

Zoning Board of Adjustment
Town of Ferrisburgh, VT

Minutes for meeting of November 4, 2020

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

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

Town official present: Bonnie Barnes, Zoning Administrator

Participants present: Shelly Ericksen, Tyler Barnard, Patrick Gainwood, Mr. and Mrs. Stewart, Bill and Mindy XXXX, Candace Davidson

Approval of minutes from October 7 meeting. The meeting was called to order at 7:07 pm after there were some technical issues, with Board Chair Norm Smith apologized for. After no questions on the meeting minutes from the October 7 meeting, John Paul moved to approve the minutes, which was seconded by Katie Quinn and the motion passed unanimously. Norm Smith noted that there were additional minutes from the deliberative session from last month's meeting that would not be posted on the website, and the Board Members were in consensus.

Application # 20-093 (Comeau) to erect a deck/camper platform; property ID # 19/20/06; 267 Summer Point; Shoreland (SD-2) and Rural Agricultural (RA-5) Districts; conditional use; continued from October 7 hearing.

Norm Smith indicated that Ms. Comeau did not want to move forward and that she would like to wait until the Spring. After discussion, Bonnie Barnes clarified that Ms. Comeau did not specify when in the Spring she would be interested in a continuation. There being no further comment, **Bob Beach made a motion to adjourn the hearing until the spring, when Ms. Comeau brings the application back in front of the Board, which was seconded by Dave Mentzer and the motion passed unanimously.** Norm Smith clarified for any neighbors present that they would be able to appear in the Spring to comment when the application is back in front of the Board.

Application #20-115 (Ericksen) to remove trailer and 4 outbuildings and build one-bedroom home with attached garage plus detached one-bedroom accessory dwelling unit; property ID # 08/01/58; 58 Riverview; Conservation (CONS-25) District; conditional use; continued from October 7 hearing.

Norm Smith introduced the application and both Shelly Ericksen and Tyler Barnard from Engineering Ventures were present to speak to the application. Ms. Ericksen noted that the changes to the plans were focused on the positioning of the buildings and pointed out that while the dimensions had not been changed, the buildings would no longer sit lengthwise on the property. Norm Smith pointed out there had been discussions at the last meeting on floodplain

issues, and Ms. Ericksen noted that the neighboring properties were out of the floodplain and had no issue and Bob Beach noted he observed that the property was well above Otter Creek. Ms. Ericksen noted that the adjustment to the positioning of the buildings was due to the sizing of the septic systems and that the adjustments would still be in harmony with the neighborhood. Bob Beach noted that the property flagging indicated that the side and rear setbacks had been met.

Norm Smith asked about impervious surfaces on the property, and Mr. Barnard noted that he had not looked into surface speculations, but Dave Mentzer noted that he was not concerned about lot coverage given the lot size. Dave Mentzer asked about the design of the buildings, and Mr. Barnard presented some designs and clarified the positioning of the building with Board members, some of which had been altered to ensure that the garages fit the site. Dave Mentzer clarified that the only concern of the Conservation Commission was that the structures would be located outside of the floodplain as the proposal would be improving the septic system, and Norm Smith confirmed. Dave Mentzer asked about materials, and Ms. Ericksen noted they would be white vinyl-sided with shingle roofing.

Norm Smith asked if there were any questions from the public, which there were none. Dave Mentzer asked if the drawings submitted showed that the proposed structures were outside of the floodplain, and Mr. Barnard noted that while there were no contour labels, the waterline is at approximately 95 feet of elevation and with the slab, these structures would be roughly 16 feet above the waterline and inquired about approval upon condition of a LOMA. Bonnie Barnes noted that there are special flood hazard regulations that would need to be followed if this was in the flood zone, which would be determined by the LOMA.

After discussion, it was agreed that the application could proceed with a condition for a LOMA, with the understanding that if the LOMA came back and indicated that the structures were in the flood zone, the application would be subject to the flood hazard regulations. Mr. Barnard agreed to provide Bonnie Barnes with elevations. After reviewing the drawings, it was determined that the front setback requirement was not met, as the buildings were 38 feet from the edge of the water, and not 80 feet from the right of way and therefore a waiver would need to be obtained. Norm Smith clarified that the Board could draft findings and a written decision with conditions given that this application would need a waiver.

After no further comments, **Diane Nadon made a motion to close the hearing which was seconded by Bob Beach and the motion passed unanimously. The hearing closed at 7:38 pm.** Norm Smith noted that after the deliberative session at the end of the meeting, he would put together a written decision in the next few weeks. Ms. Ericksen asked if she could start removing the outbuildings, and it was determined that no permit was needed and she could proceed.

Application #20-128 (Zulkoski) to build 24' by 30' barn; property ID # 03/01/08; 1451 Fort Cassin Road; Shoreland (SD-2) District; conditional use.

Mr. Patrick Gainwood noted he was here on behalf of the applicants and that they were proposing to build a 24 foot by 30 foot barn with a bump out on one of the gable ends and that the barn was to be used for storage. Mr. Gainwood explained that the applicants made an effort to have the building sited so that it was not visible from the road or to neighbors and that the building will not have plumbing, only electrical, and that it was not insulated nor did it have heat. Norm Smith clarified that it was for storage only, with no bedrooms or guest houses. Katie Quinn asked what the finishes on the barn would be, and Mr. Gainwood noted that it would be a natural wood siding and a metal roof.

