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**Minutes Approved on: Dec. 1, 2021**

***Zoning Board of Adjustment***  
*Town of Ferrisburgh, VT*

Minutes for meeting of November 3, 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), Diane Nadon, Katie Quinn, John Paul, Mike Delaney, Bob Beach **Members absent:** Dave Mentzer (Vice Chair)

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

**Participants present:** Elan Hugo, John Pizzagalli, Pete Hawkins, John Seibert, Brett Combs, Carl Cole, Jim Converse

**Approval of minutes from October 6.** Norm Smith called the meeting to order at 7:00 pm and asked for a review of the minutes. Katie Quinn asked if in the Cullen application, the upstairs would be living space with the bedrooms downstairs and Bonnie Barnes confirmed that there would be a bedroom on the second floor and living area. There being no further questions or comments on the minutes, ***Katie Quinn made a motion to approve the minutes, which was seconded by John Paul and the motion passed unanimously.***

**Application No. 21-155 (Hugo) for wood shop shed without required setbacks; property ID # 18/20/26; 71 Champlin Hill Road; North Ferrisburgh Village (NFVIL-2) district; waiver.** The applicant not being present for the Barber application, Norm Smith moved ahead with the next agenda item. Elan Hugo was present to speak to the application and he explained he had just filed for an independent LLC, Philo Construction and he had started building a client base over the past few years after finishing his degree at University of Vermont. Mr. Hugo explained that he had been working in a room in the house to finish projects for clients in addition to working outdoors and explained that the proposal was for a shed which would not have a foundation and would be put on 6 inches of compact gravel. Mr. Hugo explained that the proposal was for a shed that would measure 12 feet by 26 feet and that he planned on insulating the structure. Mr. Hugo noted that he had connected with the neighbors on either side and that there was a concern of noise that was raised, and that is why Mr. Hugo would plan to insulate the structure and use other building materials that would dissipate lower frequencies of noise. Mr. Hugo explained this would not increase any traffic and that no one would be coming to the shop but that it would be a place to do work and store materials.

Mike Delaney asked if there would be power run to the structure for the machines, and Mr. Hugo explained that this would be very minimal and would be a 50 amp power breaker as he only needs to use one machine at a time. Mike Delaney asked about plans for dust collection,

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and Mr. Hugo noted he would have a dust collector that everything will collect through and specified that in terms of the finishing of the structure, he was planning on using hardy backer or engineered siding. Mike Delaney asked if there were any other elements planned to be installed in the structure, and Mr. Hugo noted that he was considering a small wood or pellet stove. Katie Quinn asked if there would be any water going to the structure, which Mr. Hugo noted that there would not be as he could do any projects requiring water by running a hose from the house and specific that the heating of the structure would only be needed at some points in the year.

Norm Smith asked for clarification on the setback and Mr. Hugo noted that there was no issue on the front setback and that given that this is a unique property there would be roughly 45 feet of distance from one neighbor and roughly 20 or 25 feet of distance from the other neighbor. Mr. Hugo noted that neither neighbor had any issue with the proposal and that he planned for the height to be lower than one of the neighbor's viewsheds. Norm asked for clarification on the sketch, which was provided by Mr. Hugo. Norm Smith stated it was his understanding that this would be for a shop with no customers and only for him to use. Mr. Hugo noted that one of the neighbors was concerned about noise, but he had spoken with her about this shop only being for his use and not being set up to allow for another company to move in in the future. Bonnie Barnes explained that the applicant would also need a home occupation permit so that it would be clear that this is not for a construction company or wood shop to move in. Norm Smith reiterated that this is for a small workshop, not a commercial application.

***There being no further questions, Diane Nadon made a motion to close the public hearing, which was seconded by Mike Delaney and the motion passed unanimously. The public hearing ended at 7:20 pm.***

Diane Nadon asked if there was any plans for exterior lighting, and Mr. Hugo explained that there weren't any current plans for this. Diane Nadon explained the concern around light pollution and noted the importance of cutoff lighting. ***There being no further comments, Diane Nadon made a motion to approve the application as submitted with the understanding there would be no customers at this site and that this is for a individual workshop in connection with a home occupation, which was seconded by John Paul.***

Bob Beach asked about the conditions that may need to be satisfied. Norm Smith clarified that the 25 foot setback was being waived given that the proposal had a 10 foot setback on the rear side, and that the conditions were that it would not be used for commercial purposes, there would be no customers, and this was only for individual purposes.

