

**FINAL MINUTES**

**APPROVED ON: 8-2-2023**

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

**WEDNESDAY June 7, 2023**

At Town Offices and on Zoom

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

**Members Absent:** None

**Minute Taker:** Robyn King

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

**Applicants present:** John Blasius, James Puma, Ben Dykema, Carol Rocha, T. Nies

**Others present:** Gail Blasius, David Pearson, Aubrey Choquette, Margaret Kadima-Mazele

1. Meeting was called to order at 7:02 pm by Norm Smith, and Quorum determined.

Minutes of May 3<sup>rd</sup> were reviewed, and it was noted by Dave Mentzer that he was written as being both present and absent although he was absent. John Paul made a motion to approve the minutes as amended, which was seconded by Mike Delaney with Dave Mentzer abstaining.

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

2. **Application No. 23-051 (J. Blasius) Commercial, Storage Units; property ID#: 15/01/64 (Lot 4); Tappers Crossing; Industrial (IND-2) district; conditional use.**

STAFF REPORT: Norm Smith introduced the application, and noted that Mr. Blasius was present to speak to the application.

John Blasius gave a summary of the application, noting that this was lot 4 of the Parker subdivision and the intent was to construct storage buildings with solar panels on the roof. Mr. Blasius explained that they were intending to do a saltbox design to maximize the amount of solar panels that can be put on the roof and that the solar panels need a four foot break every fifty feet. Mr. Blasius noted they were planning on 30 by 160 foot buildings with two buildings being 40 by 160 feet to accommodate RV and boat storage. Mr. Blasius noted that the longer buildings would be on the ends for extra space for navigating boats into those storage buildings. It was explained that they would be doing a mix of sizes for the storage units, and they would continue sizing the units based on demand, so there is not a final unit count at this time. Mr. Blasius pointed out there was one change to the original plan which was to decrease the size of the pavement around the units from 35 feet wide to 25 feet wide given they would not have any small doors in the units as they were catering to a market of long term tenants which means that the unit sizes would be larger.

Mr. Blasius continued by pointing out that there was a heated and insulated space planned for the first building which would have an office and a bathroom, although there is no intent to have employees at the building. Mr. Blasius noted that customers would have a self-serve kiosk

and they would retrieve locks to access their spaces and there was a planned gable for the self-serve kiosk to mitigate rain and snow. Mr. Blasius explained that he had conferred with John Bull regarding the entrance to the facility which had been approved and there were plans for a simple sign. Mr. Blasius noted that they needed to still produce plans for the wastewater system which currently would be serviced by a smaller wastewater system that was part of the subdivision. Norm Smith asked about the leach field on the lot, and Mr. Blasius noted it had the capacity to serve the one bathroom planned.

Mr. Blasius wrapped up the presentation by pointing out some key features including strategically placed water spigots to wash the siding, the intent to construct the buildings with vinyl siding and metal roofing as well as bollards to avoid collision. Mr. Blasius explained that they would be putting in septic lines for each building in case future development required it and they were interested in starting to pave this summer as well as excavation.

Norm Smith asked about phasing of construction, and Mr. Blasius noted that it would be phased building, and after a question from Dave Mentzer explained that they would be paving with asphalt. Mr. Blasius explained some of the plans for wastewater mitigation noting that there would be a retention pond and two basins and that he was also considering fruit trees for screening. Mr. Blasius explained that they were planning for eight pole lights on the outside of the facility that would be downward facing LED-lights and they would also be installing cameras. Diane Nadon asked if it would be a motion sensor lighting system with Mr. Blasius noting he was open to continuous or motion sensor given that it's mainly oriented towards safety for the buildings. Mr. Blasius indicated that they were debating a gate versus not having a gate and that while they want it to feel safe, there's not a huge amount of local evidence that gates are necessary.

Mike Delaney asked if the facilities would be continuously open and Mr. Blasius noted that there would not be any offices and it would be accessible continuously and that the only measure that may mitigate folks accessing it continuously would be a gate but hours of operation may be challenging for them to enforce. Dave Mentzer asked how access would be managed and Mr. Blasius explained that they were planning on having a card access system and pointed out that it's typically a low impact activity with very small traffic even during daytime hours. Diane Nadon pointed out comments submitted by a neighbor. Norm Smith asked how many units there would be total, and Mr. Blasius estimated a few hundred.

