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Minutes Approved on: _____9-7-2022_____

Zoning Board of Adjustment
Town of Ferrisburgh, VT

Minutes for meeting of August 3, 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, John Paul, Mike Delaney, Bob Beach **Members absent:** None

Town official present: Steven True, Administrative Officer, Robyn King, Minute Taker

Participants present: Evan Taubes, Daniel White, Robert Houghton, Janet Houghton, Matt Managhan, Vernon Devine, Andrew Roeder, Jamielynn Gaboriault, Christopher Palmer

Approval of minutes from July 6 Meeting. Norm Smith called the meeting to order at 7:07 pm and asked for a review of the minutes. It was noted that there was a misspelling of an applicant's name and also that the Deliberative Session should not be included in the minutes. There being no other amendments requested John Paul made a motion to approve the minutes, which was seconded by Bob Beach and the motion passed unanimously. Dave Mentzer abstained from the vote, as well as Mike Delaney.

Application No. 22-047 (E. Taubes) Construction of wood shop; property ID#05/01/82.12; 96 Westin Road; Rural Agricultural (RA-5) district; conditional use

Evan Taubes was present to speak to the application and noted that they anticipate using the shop from 8 am to 4 pm and that there would be no light pollution and they anticipate installing solar on the roof of the building. Daniel White, a neighbor, noted that while there are concerns about noise in the neighborhood, he had no concern over this application and appreciated that the hours of operation were during normal work hours when folks in the neighborhood would likely not notice. Mr. White noted he was appreciative of having more business in town. Janet Houghton noted that she had filed comments which noted concerns as she was a neighboring property owner.

Norm Smith asked if the other Board members had any questions and there being none, noted that there were issues that needed to be discussed in Deliberative Session. Mr. Taubes asked when he could expect to see a decision, given that he had been under contract for 90 days, and Norm Smith noted that they would issue a decision and it may be a few days. Dave Mentzer asked the applicant when he was planning to build, and Mr. Taubes noted site work would likely take place this year, with the build in the spring.

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Dave Mentzer made a motion to close the hearing, which was seconded by Mike Delaney and the motion passed unanimously. The public hearing closed at 7:16 pm.

Application No. 22-060 (V.Devine, Jr.) Construction of shop ; property ID#05/01/23.11; 45 Old Hollow Road; Highway Mixed Use (HMU) district; conditional use

It was noted by Steven True that at the conclusion of the last hearing, Mr. Devine was asked to elaborate more on the exterior of the layout and the details had been emailed to Board members. Vincent Devine was present to speak to the application. Mr. Devine presented the sketch showing where the proposed garage would be located in relation to the other structures on his property.

Norm Smith asked where the vehicles will get in and Mr. Devine explained the right of way and noted that the doors of the structure would be facing north. John Paul asked if he would continue to use the old garage and Mr. Devine noted that he would but he is not planning on significantly expanding his business, rather having a back-up space and potentially adding an employee in the future. Norm Smith asked how many lifts Mr. Devine currently has, and he confirmed that he only has one. Norm Smith asked if one of the garages would be to store equipment, and Mr. Devine explained that one of the bays would be allocated to store equipment and he would not be able to use all of the bays for mechanic work.

Norm Smith asked if this garage would be a third garage and Mr. Devine noted that he may have an employee in the future but was wondering if he could only build two bays and not use a door in the space if the economics work out that way. Norm Smith noted it likely wouldn't be an issue and he should be able to build to whatever is permitted. Steve True asked if it would be the same building envelope with no door, and Mr. Devine confirmed that he may not be able to build the same building as proposed. Norm Smith asked if he was the only one working on site currently, to which Mr. Devine confirmed and noted that he may have one employee in the future.