***There was unanimous approval of the motion which was clarified to have the conditions of individual use, a 10 foot setback, the space not serving customers, and that this would not be a space for commercial use.***

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**Application No. 21-154 (Hawkins) for office, fabrication, storage and sales for construction company; property ID #23/20/45; 3051 U.S. Route 7; Ferrisburgh Town Center (FTC-1) district; conditional use**

Carl Cole was present to speak to the application and was there on behalf of Brett Coombs and John Siebert from Birdseye. Carl Cole explained that a site plan had been revised for better understanding and also gave out a handout that would explain the uses on site. Carl Cole noted that the owner of this site had it for sale, and Birdseye had entered into a sales agreement as they would like to use this location as a branch of their business. John Siebert noted that Birdseye was an architecture and building business and that there was a lot of work in the area, and that it is all residential construction based. John Siebert noted that they have a studio in Richmond and they would like to open a branch in Ferrisburgh and they focus on architecture, building, woodworking, metal work, property services, and excavating.

Carl Cole explained that the nature of the work does not neatly fit in with any of the conditional uses in the FTC district, but that the plan was to continue with the uses of the current business on the site which has been in place since 1927. Carl Cole noted that they would like to relocate the entrance opposite the school drive and that John Bull had reviewed this relocation and didn't have any issue, but they did not apply for the permit as they did not want to get ahead of the determination of the Zoning Board of Adjustment. Carl Cole explained that they also intended to do plantings to screen the site better, and noted that currently, some of the equipment at the site is still visible from passersby.

Diane Nadon asked about current use of the property, stating that she was not aware that it was fully in business. Carl Cole noted it was not being used to the same degree it had been in the past, and that the conditional use approval would be for the concept of future buildings on the site but there were no specific building plans at this time and there was an intent to come back to apply for building permits for building construction. Carl Cole clarified that it was a site plan review in that respect.

Katie Quinn asked for clarification on the buildings and Carl Cole noted that there was a new building ten years ago that was rebuilt after a fire. Carl Cole clarified some elements on the map such as the house shown, which is a separate parcel and explained that the other buildings shown on the map would likely be an additional office space. There was discussion of the house on the map and its future use.

Bob Beach asked if the plan was to do all of the uses that were noted in the handout, which would include the sales of excavating equipment. Carl Cole noted that this would be on a limited basis, and that they would not plan to buy lines of equipment for sale. Carl Cole explained they did not propose to remove any vegetation and they would like to do planting at the front of the building and retain the Route 7 curb cut but that this would be subject to Agency of Transportation approval.

Norm Smith asked about the parking outline and if it was to be paved or if it was planned to be gravel. Carl Cole noted that most of it is already gravel, and that they would likely be getting

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additional gravel but doing some top soil work and re-seeding. Norm Smith asked for clarification on the screening as it relates to Route 7 access, and Carl Cole explained that some of this would be dependent on a review from the Agency of Transportation. Norm Smith asked about the parking and Carl Cole noted that it was currently proposed and that it would be for employees and customers. John Siebert noted that there would be roughly 6 employees on site at any given time. Bob Beach asked if they were moving their operations, and John Siebert noted that they were expanding.

Norm Smith asked about the workshop that would be 70 feet by 36 feet and Carl Cole noted this was proposed. Diane Nadon asked about the size of the property, and Carl noted it was 3 acres. Norm Smith asked about the uses and stated it was his understanding there would be a shop, metal and wood fabrication, and an ability to store excavating equipment. Carl Cole noted that some of the equipment would be inside, and some would be outside from time to time and this would not be dissimilar to current use. Norm Smith asked if there was a new structure being proposed currently, and Carl Cole noted that the primary review was of the existing commercial building which occupied 5,500 square feet. Norm Smith asked about the office space which is proposed in the front, and Carl Cole noted that the applicants would to re-appear for a building permit.