Norm Smith opened the floor to public comment and David Pearson, a neighbor, noted that he appreciated the plans and local ownership. Mr. Pearson noted that his concern was around the use of fruit trees for screening as opposed to a cedar hedge as well as lighting that might be continuously on. Dave Mentzer noted that commercial building codes may require controlled lighting so continuous lighting may not be an option. Mr. Pearson explained that he was concerned about the site continuously being open and this could be managed through a time-sensored gate. Mr. Pearson explained that some of the other neighbors had concerns about the access road and that he had spoken with John before the meeting about these issues.

Aubrey Choquette, a neighbor, noted a few concerns about the project including adequate screening features that would need to be installed in accordance with Town zoning laws. Mr. Choquette went on to note that he was concerned with the facilities being continuously open and that there would be the risk of folks driving in with boats or other noisy vehicles. Mr.

Choquette noted a preference for the lighting not being continuously on and would prefer motion sensor lights. Mr. Choquette also asked about the separate site access which was not part of the subdivision and he thought to be unnecessary. Steven True spoke to the history of the subdivision, pointing out that there was an original subdivision and a series of boundary adjustments one of which included revision of access roads given challenges with buildable area due to wetlands. There was a discussion of site access, with Mr. Blasius explaining that his conversations with John Bull somewhat focused on the occupant of Lot 1 needing their own access for their trucks. It was confirmed by Norm Smith that additional access had been approved by the Planning Commission, with Bob Beach noting that the current proposal was less development than the originally reviewed 60 foot right of way. Bob Beach asked about roof height, and it was noted that there would be a 24 foot roof, but the pitch would be less significant given the solar-oriented design.

**MOTION** was made by Mike Delaney to close the public hearing, given there was no further public comment and the motion was seconded by Dave Mentzer.

**VOTE:** All in favor, motion passes. Public hearing closed at 7:43 pm.

Norm Smith indicated that they would be speaking about the application during a Deliberative Session.

**3. Application No. 23-059 (J. Puma) Residential, Waiver, Accessory use; property ID#: 14/02/46; 316 Sleepy Hollow; Conservation (CON-25) district; conditional use**

STAFF REPORT: Norm Smith introduced the application.

James Puma explained that the application was for a two-car garage and that the requested variance was for fifteen feet which was a legacy variance given for a car port that got hit by a plow and his intent was to remove the car port and demolish the existing garage to build a new garage. Mike Delaney asked if the setback would be the same, and it was confirmed that it would be. Bob Beach asked about the waiver and the side yard setback. Steven True noted that this is also a conditional use given that it's in the conservation district and that the applicant had provided a letter from the state wetlands office as well as a LOMA indicating that this is not in the floodplain. It was confirmed that the LOMA was from 2015.

Dave Mentzer asked about building materials and Mr. Puma noted that he may put up a steel building and showed features of his drawing indicating there would be overhangs, a 24 foot height with a 5-12 pitch for the roof and garage doors with a row of glass. Dave Mentzer asked about exterior lighting, with Mr. Puma indicating he would have lowlights between the doors. Mike Delaney asked if there would be a bathroom, and Mr. Puma noted that while he intended for the building to be insulated with perhaps a heat pump this would be for storage and not occupation.

**MOTION** was made by Bob Beach to close the public hearing given there was no public comment, which was seconded by Diane Nadon.

**VOTE:** All in Favor, motion passes. Public hearing closed at 7:52 pm

**MOTION** was made by Dave Mentzer to approve the application as presented given the application met the criteria for a waiver, which was seconded by Diane Nadon.

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

4. **Application No. 23-050 (B. Dykema) Residential, Waiver, Accessory use; property ID#: 09/01/05;4974 Sand Road; Rural Agricultural (RA-5) district; conditional use**  
STAFF Report: Norm Smith introduced the application.

Ben Dykema explained that he was present to speak to this application while his son lives at the property and intends to use the garage to house equipment and work on vehicles that he uses for personal use and for farm purposes. Mr. Dykema explained that this would be located 84 feet from the neighboring property and 50 feet from the center line of the road. It was clarified that the application noted 25 feet from the road, with Mr. Dykema noting that the siting of the building was to avoid taking out a row of trees adjacent to the roadway and a tree in the yard. It was clarified that the building would be sited 25 feet from the center of the road and 50 feet was an estimate.

Dave Mentzer asked about the drive access to the garage, with Mr. Dykema explaining the map features and noting that his son would prefer two points of access – one at the front of the garage and one at the back of the garage. After review of the map, it was clarified that the building would be sited 40 feet from the centerline, and 15 more feet from the roadway itself. Steven True noted that there are properties to the south of this property and agricultural fields to the north, with the setback being 84 feet from the neighboring property. It was clarified that the applicant would not be removing the hedge of trees. Dave Mentzer asked about the size of the building and Mr. Dykema noted the plans were for 20 by 30 feet with no second level and possibly a mezzanine for storage supplies. Mr. Dykema noted that the intent was for it to be a steel building. Mike Delaney asked if there would be power and water, and Mr. Dykema said that there would be no plumbing.

