

Minutes Approved  
on 03/05/2025

**TOWN OF FERRISBURGH  
ZONING BOARD OF ADJUSTMENT  
MINUTES  
WEDNESDAY February 5, 2025  
At Town Offices and on Zoom**

**Members Present:** Norm Smith (Chair); Dave Mentzer (Vice Chair); Mike Delaney; Katie Quinn

**Members Absent:** Bob Beach, Diane Nadon, John Paul

**Minute Taker:** Robyn King

**Town staff present:** Katie Hill, Craig Heindel; Conservation Commission; Jean Richardson, Planning Board

**Applicants present:** Rick Benson, Nancy Benson, David Wolniewicz, Andy Husk, Don Ferris

**Others present:** None

1. Meeting was called to order at 7:01 pm by Norm Smith, and Quorum determined.

Minutes of December 4<sup>th</sup> were reviewed. Norm Smith noted that Dave Mentzer and Mike Delaney were absent for the meeting and this needed to be corrected. Norm Smith moved to approve the minutes as amended, with Katie Quinn seconding the motion. The motion passed unanimously.

2. **Discussion: Gilfeather's proposed change of use for 3323 US Route 7 – Rick Benson**

Katie Hill noted that Rick Benson had submitted an application that was incomplete and he was looking to use the church adjacent to Gilfeather's as well as tying the property into local roads and that she had provided a copy of the application materials to the Board. Jean Richardson commented that the application would be legally warned at the next meeting.

The applicant, Rick Benson noted that he and his wife Nancy were both present to speak to the application which was related to his appearances at the Select Board to purchase the church. Rick Benson noted that his business Gilfeather's included prepared foods, grocery items, and perishables and that as they had outgrown their current space, they wished to expand into the neighboring property. Rick Benson explained that they were interested in building a commercial entrance given that the current set up was challenging with the location of the ramps. Rick Benson noted that they would be siting a commercial kitchen in the bump out, that the work on the septic had been scoped and approved and showed intended parking plans to accommodate for truck deliveries. Rick Benson also noted that they intended to upgrade an existing road.

Norm Smith asked if there was a curb cut to Atkins Road, and Rick Benson explained that they would need to create one as there was no existing curb. Dave Mentzer noted that it was his interpretation that the application would pertain to the change of use of the structure, and Rick Benson pointed to a few changes including the bump out. Katie Hill noted that the structure is non-conforming and that some of the improvements may increase the degree of non-conformance. Dave Mentzer indicated that the applicant could apply for a waiver and that waivers can be more consistently granted if there's a pre-existing structure that's causing the non-conformance.

Norm Smith indicated that the proposal was sound, and the Board would need more specifics in order to make a decision. Norm Smith indicated that running a roadway over a leech field seemed risky, with both Craig Heindel and Rick Benson noting that it can be done and there was already a road in place. Dave Mentzer noted that there would need to be plans for the justification around parking, with Rick Benson pointing to the map where ADA access was planned and where supply trucks were intended to park more regularly in addition to explaining the assumed capacity of the lot based on current parking patterns. Mike Delaney asked about the septic, with Rick Benson explaining they had been approved for 900 gallons a day given that the septic design was part of the building acquisition negotiation.

Dave Mentzer noted the Board would be interested in planning mitigation for noise and lighting, with Rick Benson indicating that they were the closest neighbors and they were intending for the same operations they have in place now. Rick Benson noted that they wanted to make space for employees and eventually expand to more early morning hours. Mike Delaney asked if they were planning to include inside dining, and Rick Benson indicated that they were more interested in expanded retail space.

Craig Heindel introduced his role on the Conservation Commission and indicated that given the quality of the waste stream into the septic system, he was interested in ensuring the permit is specifically for the intended use. Craig Heindel noted some other items to be aware of including erosion control during construction that could be mitigated with consideration of the Erosion Control Handbook, that there was no significant habitat, and that with the site being under .5 acres that they were not subject to needing a stormwater permit.

