

**DRAFT MINUTES**

**APPROVED ON: Aug. 7, 2024**

**TOWN OF FERRISBURGH  
ZONING BOARD OF ADJUSTMENT  
MINUTES  
WEDNESDAY June 5, 2024  
At Town Offices and on Zoom**

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

**Members Absent:** Norm Smith (Chair)

**Minute Taker:** Robyn King

**Town staff present:** Steven True, ZA.

**Applicants present:** Todd Hardie, Quinn McElwain, Greg McKenney

**Others present:** Jean Richardson

1. The meeting was called to order at 7:01 pm by Dave Mentzer, and Quorum determined.

Minutes of May 1<sup>st</sup> were reviewed with Diane Nadon noting that in one location, there was mention of a grain “shire” instead of grain “dryer”. With this change, Dave Mentzer made a motion to approve the minutes as corrected, which was seconded by John Paul. All in Favor.

2. **Application No. 24-034 (Mr. Todd Hardie) Expansion of Current Conditional Use (23-022) – Champlain Valley Grain Center; 114 Park Lane; Industrial (IND-2) district; conditional use. *Continued from May 1<sup>st</sup> regular meeting.***

Dave Mentzer opened the hearing and indicated that updated site plans had been sent along which have parking indicated, and there was further confirmation that there would be 36 seats including the greenhouse where people may want to sit during shoulder seasons. Steven True clarified that the parking standards in the zoning code are vague, and that Mr. Hardie came up with a justification for the number of parking spaces being proposed.

Mr. Hardie named that he was working with Trudeau Consulting and Engineering who designed both the parking and the septic system. Mr. Hardie noted that they had cut their whiskey production down to 60 barrels, which gives more capacity to the septic system which was designed over-capacity. Mr. Hardie explained that after the appearance in front of the Board tonight, Trudeau Consulting and Engineering would go back to the state and request amendments for parking and wastewater.

Dave Mentzer asked if the updated parking map showed the greenhouse and Mr. Hardie indicated that they had not yet put it in the set of plans submitted, but it would be in the final plan set. Dave Mentzer asked if there were any members of the public in attendance, and there were none. Diane Nadon asked how many employees there would be, and Mr. Hardie indicated that they would be adding up to 6 employees, and the number on site would depend on the level of business. Dave Mentzer noted that the Board is supportive and wanted to ensure that the conditions were met, and there was confidence in the professional plans submitted. Ahead of voting on a motion presented by Bob Beach, the Board took action on the hearing.

**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 7:10 pm.

**MOTION** was made by Bob Beach to approve the application as submitted with plans that would show the greenhouse extension and parking plan. Diane Nadon seconded the motion.

**VOTE:** All in favor, motion passes.

Mr. Hardie indicated that he had received a grant from the State of Vermont for distillery equipment and funding from USDA for a grain dryer as they will be using corn the most. Mr. Hardie explained some additional operations developments and thanked the Board, indicating that they would be done with construction by the end of next year.

**3. Application 24-042 (Mr. Q. McElwain) Expand Parking Lot; Property ID #23/20/47.1; 2833 US-7; Ferrisburgh Town Center (FTC-2) District; conditional use.**

After the matter was introduced, Steven True noted that in the application there was the permit application, a cover letter from Mr. McKenney, a trip generation memo from Trudeau Consulting and Engineering which contained movement diagrams, two letters from the District Ecologist related to wetlands located on the property, the plat map itself with a site plan, and two pieces of correspondence one from Bonnie Barnes and one from Jean Richardson. Greg McKenney from McMurray and Masterson who is working with Mr. McElwain introduced himself and explained that Mr. McElwain had gotten a conditional use permit for the current use and that the application is to expand the parking lot on the north side as a connector between the two parking lots. Dave Mentzer asked for clarifications on the site plan, with Mr. McKenny indicating there were updated plans.

Mr. McKenney noted that overall, when the parking lot was put in, fill needed to be moved out of the wetland buffer for compliance and that they were seeking a VTrans access permit to widen the current driveway to 40 feet in addition to building parking, as well as working through stormwater permitting. Dave Mentzer asked how much impervious surface would be on-site, and Mr. McKenney noted it would be 1.65 acres total and that the proposal includes .26 acres which brings it to 1.911 acres which is at 39.9% of the allowable 40%.

Dave Mentzer asked about what the expansion of the business as well as parking would entail. Mr. McElwain noted that they were looking for more parking to expand capacity for equipment and storage. Mr. McElwain explained that in the winter, they would like to better display rental inventory to showcase what is available, and reiterated driveway plans for VTrans compliance so that they could meet the requirements around entry off of a state highway. Mike Delaney asked if the parking would be for cars or display, with Mr. McElwain indicating that one side would be for display and the other side would be variable. Mike Delaney asked if it was all rental and sales with Mr. McElwain pointing to some map features noting it was both.

Dave Mentzer asked if this would be a waiver request as it is a request for the development of parking and not structures. In discussion, it was noted that there would need to be an

investigation of the zoning code to whether or not the setback prohibits all development or if it only refers to the construction of structures. Dave Mentzer asked if the parking was intended to park vehicles or display vehicles. Mr. McElwain noted they would like to use it for display as well as other parking. Dave Mentzer asked how many employees were on-site and it was noted that most days it's 4 employees but at times there could be up to 10 employees on-site. Diane Nadon asked how many pieces of equipment and what types of equipment would be parked there with Mr. McElwain indicating it is construction and aerial equipment. Katie Quinn asked if they were looking to increase the volume of construction vehicles on-site with this parking or if they were looking to spread out current inventory. Mr. McElwain noted that there was an intention to slowly increase the number of pieces of equipment as they scale with business and in general, they are looking to increase ease of access to parking and have better display capacity.

