

**MINUTES**

**APPROVED ON:** March 2, 2023

**TOWN OF FERRISBURGH  
ZONING BOARD OF ADJUSTMENT  
MINUTES  
WEDNESDAY January 4, 2023  
At Town Offices and on Zoom**

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

**Members Absent:** Dave Mentzer (Vice Chair), Bob Beach

**Minute Taker:** Robyn King

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

**Applicants present:** Mike Dingman, Todd Hardy, Deborah Townsend, Lucy Thayer, Carl Cole, Craig Heindel

**Others present:** Joe Nelson, Conservation Commission

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

Minutes of December 7<sup>th</sup> were reviewed and it was noted that the top of the minutes needed to be adjusted to show that it was for the Zoning Board of Adjustment instead of the Planning Commission and there was another instance of the Board being referred to as the Board of Appeals instead of Adjustment. With those modifications, John Paul moved to approved the minutes, with Mike Delaney seconding the motion. Diane Nadon abstained given her absence at the December meeting.

2. All in Favor.

3. **Application #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, continued**

STAFF REPORT: Norm Smith introduced the application and being informed that Mr. Mann was not present, noted that at the previous meeting in December it was decided that if there was another instance of Mr. Mann not being present for the hearing, that the application would be withdrawn. Steven True noted that the applicant was sent a letter to this effect via certified mail, but that a receipt of delivery was not received.

**Norm Smith confirmed with the Board that the application would be reviewed as withdrawn, with no objections from the Board Members.**

4. **Application #22-123 (Mike Dingman) Accessory Dwelling Unit: Barn; property ID# 21/21/04;686 Woods Road; Shoreland (SD-2) district; conditional use; continued.**

STAFF REPORT: Norm Smith introduced the application as a conditional use located at 686 Woods Road. Mike Dingman joined the meeting via Zoom.

**DISCUSSION:** Mike Dingman explained that the color of the new structure would match the existing building and there would be no upward facing lighting and that the garage door would face the north driveway. Mike Dingman noted that the elevations and drawings have been submitted and sent around. Norm Smith confirmed that the elevations shows brown and grey hues and noted the submitted floor plan, with confirmation that the outside lighting would be cutoff fixtures and there would be use of the road entrance from the north. Norm Smith further confirmed that the application was for a hobbyist workshop with two bedrooms upstairs.

Joe Nelson of the Conservation Commission wanted to confirm lighting plans for the lakeside of the structure, and Mike Dingman noted that there was lighting for the deck only on the elevation drawings and that the deck would be on the west side and that this would be downshaded. Katie Quinn asked if this structure would be used for short term rentals and it was confirmed that if this were the proposed use, the applicant would need to re-appear in front of the Board. Steven True noted that short term rentals are a conditional use of this district. There was discussion of the short term rental zoning language as it pertained to the district at large, with Katie Quinn citing the need for Fire Department awareness.

**MOTION** was made by Diane Nadon with John Paul seconding to close the public hearing

**VOTE:** All in Favor. Public Hearing closed at 7:23 pm.

**MOTION** was made to approve the application as submitted with the stipulation that should the building be used as a short term rental, there would be a separate application in front of the Zoning Board of Adjustment for conditional use.

**VOTE:** All in Favor.

5. **Other Business:** Review of Champlain Valley Grain Center and Douglas Sweets subdivision and improvements

**STAFF REPORT:** Steven True explained that there had been a subdivision process for the parcel in question and ahead of a formal filing for building permits there was an interest in a presentation about the vision and intent of developing the site. It was further noted that this would be at the junction of Routes 7 and 22a adjacent to the park and ride at land that was formerly owned by the Town of Ferrisburgh and is under contract but not yet sold.

**DISCUSSION:** Lucy Thayer was present as a representative of Trudell Consulting Engineers which is the primary consultant on the project. Ms. Thayer gave the Board Members and audience a walk-through of the project, explaining that there 32 acres with a large section of the parcel being a wetland which would not be part of the development area. Ms. Thayer explained that there were 9.3 acres subdivided in the interior into lots one and two with one being 5.2 acres and the other being 4.1 acres and these were the sites of proposed development.

Ms. Thayer noted that for the preliminary site plan there would be proposed access in the existing park and ride lot with a proposal for a Champlain Valley Grain Center to be a 6,000 square foot milling and distilling operation. Ms. Thayer went on to discuss that there would be silos, a sidewalk connection, and a wastewater management system with some capability to

expand the building in the future on the site. Ms. Thayer explained that the second lot would house a commercial bakery as the primary use with a small retail component with potential for a dwelling unit.

Ms. Thayer noted that there is wastewater management for this development as well on the west side of the existing knoll and that part of the project would be to retain existing vegetation although the site is essentially cleared. Ms. Thayer noted there would be no impacts to the wetlands and there would be walking trails on site for the public to use. Ms. Thayer explained that there is proposed landscaping which consists of some screening elements, ornamental landscaping and some development proposed for docking of tractor trailers. Ms. Thayer illustrated that there would be exterior lights for safety, but this would be low-lighting. Ms. Thayer concluded that this was an informal presentation for discussion and that they would be going through the Act 250 permitting process. Todd Hardy asked for a presentation of the existing elevations, which showed building materials that would mimic a traditional barn.

Norm Smith noted that there was openness to this as a concept, and asked about the Act 250 process. Ms. Thayer indicated that in the past, there was concern about the aesthetics with development of this site, but that this proposal included a design that was in concert with traditional agrarian buildings. Norm Smith asked if the application had been proposed to the Act 250 stakeholders, with Ms. Thayer noting that there was an informal meeting. Steven True noted that a Planning Commission member had indicated that this application would address state goals which would be a positive. Norm Smith noted that this concept seemed like something that could be considered, although the Board could not give a formal indication of approval at this point of the process.

Mr. Hardy explained his background as a grain farmer and his involvement with distilling and noted that the mission of the project was to support grain farming jobs and the working landscape. Mr. Hardy reviewed the merits of the project, citing that this would be an opportunity to build something that would support agriculture and the local economy. Norm Smith asked if this development might inspire farmers to grow grain and Mr. Hardy indicated that there may be a two-year runway for this to get built but there was substantial interest.

Mike Delaney noted his general positive outlook on the project and asked about the Act 250 process and it was indicated by Ms. Thayer that given some of the past issues on the site, they would be asking for findings from the Act 250 Board before moving forward to ensure everyone is on the same page.

Joe Nelson, a member of the Conservation Commission asked the Board to consider in regards to the application to keep the walking trails outside of the wetland buffer and also to consider having a no-cut zone around the knoll given that there were some species present worth preserving. Craig Heindel noted he was a consulting geologist on the project, but as a member of the Conservation Commission he would note that there ought to be no cut zones and specific language about the location of the trails. Craig Heindel continued that there ought to be instruction and markers on no cut zones provided to the contractor who may be mowing the property to make sure there's a physical delineation of where not to mow.

Norm Smith concluded the conversation by noting an appreciation for this informal discussion and also explaining that the Board was receptive to the concept.

**6. Meeting Adjourned at 7:50 pm:** on MOTION of Diane Nadon seconded by John Paul.  
All in Favor.

**7. Next Meeting:** February 1<sup>st</sup> at 7:00 pm.