Diane Nadon asked if the re-orientation of the building was due to utilities. Mr. Devine explained that Green Mountain Power had made a site visit and there was an improvement to the utilities. Steven True asked how the layouts were different and Mr. Devine explained that the building proposed was perpendicular but is now attached and Dave Mentzer noted that the orientation rotated. Diane Nadon noted that it would be a stipulation that the lighting would need to be full cutoff downcast lighting and Dave Mentzer clarified that this meant that there would be a shield that directs light downwards and does not allow for horizontal light spillage.

Mike Delaney asked if there would be work on the weekends, which Mr. Devine noted he tried not to do any work on the weekends. Steven True noted that the neighbor to the west in the first hearing concluded that this proposal was far enough back and there was not an ongoing concern. Dave Mentzer asked if the setback was 28 feet, which was confirmed by Mr. Devine.

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There being no further questions, ***Diane Nadon made a motion to close the public hearing, which was seconded by Katie Quinn and the motion passed unanimously. The public hearing was closed at 7:24 pm.***

Norm Smith asked if there were conditions that the Board members would like to specify. Dave Mentzer pointed out that the drawing suggested there would be vinyl siding. Steven True asked if there was already a sign on the property, and Mr. Devine confirmed there was. Bob Beach asked how long Mr. Devine had been at the property and Mr. Devine noted the business had been in place for 6 years, and he had lived there 17 years.

Norm Smith asked if the Board Members would like to have a limitation on the number of employees and Steven True explained that there is language in the by-laws regarding the number of employees allowed for a 'Home Business 2' classification. Mike Delaney asked the applicant if there would ever be more than one additional employee, and Mr. Devine noted that two employees would be the maximum. There was discussion of the 'Home Business 2' classification as it pertained to this application. Norm Smith asked how many parking spaces Mr. Devine had on-site and it was noted that there was parking indicated on the drawing, and he has ample parking on site. Norm Smith noted they could approve the application with the parking shown on the drawing, which equated to roughly 5 spaces, with overflow areas.

There being no further items for discussion, ***Dave Mentzer made a motion to approve the application as submitted, subject to the requirements of a Home Business 2 classification, with the parking shown on the plan, and with the condition that any external lighting be full cutoff fixtures. Bob Beach seconded the motion and the motion passed unanimously.***

Application No. 22-070 (Matt Managhan GB LLC) Change of use; Cannabis Retail; property ID#18/20/81; 6560 Route 7; Highway Mixed Use (HMU) district; conditional

There was discussion of the location of the building, and Matt Managhan clarified that he owned and was president of the company and that this application was also in front of the Cannabis Control Board. Dave Mentzer asked if there would be any modifications to the pre-existing building, and Mr. Monaghan noted that there would be an interior wall on the back side of the building added. Katie Quinn asked if there were still 2 apartments in the upstairs and Mr. Monaghan explained that there was one apartment upstairs but that the occupant would be moving by the time he occupied the space.

Katie Quinn asked if the applicant would be using the whole building, and Mr. Monaghan noted that he would be and that the space that currently hosts the apartment would be used for an employee break room as it had a bathroom and kitchen. Mr. Managhan noted that he was planning on having one employee other than himself and his wife during the start up phase and was not sure how many additional employees there would be in the future. Diane Nadon asked about operations, and it was explained by Mr. Managhan that he had started in the CBD

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business and that he does not plan on manufacturing or producing cannabis on-site, only selling product from other suppliers. Mr. Managhan explained some of the details of his application in front of the Cannabis Control Board, and confirmed that he is pre-qualified and has the details of his banking and insurance all finalized.

Dave Mentzer asked how many parking spaces the applicant would have, and it was confirmed that there were about 20 spaces that would be available. Norm Smith asked about the cars currently parked there, and Mr. Managhan noted that they would be moved. Dave Mentzer noted the space was roughly 2,000 square feet with 1,000 square feet on the first floor. Katie Quinn asked if the applicant would be selling anything else out of the store, and Mr. Managhan noted it would only be CBD and THC products and detailed specifics around licensing to be able to sell other products. Mike Delaney asked about hours of operation, and the applicant noted the shop would be open from 10 am to 7 pm daily and that they may close early on Sundays and Mondays.

