

Approved MINUTES  
APPROVED ON: Oct. 4 2023

**TOWN OF FERRISBURGH  
ZONING BOARD OF ADJUSTMENT  
Approved MINUTES  
WEDNESDAY September 6, 2023  
At Town Offices and on Zoom**

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

**Members Absent:** Katie Quinn

**Minute Taker:** Robyn King

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

**Applicants present:** P. Morris and David Morris, Cynthia Knauf, Hunter Robare, Ms. Robare

**Others present:** Julie Adams, Michael Adams,

1. Meeting was called to order at 7:03 pm by Norm Smith, and Quorum determined.

Minutes of August 2nd were reviewed and it was noted by Norm Smith that John Paul's name was spelled incorrectly in one place in the minutes. Bob Beach made a motion to approve the minutes as amended, which was seconded by Diane Nadon with Dave Mentzer abstaining.

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

2. **Application No. 23-087 (Ms. P. Morris) Waiver of side set-back requirements; property ID#: 14/01/38;1457 Sand Road; Rural Residential (RR-2) district; waiver**

STAFF REPORT: Norm Smith introduced the application and the applicants explained that this was not to be a permanent structure, it would be a shed on a gravel pad which would be located along a pre-existing driveway. It was explained that the waiver that the applicants were seeking was for the side yard setback.

Mr David Morris explained that if the shed was located within the setbacks, it would be on the other side of the house and a driveway would need to be constructed. It was clarified that there was not an accessory structure currently on the property and that the Google Earth photos were depicting a boat that had been on the property. After a question from Norm Smith, it was clarified that there would be a 14 by 24 foot shed with an annex in the back. Diane Nadon asked if they were constructing the structure, and it was explained that it would be coming in a kit. After a question from Norm Smith, it was explained that the structure would sit 5 feet from the side property line. Dave Mentzer asked if there would be lighting, and Mrs. Morris noted that there would not be initially but they were planning on installing an electric hook-up.

**MOTION** was made by Dave Mentzer to close the public hearing, which was seconded by John Paul.

**VOTE:** All in favor, motion passes. Public hearing closed at 7:11 pm.

**MOTION** was made to approve the application as submitted with the condition that if lighting is installed it will be full cutoff light fixtures with downcast lighting and that the proposed structure cannot encroach more than 5 feet into the side yard setback, which was seconded by Bob Beach.

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

**3. Application No. 23-093 (Mr. H. Robare) Temporary Use incidental to construction (Tiny Home); property ID#: 13/01/67.1; Lot E, Spencer Farm Road; Rural Residential (RR-2) district; waiver**

STAFF Report: Norm Smith introduced the application and opened the public hearing at 7:15 pm. It was noted that the applicants were not present at the time.

There was discussion of the zoning code definitions of a tiny home and also a mobile home with attending neighbors Julie and Michael Adams explaining that they had reviewed the code and were interested in understanding how the application would be assessed. Julie Adams noted that the Planned Unit Development had a covenant that no structure would be less than a certain square footage, which Norm Smith noted was not a matter that the Zoning Board of Adjustment had jurisdiction over and that the Board would be evaluating the tiny home and issues associated with it such as wastewater.

**MOTION** was made by Bob Beach to continue the public hearing, which was seconded by Dave Mentzer.

**VOTE:** All in favor, motion passes. Public hearing continued at 7:22 pm.

**4. Application No, 23-094 (Ms. C Knauf on behalf of Mr. T. Pulsifer) Shoreland, Outdoor Recreation; property ID# 13/01/51.4; 28 Arnold Bay Road, Rural Residential (RR-2) district; conditional use**

STAFF REPORT: Norm Smith introduced the application and noted that Cynthia Knauf was present on behalf of Tom Pulsifer.

Cynthia Knauf explained that the proposal was to install a 30 by 50 in-ground gunnite pool and there would be a 9 foot by 9 foot gunnite spa that would be flush with a patio which would include a gas fire pit. This would be located off of the back porch on the property facing west. Ms. Knauf noted other part of the project would be to construct a path in place of the current path that would include switchbacks to lessen the grade. Ms. Knauf explained that the project also includes a metal fence to go around the pool. Ms. Knauf noted that they had received a Shoreland Permit for the project and that the appeal period was over for that permit which was included in the files for the project.

Bob Beach asked about the setback from the lake of the pool, which would be 128 feet and this would be outside of the 100 foot shoreland setback. Dave Mentzer asked about the fence, and it was confirmed that this would enclose the pool and deck area. Diane Nadon asked if there would be any changes to the existing deck and steps, which Ms. Knauf explained there would not be any alterations to the deck on the waterfront. Diane Nadon asked if there would be any lighting on the path, which Ms. Knauf noted there would not be but indicated that there would

be low level lights on the first path that comes east through the gate into the patio and on the steps to the re-routed path.