Norm Smith indicated that Rick Benson should submit a completed application, with Rick Benson noting that he had talked to Bill Wager for a red flag review. Mike Delaney noted that they would be interested in hours of operation and lighting plans, with Rick Benson noting that the lighting would be similar to the Town Offices.

**3. Application No. 24-125: Single-family residence for pastor on church property; Applicant: David Wolniewicz; Property ID 15/01/02; 1759 Route 7; Industrial (IND-2); Conditional Use**

David Wolniewicz was present to speak to the application and indicated that the Pastor for the church had recently moved and that in the search for a new Pastor, the Church recognized a lack of affordable housing. David Wolniewicz indicated that they had not submitted a full application as they were interested in understanding if there were any issues that may need resolution before moving forward. Katie Hill indicated that this application was in the Industrial District where residences are not permitted, and Dave Mentzer noted that as an accessory use it may be allowable. There was discussion over the definition of an accessory use. Katie Hill noted that the file included prior Act 250 permits related to the church and consideration of marked wetlands on the property. Katie Hill referenced the wastewater permit on file, with the applicant noting that the current wastewater permit as sized for 200-300 people which is more than sufficient for this application. There was further discussion around the Act 250 permitting process, and confirmation that this could be considered as an accessory use given that it was incidental and subordinate to the primary use of the church.

Dave Mentzer noted that in a formal application, there would be interest in understanding where the building would exactly be sited, given the wetlands on the site. Norm Smith indicated

that the Board could move this forward as a continuation of the hearing given that the application was incomplete. After discussion on the timeline for the complete application, Craig Heindel noted that with the wetlands issue, since there aren't delineated wetlands there would need to make sure that a wetland delineator was available before filing a completed application which could take 6 months.

**MOTION** was made by Dave Mentzer to continue the public hearing until the applicant is ready to present a complete application, but not more than 6 months which was seconded by Mike Delaney.

**VOTE:** All in favor. Public hearing continued at 7:31 pm.

**4. Application 24-141: Rebuild house in new location; Applicants: Andrea and Paul Kerin; Property ID 22/20/11; 103 Bryan Lane; Shoreland (SD-2); Conditional Use.**

Andy Husk, the builder of the house, was present to speak to the application on behalf of the owner and indicated a letter was submitted to this effect. Andy Husk indicated that the current house was in disrepair and it was more cost effective to build a new house in a different location on the site to bring it away from the shore, pointing to the features on the map showing the house farther away from the property line and adjacent to the driveway. Andy Husk indicated that the plans were more appealing to the neighbors given the limitation of noise during construction and noted that there were plans to have downlighting and they would be keeping the height the same from an elevation perspective but less from a construction perspective given the levelness of the location.

Craig Heindel asked about the location as it relates to the ledge on the property, and Andy Husk pointed out where the doors were in relation to the ledge. Craig Heindel pointed out the need for construction erosion control, with Andy Husk pointing to plans for a silt fence. There was discussion around the siting of the building, given that current construction plans would require the building to get a waiver for its siting. Board members noted how a rotation of the building or other adjustments would place the building envelope outside of the required setback, with Andy Husk indicating that current construction plans were prioritizing the applicants' viewshed and some other site considerations that relate to construction expenses. After further discussion around siting, Dave Mentzer named the criteria for granting a waiver, and it was noted that the applicant met the conditions, especially given that there was already a building on the site and it was not entirely new construction.

**MOTION** was made by Dave Mentzer to grant a waiver to allow the proposed setback and approve the application as submitted with the condition that any lighting are full cutoff fixtures, which was seconded by Katie Quinn.

**VOTE:** All in favor. Motion passes

**5. Zoning Administrator Update**

Katie Hill reviewed some administrative and procedural items with the Board Members such as agenda-setting, including informational sheets on each application, setting up a template for

approvals, and matters which frequently come before the Board such as conditional approvals and sites which are non-conforming.

**6. Adjournment:** Katie Quinn made a motion to adjourn the meeting, which was seconded by Norm Smith. Meeting Adjourned at 8:28 pm

**7. Next Meeting:** March 5, 2025 at 7 pm.