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Minutes Approved on: Nov. 2, 2022

Zoning Board of Adjustment
Town of Ferrisburgh, VT

Minutes for meeting of October 5, 2022

Note: This meeting was conducted remotely and in-person at the Town Hall. Some participants joined the meeting through a Zoom online meeting.

Members present: Norm Smith (Chair), Dave Mentzer (Vice Chair) Diane Nadon, Katie Quinn, Mike Delaney, Bob Beach, John Paul **Members absent:** None

Town official present: Steven True, Administrative Officer,

Participants present: Reuban Mann, Gail Blasius, Quinn McElwain

Approval of minutes from September 7 Meeting. Norm called to order at 7:00 and asked for review of the minutes. S. True noted that the first line of the discussion under hearing 22-070 should revise the work “license” to read “permit”. DM moved to approve as noted. MD seconded. Motion carried; JP abstained.

Application No. 22-099 (Quinn McElwain); Change of use to ‘Motor Vehicle, mobile home, trailer, farm implement or industrial equipment service and sales; property ID#23/20/47.1;2847 US-7; Ferrisburgh Town Center (FTC) district; Conditional use.

Steven True noted that the purpose of this application was for a change of use to incorporate the equipment rental business that Quinn McElwain is evidently operating from the subject property. Mr. McElwain stated that he is using the property as a contractors yard, fabricating roofing components and storing materials for his business. Diane Nadon asked if he’s also renting equipment from that site and Mr. McElwain affirmed. Bob Beach asked him to list all of the equipment that he has onsite, and Mr. McElwain enumerated the number of and types of equipment. Norm Smith asked where all of the equipment was parked and Mr. McElwain stated that it was located on the lot south of the area shown on the plan submitted with the application. John Paul asked if he plans for the rental business to grow an Mr. McElwain said maybe. Mike Delaney asked if he plans to make any other changes to the business operations; Mr. McElwain stated he doesn’t have any current plans.

Steven True noted that he does have a permit for a sign, which has not yet been erected, and that currently there is a temporary banner. Norm Smith asked what it said and Mr. McElwain was not specific. Dave Mentzer noted that the banner conveys that there is equipment for rental at that property. Norm Smith asked if he sells equipment, acts as a dealer, or has any franchise as such; Mr. McElwain said no. Norm Smith noted that the problem the board is having is that the current rental operation is not what was permitted and that there are concerns with how it looks. Norm Smith asked if the equipment could be located away from the road, toward the back

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of the lot. Mr. McElwain stated that he likes to have it near the road as that helps draw in customers.

Norm Smith asked if the board had any other questions for Mr. McElwain or if there was anyone else there to speak to the application. Hearing none, NS asked for a motion to close the public hearing. ***John Paul made a motion to close the public hearing, which was seconded by Bob Beach and the motion passed unanimously.***

Diane Nadon noted that discussions around the original application included a conversation about storage of equipment out of sight; Norm Smith did not find that language in the related minutes. Dave Mentzer asked if the tax ID number was the correct one as there were two lots owned by Mr. McElwain that serve the same business. BB said he believed the lots were conjoined. Steven True indicated on the tax map that only one tax ID (47.1) is indicated and believes the ID is correct. Dave Mentzer noted that the plan included with the application does not include the other parcel on which the business operates and on which the equipment rental parking is located. Mr. McElwain stated that the application is for both parcel addresses, and Dave Mentzer noted that there is only one address on the application. Dave Mentzer pointed out that there is a construction square footage noted on the application but no construction is anticipated by the change of use application. Mr. McElwain stated that when he completed the application he used the previous construction application and just updated the date and use.

Norm Smith noted that there appears to be a “confluence of errors” and that an amended application is in order, stating that what the board is being asked to rule on is not what is in the application. Bob Beach asked if the properties were in the Ferrisburgh Town Center district; Steven True confirmed. Bob Beach stated he believes the business is in the character of the district. Norm Smith noted that there appears to be too much that is unclear about the application and intended use. ***Dave Mentzer moved to re-open the public hearing to allow Mr. McElwain to amend his application and for the Board to conduct a site visit; which was seconded by Mike Delaney and the motion passed unanimously.***

It was directed to Mr. McElwain that a revised application should include accurate parcel references, description of the intended uses, and an updated site plan to incorporate both addresses totaling approximately 4.79 acres and indicating where and how rental equipment is to be stored and displayed. Norm Smith requested that the wetland delineation status be clarified as well. Norm Smith proposed a site visit on Oct. 29 at 10:00 am. ***John Paul moved to continue the hearing to the next meeting, which was seconded by Diane Nadon and the motion passed unanimously***

Application No. 22-113 (R Mann) Change of use; Craft cannabis mfg. facility; property ID#: 05-01-28; 401 Long Point Road; Industrial (IND-2) district; conditional use

Reuban Mann described his intent to use the existing buildings on the parcel, currently occupied as the “Long Point Trading Post” for 3 separate cannabis-based businesses. Mr. Mann noted that ot more than 2500 square feet of the existing 3,000 square feet large house/store will be used as a Tier 2 growing facility (1st business entity) and the remaining 500 square feet of the

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building will be a walk-in retail space (2nd business entity) on two floors. Mr. Mann explained that a detached garage or shed will be used to produce “concentrates” (3rd business entity) from by-products produced in growing. Mr. Mann noted that he envisions the business operating on a CSA (Community Supported Agriculture) model with members purchasing a long-term subscription for products and picking them up on a monthly basis.