Katie Quinn asked about signage and Mr. Managhan noted he would use the current sign infrastructure. Katie Quinn asked if the Cannabis Control Board reviews the design of the sign, which the applicant confirmed and explained some of the details of his business name and plans for graphics on the sign. It was noted that the sign cannot be cartoonish and would be a logo. Mr. Managhan noted that the Cannabis Control Board required a full business plan, and security plans. Bob Beach asked if he was registered and Mr. Managhan noted he was and that all was ok with the logo and signage.

Norm Smith asked if there were any questions from neighbors. Clark Hinsdale asked if the lease on the property included parking on the footprint of the property and Mr. Managhan confirmed this.

There being no further questions, ***Bob Beach made a motion to close the public hearing which was seconded by Mike Delaney and the motion passed unanimously. The public hearing closed at 7:43 pm.***

Diane Nadon asked about exterior lighting and noted that they needed the lighting to have a downshield. Mr. Managhan explained that there would be film going on the windows to make it shatter and bullet proof. Diane Nadon explained that the concerns around lighting were in regards to light pollution. Mr. Managhan noted that he would not have much lighting if any and would comply with regulations.

Dave Mentzer noted that there was a need to address parking, and it was confirmed there were 20 spaces. There was discussion about the number of total occupants in the store and it was noted there would be no more than 10 allowed in the store at any given time.

Dave Mentzer moved to approve the application as submitted with the conditions that there would be a maximum of 10 customers in the store in addition to one employee, and that any exterior lighting will have full cutoff fixtures. The motion was seconded by Bob Beach and the motion passed unanimously.

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Application No. 22-071 (Aaron Dellacroce); Temporary non-conforming use incidental to construction; property ID#05/02/49.113;2944 Shellhouse Mountain Road; Rural Agricultural (RA 5) district; conditional use

Andrew Roeder was present to speak to the application on behalf of Aaron. Steven True noted that the main structure had been approved for a permit last week and this would be a three bedroom house. Mr. Roeder explained that the applicant would like to build a house for his family where they could host a small farm and that they were starting work on excavation. Mr. Roeder noted that both he and the applicant worked at Red House, Inc. and the final structure would be a fine home that would use a mix of actual hours and volunteer time. Mr. Roeder noted that this matter pertained to a tiny house on wheels that would be on site during the construction and then an accessory once the house was complete.

Steven True clarified that this would be a non-conforming use incidental to construction. Norm Smith clarified that this would be in place for at least a year during construction. Bob Beach asked about the construction schedule, and it was noted that the aim is to have the main house constructed in a year. Bob Beach asked about sewer connections, and it was noted that the house will be connected to water and sewer and would sit on a small pad adjacent to the house site. Norm Smith asked how the septic would be taken care of during the build, and Mr. Roter noted that the well has been tapped, and the septic system will be installed in two weeks, but that he has a composting toilet so there would not be any septic output. Mr. Roter explained that once the septic was on-site he would hook into it for greywater usage.

Katie Quinn asked about the camper that's currently on-site and it was noted that it is currently for sale. Dave Mentzer referred to temporary uses and structures noting the year time horizon. There was discussion of the sewer system and the connection to the permanent house versus the tiny house and it was noted that there would never be a permanent attachment for the toilet for the tiny house. It was also noted that the permit was for a two bedroom house and the septic system was approved for three bedrooms. Dave Mentzer referred to the zoning by laws and noted that a tiny house is considered as an accessory structure if it's unable to move.

Jamielynn Gaboriault was a neighbor present and noted that she was interested in learning more about the application and that she had no concerns about the septic and was curious about neighbors who had campers on-site. It was clarified that the Board was reviewing this application specifically and Ms. Gaboriault noted she had no concerns and that Mr. Dellacroce had been an excellent neighbor.

Steven True noted that the porch was taken off the camper, and that there's currently a chicken coop on-site and another small structure had been removed. It was noted that no additional accessory structures should be put up on site ahead of approval.

