no further business, ***Diane Nadon made a motion to adjourn the meeting, which was seconded by Dave Mentzer and the motion passed unanimously. The meeting adjourned at 8:52 pm.***