Katie Quinn asked how many plants were intended to be grown. Mr. Mann stated that it could vary based on the approach to growing and harvesting, and the state regulations limit to 2,500 square feet for Tier 2 operations. Dave Mentzer asked how many employees there would be and Mr. Mann replied ideally none, but at least one up to five maximum. Dave Mentzer asked how many visitors were anticipated and Mr. Mann didn't quite know but speculated that he would like to start with 100 per month with the potential to increase to 400, plus local walk-ins. Mr. Mann elaborated saying he envisioned the potential for large gatherings at pick-up times with games and food to make it a community event. There were questions about how that many visitors would be managed on site and Mr. Mann did not have a specific plan. Diane Nadon noted that some CSAs have scheduled pick-up times that may work out better.

Katie Quinn asked about hours of operation and how long it would take to be up and running. Mr. Mann replied that he didn't have specific work hours in mind, but they would not be too early or too late and he may be up and running in 6 months. Katie Quinn expressed concern over the ambiguity in how the site would be used and Mr. Mann replied that he could provide specifics but doesn't know exactly how the business may grow. Dave Mentzer asked about HVAC equipment locations and noise; Mr. Mann didn't have a specific location in mind. Diane Nadon clarified that the Board's concern is not with his business plan but with how the site will be used; how will things like traffic, noise, and light impact the immediate site, the road, and the neighbors and reminded Mr. Mann that the conditions applied to the permit become part of the record of the property; the Board is concerned with how the site will be used in both the short and long term.

Mike Delaney noted that the application letter stated 20 parking spaces, but they are not indicated on the site plan. Mr. Mann said that there were some pull-up spaces along the road and then room for other cars around the parking area. Norm Smith noted that the project can't include parking spaces in the right-of-way and Mike Delaney said he wanted to see the parking spaces delineated.

Gail Blasius spoke to the application stating that she had four concerns: 1. Currently there are cars “spilling” onto Long Point Rd.; how will this be managed? 2. The current business/house includes of 3000 square feet includes things like a kitchen and bathrooms – does the proposed space include these sorts of spaces? 3. What is the water use/volume and is the current well adequate for that use? 4. Is the septic capacity adequate for the proposed use? Mr. Mann addressed water use and septic, stating that he believes the current facilities are adequate. Mr. Mann noted that the current house will be totally gutted, a new two-level retail space with secure first floor vestibule and second floor sales area will be located toward the street in the current “storefront” area. Mr. Mann noted that he could clarify the parking.

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Norm Smith asked if both outbuildings would be used and Mr. Mann replied yes, one for concentrates production and the other as an “away from home” space. Bob Beach asked about other equipment and how odors would be managed as other applications for similar uses indicate “scrubbers” to manage odors. Gail Blasius asked if the Town Highway Dept. had been consulted on the proposed use. Steven True reiterated that the application is for a change of use.

Norm Smith asked if people wanted to perform a site visit; Board members generally declined, and some members may visit on their own. **Bob Beach moved to continue the hearing to the next meeting, which was seconded by Diane Nadon and the motion passed unanimously.** Mike Delaney reiterated that the Board needs more detail on the proposed site use in order to rule on the application; the specifics of the business plan are not the primary concern.

Application No. 22-114 (Beach Properties Inc.) Demo and Re-build of pool house with addition; property ID#07/01/07; 271 Harbor Drive; Shoreland (SHD) district; conditional use

Bob Beach began explaining that the current pool house, which houses all of the pool pumping and filter equipment, is in significant disrepair and needs to be completely rebuilt in the same location. Bob Beach noted that the equipment will be removed or protected in place and a foundation placed around the existing piping, then a new building constructed around it. Bob Beach explained that the building will be lengthened by about 14 and a half feet, and the building will also have a lower elevation to avoid a step down to the pool deck. Bob Beach stated that the intent is to make the restrooms ADA (Americans with Disabilities Act / VT Access Rules) accessible.

Dave Mentzer asked if the materials or character would all be the same as the existing building. Bob Beach confirmed. Diane Nadon asked about lighting and if it would utilize full cut-off fixtures, and Bob Beach said not likely as they use the lighting on the building to also light the parking area. Katie Quinn noted this is likely not an issue since there are no neighbors to disturb. **Mike Delaney moved to close the public hearing, which was seconded by John Paul and the motion passed unanimously with Bob Beach abstaining. Dave Mentzer moved to approve the application as submitted, which was seconded by Katie Quinn and the motion passed unanimously with Bob Beach abstaining.**

Adjournment

Katie Quinn moved to adjourn the meeting, which was seconded by Mike Delaney and the motion passed unanimously. The meeting was adjourned at 8:40 pm.