

MINUTES

APPROVED ON: Sept. 6, 2023

**TOWN OF FERRISBURGH
ZONING BOARD OF ADJUSTMENT
MINUTES**

WEDNESDAY August 2, 2023

At Town Offices and on Zoom

Members Present: Norm Smith (Chair); Diane Nadon, Katie Quinn; Mike Delaney; John Paul; Bob Beach

Members Absent: Dave Mentzer (Vice Chair)

Minute Taker: Robyn King

Town staff present: Steven True, ZA.

Applicants present: Parker Swanborn

Others present: None

1. Meeting was called to order at 7:06 pm by Norm Smith, and Quorum determined.

Minutes of June 7th, 2023 were reviewed and it was noted by Katie Quinn that the minutes indicated that an application was in the Town of Vergennes instead of the City of Vergennes. Diane Nadon indicated that there was a misspelling of one of the attendee's names. With those modifications, John Paul moved to approved the minutes with the adjustments noted, with Diane Nadon seconding the motion.

2. All in Favor.

3. **Application No. 23-084 (P. Swanborn) Commercial, Contractors Yard & Repair and Service Facility; property ID#: 05/01/44.113; 6847 US-7; Highway Mixed Use (HMU-2) district; conditional use**

STAFF REPORT: Norm Smith introduced the application explaining that this was for a commercial contractor's yard as well as a repair and service facility.

Parker Swanborn began his explanation noting that he had purchased the property and they would like to change the use so that they may service equipment in the building given that its current approved use was for fabrication and storage. Mr. Swanborn indicated that he planned to have a tenant that will be servicing USPS trucks, upon question from Norm Smith asking if there was going to be the servicing of others' equipment. Norm Smith asked if Mr. Swanborn would expect there to be employees on site and he indicated that there would be 3-5 employees from his tenant and the occasional employee for his operations. Mr. Swanborn noted that his business has been in place for 7 years and they will be using this shop to do maintenance and repairs as well as store materials and supplies related to his excavation and site work company.

Bob Beach asked how much equipment would be stored on site with Mr. Swanborn indicating he had roughly 10 pieces of equipment including trucks, trailers, dump trucks, pick up trucks, excavators, and a skid steer. Bob Beach asked about the volume of materials storage and Mr.

Swanborn noted this would consist of pipe in the back section but storage would be minimal. There was discussion of current storage on the site and adjacent sites.

Bob Beach asked about the needs around the USPS servicing and Mr. Swanborn explained that there was a request to use five parking spots for overflow and that all other aspects of the operation would take place inside the building given the scale of operations. Norm Smith asked if this tenant already had an arrangement with Mr. Swanborn and it was noted that approval by the Town was needed to move forward. Norm Smith asked about loaner vehicles for the USPS operations, and Mr. Swanborn noted that they had requested a total of ten parking spots given employees and loaner vehicles. Steven True indicated that the original application for this commercial use of the property had been approved with 19 parking spots. Norm Smith asked if the shop was the only building on the property and Mr. Swanborn noted there was a house. Steven True indicated that the house was included in the parking approval and that while 30 parking spots had been requested, 19 were approved. Katie Quinn asked about the plans for the house on the site, and Mr. Swanborn indicated that it is vacant, but he may live there or have a tenant and that it needed significant work.

Bob Beach asked about the tenant's operations including liquid storage. Mr. Swanborn noted that the tenant will be using the indoors for his operations and they would be using excess oil for heating, with any storage being in compliance with EPA regulations. Mr. Swanborn indicated that the storage and disposal of hazardous materials would occur above-ground and off-site. Mike Delaney asked about plans for the space behind the building, and Mr. Swanborn noted he would be using that area for palletized totes and explained more about the ability to use excess oil for heating. Mike Delaney asked if there would be the selling or leasing of vehicles on-site, it was noted that that would not be the case, and there would also not be a showroom or piles of gravel. Bob Beach asked about the tenant's intention to use the space for other businesses like plumbing, and Mr. Swanborn explained it would only be used for the USPS servicing for local operations.

Mike Delaney asked about the hours of operation and Mr. Swanborn noted that in the property contract, there were general hours of operation noted for the Town of Ferrisburgh being 7 am to 7 pm. Norm Smith indicated this would be ok, and it was noted that there were no houses nearby. Mr. Swanborn indicated that there may be some operations taking place over the weekend on occasion or late hours worked during the week.

MOTION was made by Katie Quinn to close the public hearing, which was seconded by Diane Nadon.

VOTE: All in favor. Public hearing closed at 7:27 pm.

DISCUSSION: Steven True indicated that there were no interested parties and that there could be a decision made by the minutes with a signature on the application. It was indicated that an approval would be for the residential use, contractor's yard, and the repair and service use as well as the number of parking spaces which the plan showed to be 20. Bob Beach asked about where the storage would be located, and Mr. Swanborn indicated it would be behind the building. It was noted by Bob Beach that it would be best if this was well-organized and Mr. Swanborn indicated that he was not planning on storage in the front area, but that he may want to store things on occasion around the site or by use of a shipping container. Steven True

indicated that a shipping container would require a permit. There was discussion of storage and where work would take place, with Mr. Swanborn indicating he would like to reserve the right to store materials as necessary on site and also to do work outside the shop on occasion.

Mike Delaney confirmed there would be no sales on site. Norm Smith asked about lighting and Mr. Swanborn indicated that there were cutoff lights. Norm Smith indicated that there could be approval for 20 parking spaces. After a question from Katie Quinn, it was noted by Steven True that a mechanic is different than service and repairs and read the section from the Town Zoning Bylaws for the definition of service and repairs.

MOTION was made by Bob Beach to approve the application as submitted with the house on-site to be used as a residential use, that there be outside storage to the west of the building, and that the use of the non-residential structure shall be for a non-retail Repair and Service Facility as well as a Contractor's yard, that there shall be downlit lights and there shall be 20 parking spaces. Motion was seconded by John Paul.

VOTE: All in favor, motion passes.

4. **Meeting Adjourned at 7:42 pm:** on MOTION of Diane Nadon seconded by Katie Quinn.
5. **Next Meeting:** September 5th, 2023 at 7 pm.