There being no questions from the Board or public, **Dave Mentzer made a motion to close the hearing, which was seconded by Diane Nadon and the motion passed unanimously. The hearing closed at 7:45 pm. Dave Mentzer made a motion to approve the application as submitted, which was seconded by Katie Quinn and the motion passed unanimously.**

Application #20-129 (Stewart) to restore carriage house for use as a guest house; property ID #21/20/09; 385 Mile Point Road; Shoreland (SD-2) District; conditional use.

Mr. and Mrs. Stewart were present to speak to the application and Mr. Stewart noted that the proposal was to convert the carriage house on their property which sits behind the main house to a guest house, and they would not be altering the footprint of the building. Dave Mentzer asked for clarification on the lean-to portion of the plans and Mr. Stewart noted that currently, there is a flat area covered with porous materials that they use to store boats with tarps, so they intend to cover it with a lean-to on the side of the carriage house. Dave Mentzer clarified that the addition of the lean-to was not extending into setbacks.

Neighbors Bill and Mindy asked how many bedrooms there would be total, where parking would be on the property, and where the lean-to would be constructed. The Stewarts clarified there would be three bedrooms total, parking would be in the existing driveway, and that the lean-to would be on the north side of the property. Norm Smith asked about the dimensions and orientation of the carriage house, and the Stewarts clarified that the carriage house is oriented north-south with windows towards the west and the lean-to would be approximately 17 feet by 15 feet. Dave Mentzer asked about the scaling on the drawing and clarified that the lean-to may sit 23 or 24 feet from the property line and noted this could be a condition of the waiver.

Candace Davidson, a neighbor, noted she had submitted a letter on the application and explained she was present on behalf of two properties to the south of the Stewarts' and the Davidson camp and cottage. Ms. Davidson noted that there were questions of the use of the carriage house, whether it would be used seasonally or full-time, as an accessory dwelling unit or an Airbnb. Additional concerns were explained to be regarding the right-of-way to the Stewarts' property and use of the seasonal driveway that was shared by the neighboring properties, additional traffic or congestion, and maintenance of the seasonal roadways if they were to be used for construction.

Norm Smith explained that some of the issues, such as the right-of-way are not under the Board's jurisdiction and that part of the challenge was that some of what was being discussed

were not shown on any of the plans. Ms. Stewart noted that there was a response drafted to Candace's letter that was submitted that addressed some of these concerns. Katie Quinn asked if this guest house would only be for family use, and Ms. Stewart clarified that this would only be used for visiting family and they are a light-use neighbor in the neighborhood and while they had rentals in the past, they had not engaged in any short-term rentals in recent history nor were there plans on doing so with this new structure. Mr. Stewart noted they had not changed the driveway or parking areas, they had only improved and clarified edges.

Bob Beach asked if the property is being used year-round, and Mr. Stewart noted they do not intend to use it year-round, nor had it been in the past. Diane Nodan asked when work would begin and Mr. Stewart noted the plans were for early 2021 as to not disturb neighbors and for all trucks to come in on the northern side as to not use the seasonal driveway. Dave Mentzer asked if there would be heating and insulation added to the main house and carriage house, and Mr. Stewart noted that the main house did have heat and a heat pump and they would be thinking of the same for the carriage house.

Candace Davidson noted that she had been confused about the driveway, the Stewarts' used to park in front of the carriage house and they had a very nice driveway. After discussion of the use of the driveway, site features, and the right-of-way, it was clarified by Dave Mentzer that what was under consideration was the use, setbacks, and impacts. The Board members agreed that a site visit was not necessary.

There being no further questions, **Dave Mentzer made a motion to close the hearing, which was seconded by Diane Nodan and the motion passed unanimously. The hearing closed at 8:18 pm.**

Dave Mentzer noted that he personally considered the accessory dwelling as a good use of the carriage house, but he was hesitant due to the impact on the neighbors and that they could grant a waiver for the side setback or note it can't extend into the side. Bob Beach and Norm Smith noted that the wastewater permit was for three bedrooms so this would be allowable, but if there's an intent to rent this on Airbnb, the applicants would have to come back in front of the Board.

There being no further questions or comments, **Dave Mentzer made a motion to approve the application as submitted with the conditions that the lean-to does not extend into the side yard setback to the north, that the used of the accessory dwelling unit is limited to family use and not to be rented out, and that all light fixtures are cut-off fixtures. Katie Quinn seconded the motion and it was passed unanimously.**

Bonnie Barnes noted that there may be a step needed in terms of state septic regulations as the application included a kitchen, and there was agreement that a condition for state approval would be necessary. **Dave Mentzer amended the motion to include a condition for state approval of the wastewater permit for one additional bedroom and other plans, which was seconded by Katie Quinn and the amendment passed unanimously.**

Discussion

There was discussion of the Select Board meeting with a zoning deliberative question that related to the Boardman property and the Calfee property. It was agreed that the Board did not necessarily need to have direct involvement, unless called upon.

There being no further business, Bob Beach made a motion to adjourn the meeting, which was seconded by Diane Nodan and the motion passed unanimously. The meeting was adjourned at 8:32 pm.