There being no further questions, ***Katie Quinn moved to close the public hearing, which was seconded by John Paul and the motion passed unanimously. The public hearing closed at 8:06 pm. Dave Mentzer moved to approve the application as submitted subject***

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to the conditions of temporary structures in the zoning code. The motion was seconded by Bob Beach and the motion passed unanimously.

Application No. 22-080 (Christopher Palmer); Renovate 1st floor and add 2nd story; property ID#99/99/99.011.113;114 Annex Road; Shoreland (SD-2) district; conditional use

Christopher Palmer was present to speak to the application and noted that he has a camp on Long Point that he and his wife are looking to create more space in. Mr. Palmer has no plans to create additional impervious surface, or expand the lot, or create more parking. Mr. Palmer noted the camp currently has a second floor but it's not fully finished. Mr. Palmer explained that there had already been Long Point review and approval and that they are looking to use earth tones for the renovation given the proximity to the lake.

After a question from Norm Smith, Mr. Palmer specified that he was unsure of the exact siding material, but they were planning on a natural material or a composite and that the shingles would be gabled. Mr. Palmer explained they would be getting rid of spotlights used for exterior lighting. Dave Mentzer asked about the drawings, and it was explained that the drawings included existing conditions and current buildings and that the measurements may be slightly off.

Mike Delaney asked if Mr. Palmer planned on stripping the building down and Mr. Palmer explained they may save the walls and the floor would likely stay the same. Dave Mentzer asked about heating and cooling, and Mr. Palmer noted they would be getting heat exchangers. Bob Beach asked who was doing the building and Mr. Palmer noted it was a local builder who had experience in Long Point.

There being no further questions, ***Bob Beach made a motion to close the public hearing, which was seconded by Katie Quinn and the motion passed unanimously. The public hearing closed at 8:13 pm. John Paul moved to approve the application as presented, which was seconded by Katie Quinn and the motion passed unanimously.***

Other Business

Application #22-010 (C. Hinsdale) for improvements to existing camp; raising elevation to ground; property ID #04/01/03; Danyow Drive; Shoreline (SD-2) district; conditional use

Clark Hinsdale noted that at the last appearance on this application, he had asked to tear down and replace his camp and since that time, he had torn it down and a neighbor had recommended moving the new structure ten feet back from the road. Mr. Hinsdale explained that this would only make the structure non-conforming on the lake side, but less non-conforming overall. Mr. Hinsdale noted that they would keep the side footings, but just move the structure 10 feet back from the lake. Mr. Hinsdale explained that Steven True had written a letter that included an opinion that the permit references the old footprint and it would be up to the Board to make a decision on whether or not this merits a new application or if it's under the Zoning Administrator's purview to move this project forward as proposed.

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Steven True noted the letter from the neighbor as part of the materials, and Mr. Hinsdale noted that the neighbor thinks it would be more advantageous from the back of the property and that this allows for better drainage of runoff between the structure and the lake. Bob Beach asked if Mr. Hinsdale had been in touch with the state and Mr. Hinsdale noted that there was a lot of back-and-forth and that they thought it was really minor and did not merit registration. Dave Mentzer asked about the foundation that would no longer be covered, and Mr. Hinsdale noted that that would just be a grassy area and reduce impervious surface.

There was discussion of procedure, and it was agreed that this could be considered a minor change and no new permit or application was necessary. It was noted that there were no complaints from the neighbors, nor had there been on the original proposal, and while this property faces Long Point, it is outside of Long Point's jurisdiction.

Bob Beach made a motion to file a document stating that the Board heard arguments and the consensus of the Board is to accept the change in the plans to make the structure less non-conforming. The motion was seconded by Mike Delaney and the motion passed unanimously.

Adjournment

There being no further matters for discussion, Diane Nadon made a motion to adjourn the meeting and start Deliberative Session, which was seconded by Katie Quinn and the motion passed unanimously. The meeting was adjourned at 8:25 pm.