Norm Smith asked if there was approval at this meeting of the site plan, if that would allow for there to be a building permit to be granted from Bonnie. Bonnie Barnes explained that because this is a conditional use, the Zoning Administrator can't issue a building permit unless there is an approved site plan with actual buildings as proposed. Bonnie Barnes noted that because this is pre-sale, it would not make sense to review the buildings as part of the approval. Mike Delaney asked about the current layout and Carl Cole explained that they would come back with a revised plan for review and that the primary goal of the discussion was to give an indication of the current plan and to get approval for use of the existing building and site. It was clarified that there would need to be an additional appearance to have approval of the buildings with a more formal site plan, and that this meeting was to conceptually confirm the proposal and approve the uses on-site.

Mike Delaney asked about the bathrooms available for the 6 employees, and Carl Cole noted that the existing system could serve over 20 employees. Carl Cole explained that he had calculated impervious surfaces and as it's less than an acre, no stormwater permit would be needed. There were some map elements discussed and clarified. Mike Delaney asked about hours of operation, and Brett Coombs noted that there may be some Saturdays, but there would be mostly normal business hours, that would be somewhere between 6:30 am and 6 pm. Diane Nadon asked about lighting, and Brett Coombs explained that there would be downlighting with some motion lights for security. John Siebert explained there would be some signage on the gable end of the building with lighting.

Norm Smith asked for public comment, which there was none. Bob Beach explained that he understood the concept and is supportive and explained that he understood this to be a site plan review without the detail given there was not an explanation of what the buildings will look

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like. Norm Smith clarified that they were seeking approval of the uses that were specific in the memo and that the expectation is that the applicants would come back in for approval for the configurations of the buildings. Carl Cole noted that if the buildings stayed as they were presented, the Board could be reviewing the design and details of the buildings.

Diane Nadon asked if the Board would be issuing a conditional use permit and Mike Delaney noted that they could review or approve to use the land as described, but not the proposed structures. Norm Smith clarified that they would be approving the proposed uses subject to any additional structure or site plan and the construction of those buildings would need to be reviewed. Mike Delaney noted a desire to see how the parking spaces related to the number of employees, which Carl Cole noted there were plenty of spaces.

Brett Coombs noted that they would like to build additional buildings, but they would like to see some sort of approval as it would allow for a better understanding of support for what they would like to do over time. It was clarified by Norm Smith and Bob Beach that there would need to be more specifics in order to approve a more formal site plan, given the lack of specifics on things such as the volume of equipment sales, the exact use, and what the buildings would look like when they are completed. Norm Smith noted there was a concern over the lack of clarity of what the Board was approving. Norm Smith noted that the Board seemed supportive of the concept but there was an interest of the specifics.

Brett Coombs explained that they have dump trucks, excavators, trailer, and that would be what's seen exterior to the building and that inside the buildings there would be carpentry and metal working. John Sivert noted that they were seeking approval of the overall concept and if they could use the buildings and site as described and an understanding that if there is an additional proposal for the future with the building suggested, there would need to be a building permit.

Norm Smith explained that there was a concern over the volume of the operations and that while the Board is conceptually agreeable there needs to be more detail on what will take place on the site, such as how much equipment will be parked. Carl Cole explained that the site will be nearly invisible to neighbors with the screening. Brett Coombs explained that there will be a rotation of vehicles as they have jobs in different places and there was a clarification that the fleet included four dump trucks, ten excavators, and several skid steers. Brett Coombs noted that some of this equipment will be outside and other equipment will be being serviced or on-site. Bob Beach pointed to other applications recently submitted that had clarity and detail on operations and explained that is what is being asked for is a more formal scope.

Brett Coombs noted that if they sold equipment, it would be placed on the Route 7 side of the property and Mike Delaney noted that they may be limited to storing equipment based on where the gravel lines are and the differentiation between parking and the drive through area. John Siebert noted that on the western boundary, there's a 30 foot line which could be interpreted as storage. Carl Cole explained that part of the screening, which would be 8 foot evergreens, and the moving of the driveway would be to make the storage less visible.

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Norm Smith asked if there was a desire to see more detail, and Bob Beach noted that this is dependent on the scope but there is an interest in knowing more about how the business would be developed and operated and the scale. John Siebert noted this would not be a lumber yard and there would be limited retail sales given that occasionally they have a piece of equipment that they are not using. Brett Coombs noted that they may have some panton stone that they sell on-site and John Siebert noted that they may store some materials, like antique brick, in the buildings. John Siebert noted that they want to use the metal building and surrounding hardscape to do what's listed in the handout and they would to come back in the next few years to build the additional building.