Dave Mentzer asked, aside from parking, what they were looking to do on site in terms of improvements. Mr. McElwain indicated that aside from the improvements already made, he intended to complete this leg of work ahead of installing a sign which would be mellow with a stone flower box surrounding it and he also is planning for a hedgerow of trees along one of the sides of the property for screening as well as a stormwater feature. Dave Mentzer asked about stormwater and Mr. McElwain named it was for wetlands remediation with Mr. McKenney noting that the Class 2 wetlands mapped by the State shows a small stream and wetland. Bob Beach asked if there were plans for planting or a barrier in the setback between the equipment and Route 7, with Mr. McElwain noting it might interfere with the intended purpose of the parking lot which was to showcase equipment. There was discussion amongst the Board, with members indicating a preference for a balance of showcasing the equipment with appropriate vegetative screening which would be more aligned with the Town's plans. Bob Beach noted that a landscaping plan was needed, and Dave Mentzer said that there would need to be an investigation of whether or not this would constitute encroachment into the setback.

Mr. McElwain asked if he would need to move the parking area back and widen it, with Dave Mentzer noting that while they did not have the answer it may make a good compromise. Mr. McKenney indicated that moving the parking 15-18 feet back may not fundamentally change the appearance and that they could add planting and landscaping features. Jean Richardson noted that there was a general desire for better landscaping along Route 7 and noted that a survey by the Town indicated that residents were not in favor of the current development on-site. Jean Richardson indicated that two documents were submitted by herself and Bonnie Barnes and that there was a review of the Town Plan and Zoning ordinances and that in the Town Plan there was specific language around design considerations. Jean Richardson went on to name that there's an intent to have walkable streets along this scenic byway and there was an interest in softening appearances of businesses such as these by adding vegetative screening. Jean Richardson made note of Bonnie Barnes' more detailed and technical review that was submitted in lieu of her presence.

Dave Mentzer indicated that while he was not advising on design, edges could be important in this application and that two-foot small plantings might be a good solution, pointing to the property owned by Dock Doctor's as a good example. Mike Delaney noted a low stone wall might also be a good solution with Board members noting that some design using various features that acted as a gateway to the property from Route 7 being key. Dave Mentzer noted that the Board would like to see an updated site plan with land and hardscaping that creates

more buffer along Route 7 to create better boundaries for the site. Mr. McElwain indicated that they could not move forward with stormwater plans until this plan and its lot coverage had been settled.

Jean Richardson asked the Board consider concerns raised by Bonnie Barnes, drawing attention to 53 foot trailers coming in and out of the site. Dave Mentzer asked if there were 64 trips per week coming into and out of the site. Mr. McKenney noted that he was not a traffic engineer, but that they wanted to have a 53-foot tractor trailer come in and out of the site, per their traffic plan. Katie Quinn asked about the purpose of those trips, with Mr. McKenney noting that they were to move equipment and they were designing for the largest vehicle, with their VTrans permit. Katie Quinn asked about current state, with Dave Mentzer noting that this plan was so that the site would come into compliance. Mr. McKenney noted there were a few requests on the design including restricting turns from certain directions and widening. Steven True asked about the number of trips, with Mr. McElwain confirming that they did an average of 4-5 trips per day. Dave Mentzer noted that it was his assumption that the firm who prepared the plan might have been using published engineering standards. Katie Quinn asked about the nature of the business, with Mr. McElwain noting that they were fabricating roofing and that there were trips from a metal supplier with sometimes variable trips. It was noted that as a detailed traffic assessment likely isn't warranted, this is likely an estimate of the highest number of trips.

Dave Mentzer noted that they could plan to continue the hearing to next month so that the applicant could present an updated site plan with landscaping and buffer treatment considerations, and that the Board could furnish guidance on the setback to see if a waiver is required. There was discussion on Bonnie Barnes' recommendation of where the lot could be moved, and Jean Richardson named that there was an interest in softening the effects.

**MOTION** was made by Bob Beach to continue the hearing until next month, which was seconded by John Paul.

**VOTE:** All in favor. Public hearing continued.

#### 4. Other Business

There was discussion about moving the meeting until July 10<sup>th</sup>, which was agreeable by most of the Board.

Steven True brought up a matter, Application 24-022 where an attorney desired clarification of a determination on permitted activity adjacent to 525 Ashley Road, noting that the properties westerly of the site were determined as excluded from the permitted activities. Steven True noted that framed differently, the determination read that the properties with agricultural easements were excluded from permitted activities. Steven True asked if the Board would like to review the language proposed to the attorney before circulating. It was noted by Jean Richardson that amending a condition would require a vote as opposed to review. There was discussion amongst the Board members on language in the code pertaining to renting and whether that was indicated in the application. There was further discussion on whether or not a recording of the meeting still existed, and new laws around allowing participants to connect to meetings via virtual options.

After discussion of the operations on-site, there was agreement with proceeding with a decision.

**MOTION** was made by Diane Nadon to approve the change to the wording to Item 2 of the Decision and Conditions for Application 24-022 from “The Property adjacent westerly of 525 Ashley Road shall be excluded from the permitted activity” to “The properties having an Agricultural Easement to 525 Ashley Road shall be excluded from the permitted activity” which was seconded by Mike Delaney.

**VOTE:** All in favor, Dave Mentzer abstained.

5. **Meeting Adjourned at 8:13 pm:** on MOTION of Diane Nadon with the motion being seconded by Katie Quinn and the motion passed unanimously.
6. **Next Meeting:** July 10<sup>th</sup> at 7 pm.