Margaret Kadima-Mazele, a neighbor, was present to note that she was interested in knowing the orientation of the building in addition to how far away it would be from her property as she was interested in it being at least 25 feet away. It was confirmed that the building would be 30 feet long-ways adjacent to the road and that it would sit 84 feet from her property. Steven True noted the process by which he verifies where a building is sited, explaining that he would only issue a certificate of occupancy if it met the criteria that it was granted a permit under. Margaret Kadima-Mazele asked about lighting and Mr. Dykema noted that there would be a motion sensor light to find the doors which would be on either side of the building. Norm Smith confirmed this building would be for personal use only.

**MOTION** was made by Katie Quinn to close the public hearing given there was no one else present to speak to the application, which was seconded by Diane Nadon.

**VOTE:** All in favor, motion passes. Public hearing closed at 8:06 pm

Dave Mentzer noted that they would discuss the matter further during Deliberative Session.

5. **Application No. 23-062 (T. Nies, Tesla, Inc.) Commercial, Super Chargers installation; property ID#: 15/02/26;113 Monkton Road; Highway Mixed Use (HMU-2) district; conditional use**  
STAFF REPORT: Norm Smith introduced the application and noted that T. Nies and Carol Rocha joined by Zoom.

Mr. Nies explained that they were planning for 12 Tesla Superchargers adjacent to the Shaw's parking lot and shared his screen to show the siting of the superchargers as well as the utility transformer and pointed out that they had discussed the design with GMP. Mr. Nies noted the 3 phase power that would be bore underground as well as the charging cabinets. Bob Beach asked about charging time and Mr. Nies explained it would be 30-40 minutes on average and it may be even quicker for some drivers with newer models. Mr. Nies noted that they were opening up portions of the Tesla Network at this time. Carol Rocha noted that these chargers would be for Tesla vehicles only but that the company was evaluating data to better understand where they might open additional chargers to relieve congestion.

Steven True noted that the Zoning Administrator in the City of Vergennes was notified as well as adjoining neighbors and there was no one present to give comment on the application. Dave Mentzer asked where the property owners were in terms of representing the application and it was noted that Pomerleau owned the site. Steven True noted that a Mr. Waxler helped scope the application and believed he approved the application and that he worked for Pomerleau. Dave Mentzer and Steven True asked the applicants if there was documentation of the property owner's approval of this application. Ms. Rocha noted that there was an executed agreement and that a redacted version could be provided, which Norm Smith noted would be adequate to demonstrate an agreement for this propose development to be constructed on that site.

Diane Nadon asked about the prevalence of other Tesla Superchargers locally and if they were proprietary and it was noted that all other sites nearby are for Tesla vehicles only. Mr. Rocha noted that Tesla data indicated there would be demand for charging at this site given data about nearby capacity. Diane Nadon asked if the grid could handle if there was a full charging event and Mr. Nies indicated that a GMP study indicated there would be enough capacity even in the event of a full draw which would be rare given how the vehicles charge over time. Dave Mentzer asked about ADA access with Mr. Nies explaining the ADA features of one of the sites including the type of handle, the pathway, and the grade.

**MOTION** to close the public hearing made by Mike Delaney given no further public comment, which was seconded by Katie Quinn.

**VOTE:** All in favor, motion passes. Public hearing closes at 8:18 pm

**MOTION** to approve the application as submitted with documentation demonstrating that authorization was made by the property owner made by Dave Mentzer, which was seconded by Mike Delaney.

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

6. **Application No. 23-012 (R. Donovan) Short Term Rental; property ID#: 18/20/53;718 Old Hollow Road; North Ferrisburgh Village (NVFVD) district; conditional use Continued**

STAFF REPORT: Steven True indicated that he had not heard from the applicant and that they might be able to take further action if there's notification that the applicant is continuing to use the property in a way that's inconsistent with current allowances. Norm Smith opened the public hearing at 8:20 pm and reiterated that the applicant was unresponsive.

**MOTION** to consider the application withdrawn made by Dave Mentzer, which was seconded by Bob Beach.

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

7. **Meeting Adjourned at 8:21 pm:** on MOTION of Katie Quinn seconded by Diane Nadon.
8. **MOTION** made by Katie Quinn and seconded by Dave Mentzer to go into Deliberative Session.
9. **Next Meeting:** July 5<sup>th</sup> at 7:00 PM.