Dave Mentzer asked about a few features on the map, with Ms. Knauf pointing to a few boulders, and the outdoor spa which would be level and would re-circulate water. A neighbor, Julie Adams was present but noted that she had no questions. Dave Mentzer asked about the lighting fixtures and Ms. Knauf noted that they would be 22 inch high narrow stemmed fixtures with a lid, which are often referred to as mushroom lights.

**MOTION** was made by Diane Nadon to close the public hearing which was seconded by John Paul.

**VOTE:** All in Favor, motion passes. Public hearing closed at 7:32 pm.

**MOTION** was made by Dave Mentzer to approve the application as submitted which was seconded by John Paul.

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

- 5. Application No. 23-093 (Mr. H. Robare) Temporary Use incidental to construction (Tiny Home); property ID#: 13/01/67.1; Lot E, Spencer Farm Road; Rural Residential (RR-2) district; waiver**  
There was discussion of the application, with Board Members noting an interest in wastewater disposal and the plans to remove the structure after the permanent home was constructed, with Steven True answering questions from the neighbors, Julie Adams and Michael Adams appearing on the case about the timeline for permits.

Mr. H. Robare and Ms. Robare were present to speak to the application with Norm Smith explaining that the Board was reviewing the tiny house proposal and not the permanent structure. Mr. Robare noted that this would be a tiny house on wheels that the applicants were currently in possession of. Mr. Robare explained that they were in the process of selling their current house and needed an interim solution ahead of their new house being built.

Norm Smith asked how they were handling the water and wastewater for the tiny house with Mr. Robare explaining that there would be a holding tank for the wastewater that is pumped regularly and there would be electricity on-site to use and that water would be from the existing water on-site. Mr. Robare explained that this tiny house is similar to the one that is currently located on Shellhouse Mountain Road. After a question from Bob Beach on the wastewater, it was noted that this would be a holding tank.

It was noted by Board members that the application lacked a site plan and the drawings submitted were inconsistent and it was unclear of where the applicant planned to site the tiny house and its holding tank. Ms. Robare noted that the holding tank would be sited behind the tiny house, and Mr. Robare noted that the timeline for their move is at the end of the month. Mr. Robare committed to explaining where the tiny house would be sited and showed Board members on the submitted maps the specific plans. Diane Nadon asked what the plans were for the tiny house once the permanent house was constructed, and Mr. Robare noted that they would move it onto existing land so that it may be an Airbnb, preferably in Bristol.

Dave Mentzer asked about the siting of the septic system, with Mr. Robare explaining that there was a re-engineering of the septic system and noted its current siting. Steven True asked about the road cut, with Mr. Robare noting where it is on the map. Mike Delaney asked about the location of the holding tank and Mr. Robare noted it would be right next to the tiny house and it would be above ground. Dave Mentzer asked about the plans for the permanent structure, with Mr. Robare noting that it will be built by Quinn McElwain and the plans are for framing this winter in addition to the foundation with the septic tank being installed thereafter.

There was discussion regarding the removal of the tiny house, with Mr. Robare noting that they intended to remove the tiny house once the new home was constructed. Steven True indicated that if they planned to use the tiny house on the property after the permanent house was constructed, that would be a separate review process that would need to be permitted. Ms. Robare asked what would happen if the permanent house was not constructed within a year of the permit being issued, and Steven True confirmed that there could be an extension of up to one year with a written letter to request the extension. It was noted that there was an estimate of 6.5 months for the construction of the permanent house. Julie Adams, a neighbor, asked about the permit for the temporary structure, as well as the plans for the septic system. Norm Smith indicated that they would be issuing a written decision in accordance with the timeline of the sale of the property. Julie Adams asked about the wastewater and water, which Mr. Robare confirmed that the wastewater would be in a holding tank and they would tap into the existing water line.

**MOTION** was made by Mike Delaney to close the public hearing, which was seconded by Diane Nadon.

**VOTE:** All in favor, motion passes. Public hearing closes at 8:15 pm.

**MOTION** made by Bob Beach to approve the application conditioned upon obtaining a state wastewater permit for the tiny house in accordance with the plans put together during the meeting and that the structure would be sited in accordance with Section 5.36 of the zoning by-laws. The motion was seconded by Mike Delaney.

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

6. **Meeting Adjourned at 8:19 pm:** on MOTION of Dave Mentzer, which was seconded by Diane Nadon and passed unanimously.
7. **Next Meeting:** October 4<sup>th</sup> at 7:00 PM.