Norm Smith explained that the approval could be to use the existing building for the specified purposes subject to further expansion of the business coming back before the Board for approval. Norm Smith asked if it would be challenging to come back with a more specific plan, and John Siebert explained that the plan is iterative. Diane Nadon asked about the sale, and John Siebert noted that the pending sale depended partially on the outcome of the meeting. Norm Smith explained that it was challenging to get a sense of what they were approving and they may not be able to place conditions on an approval but that the Board's sense is that what is being proposed would be supported. Norm Smith explained that if there was an approval of the property for certain uses, they would want to have some sense of boundaries. Bob Beach explained that they did not want there to be surprises on uses, given the uses are vague. It was explained by Carl Cole and Brett Coombs that there is a maximum amount of equipment that could not be exceeded. Brett Coombs noted there were ten excavators, four dump trumps, three skid steers and that there are smaller machines that would not be visible. Carl Cole reiterated that it's a 5,500 square foot building with 14 foot ceilings.

John Pizzagalli a neighbor, explained that he had purchased the property across the street and that he is not concerned with the look of construction equipment, and he was curious of why the Board was opposed to there being more or less of this. Pete Hawkins noted that he had approximately fourteen tractors, two payloaders, a bulldozer, and three or four pick-ups on site and that he tries to keep the property neat as-is. Katie Quinn noted that the concern is that the approval is open-ended and the Board may be giving a carte blanche approval. Diane Nadon noted that there's no problem as the property is used now, but that without there being conditions, it's hard to retract any approval given. Norm Smith noted that the Board was supportive of the idea, but clarification on specific operations would be helpful so that there was a better sense of what was being approved.

John Siebert noted that there is an existing building that they would like to use for a wood or metal shop, and the hard scape is defined by the site plan. John Siebert explained that the impervious surface is below one acre. John Siebert noted the parking was already defined and they would be coming back to have approval of a building permit to have a second building. John Siebert noted that this was the specifics of what they were intending to do. It was clarified that there would be tree plantings, and the retail space would be for their cast-off equipment. It was clarified that they were not buying equipment from others to sell on site. Mike Delaney noted that the use and the storage would be on the existing hardscape or building and Carl

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Cole noted that the majority of tractors right now are on the sod. Mike Delaney noted that he could see a condition where the equipment needed to be limited to the hardscape. Carl Cole noted that a lot of the hardscape can be used without adding gravel on the grass and the limits are shown on the site plan.

Mr. Hugo asked if allowed to move into property, if it was to be used as proposed and if the new buildings could not be built, if the sale would be valuable. Carl Cole noted that he would be unsure of why the buildings would not be approved.

Norm Smith noted that the Board would need to deliberate on the matter and come up with conditions to include in an approval and that they would work to have a decision out to the applicants as quickly as they could. Norm Smith asked if Carl Cole could provide a sense of proposed conditions, which Carl Cole was agreeable to. Diane Nadon noted that they did not want to jeopardize the sale and Norm Smith noted that he anticipated that the Board could craft an approval that would be acceptable given there was a base understanding of the operations to take place on site. Norm Smith noted that the retail aspect was even more limited than what limited retail sale sometimes means given they do not have a dedicated sales team. It was clarified that this is akin to someone coming on site to look at materials if interested or look at architectural designs.

It was discussed that there is an understanding that this would not be a large-scale nursery or landscaping operation and that this would not be a contractor's yard that was untidy. Bob Beach explained that there was an appreciation for wanting the property to look clean and presentable given that it's in the town center, and there had been more detailed applications submitted in the past.

Given there were no further comments or questions, ***Diane Nadon made a motion to close the public hearing, which was seconded by Katie Quinn and the motion passed unanimously. The hearing closed at 8:16 pm.***

**Application No. 21-151 (Barber) for storage shed without required setbacks; property ID #99/99/99.122; 82 North Road; Shoreland (SD-2) district; waiver.**

The applicant was not present, and ***John Paul moved to recess the Barber application, which was seconded by Katie Quinn and the motion passed unanimously.***

### **Deliberative Session and Adjournment**

Katie Quinn moved to close the public hearing and go into Deliberative Session at 8:21 pm. The meeting was adjourned thereafter.