

DRAFT MINUTES

APPROVED ON: Dec. 6, 2023

**TOWN OF FERRISBURGH
ZONING BOARD OF ADJUSTMENT
MINUTES
WEDNESDAY October 4, 2023
At Union Meeting Hall**

Members Present: Norm Smith (Chair); Dave Mentzer (Vice Chair); Diane Nadon; Katie Quinn; Bob Beach

Members Absent: Mike Delaney, John Paul

Minute Taker: Robyn King

Town staff present: Steven True, ZA.

Applicants present: Toby Hinsdale, Mike Hinsdale, Mark Franceschetti, Eric Gracie

Others present: Dick Becker, Paul Eriksen, Al McKibben

1. Meeting was called to order at 7:01 pm by Norm Smith, and Quorum determined.

Minutes of September 6th were reviewed and it was noted by Diane Nadon that Julie Adams' name was spelled incorrectly in one place in the minutes. Dave Mentzer noted that the minutes for the Pulsifer application noted incorrect dimensions for the fence but that the fence continued around the pool, enclosing the pool and should be corrected. Dave Mentzer made a motion to approve the minutes as amended, which was seconded by Diane Nadon.

VOTE: All in Favor, motion passes. Katie Quinn abstained.

2. **Application No. 23-095 (Mr. C. Hinsdale) Outdoor Recreation; 'pitch & putt' course; property ID#: 14/01/38; 225 Bayview Road; Rural Agricultural (RA-5) district**

STAFF REPORT: Norm Smith introduced the application and opened the hearing. Toby Hinsdale and Mike Hinsdale were present to speak to the application and explained that the proposal would be to restore the pitch and putt golf course that had previously existed on the property. Mr. T. Hinsdale explained that this would be for friends and family use only and would not be available to the public and that it had been roughly 20 years since the course existed on the property.

Dave Mentzer asked if there was a plan for parking, with Mr. T. Hinsdale explaining that this was for friends and family and people using it would be able to walk to the course or use bicycles but there was no plan for parking. Diane Nadon asked if there would be a limit on the use of the course, with Mr. T. Hinsdale explaining that this would be maintained as private property with neighbors able to use it. Dave Mentzer noted that it may be appropriate to post that this is a private property with signage as not to confuse the public about its availability, which Mr. T. Hinsdale noted he was amenable to. Mr. M. Hinsdale explained that this course had existed previously within the same use category of residents and neighbors being able to use the course.

Dick Becker, an adjoining neighbor explained that he had lived there for 25 years and remembered the golf course being on the property. Mr. Becker noted that currently there was a meadow on the property with a wetland and a stand of trees. Mr. Becker noted an interest in seeing there being a permanent definition of the fairways to maintain the meadow aesthetic. Mr. T. Hinsdale noted that they had been marking out the course and they would mow the course frequently as to maintain the grass and was open to maintaining the fairways. Mr. Becker noted that he would like to see at least a 50 foot buffer from the wetlands on the site, which Steven True confirmed would be necessary if the state classified there to be wetlands on the site. Upon discussion, it was noted that a condition of the permit could be the acquisition of a state wetland permit.

There was discussion of the use of the course, with Mr. T. Hinsdale indicating that it would be for private use, with an invitation of neighbors and residents to use the course. Mr. T. Hinsdale noted that there was a shed on the site for storage of materials and there is also a bench planned. Dave Mentzer asked about lighting and it was noted that there were no plans for lighting.

MOTION was made by Bob Beach to close the public hearing which was seconded by Diane Nadon.

VOTE: All in favor, motion passes. Public hearing closed at 7:19 pm.

MOTION was made by Dave Mentzer to approve the application as submitted with the condition that there is submitted evidence that there is compliance with state regulations on wetlands which was seconded by Diane Nadon.

VOTE: All in favor, motion passes.

3. Application No. 23-107 (Mr. M. Franceschetti) Additional Self-Storage Units; property ID#: 18/21/71; 6866 US-7; Highway Mixed Use (HMU-2) district; conditional use

STAFF Report: Norm Smith introduced the application. Mr. Mark Franceschetti noted that within the last application there was incorrect math and he was requesting to increase the amount of development on the site as he had not hit the maximum for impervious surface on the site. There was discussion of how much developable land was available on the site per the application, with Mr. Franceschetti noting that he should have the ability to develop the buildings on the map on the westerly side of the lot.

Norm Smith asked what the plans for the swale were given the plans for development, with Mr. Franceschetti noting that he would move the swale closer to the property line. Dave Mentzer noted that the map showed that he would be widening the parking and Mr. Franceschetti clarified that his plans were to develop another 10,000 square feet to meet the maximum square footage. Norm Smith clarified the plans, and indicated a concern regarding the plans for the drainage swale and proximity to the property line. It was noted that the setbacks for this property included a 25 foot setback from the side yard. Norm Smith noted that there would likely need to be an amendment to the stormwater permit if the swale were to be moved.

Dave Mentzer indicated that he would like to see a resubmitted application prepared by a design professional given that the proposal was to maximize lot coverage and included the movement of the swale against a setback. There was discussion of the original application versus what was proposed with this application with Board members indicating a need for a more formal plan to be submitted that included review by a design professional.

MOTION was made by Dave Mentzer to continue the hearing, which was seconded by Bob Beach and the motion passed unanimously.

VOTE: All in favor, motion passes.

Mr. M. Hinsdale indicated that he had a question regarding the application, which prompted Norm Smith to re-open the public hearing at 7:41 pm. Mr. M. Hinsdale indicated that his concern was regarding traffic and Mr. Franceschetti noted that all traffic would be coming off of Route 7 as the access road would be off of Route 7. Neighbors Mr. Paul Eriksen asked if Mr. Franceschetti would be storing boats on the property, which he indicated he would not be. Ms. Eriksen noted that she had an issue with Mr. Franceschetti storing animal poison on the site as it has been disrupting the local ecosystem and requested the Mr. Franceschetti evaluate alternative options such as instant kill.

MOTION was made by Diane Nadon to continue the hearing which was seconded by Dave Mentzer.

VOTE: All in favor, motion passes.

4. Application No. 23-111 (Mr. E. Gracie); Home-based Business; property ID#: 18/20/50; 1153 Four Winds Road; Conservation (CON-25) district;

STAFF REPORT: Norm Smith introduced the application. Eric Gracie explained that he had a decent quantity of stone on his property for his landscaping business and that there were people driving by asking to buy the stone but he was seeking permission to do so from the Board. Norm Smith asked if this would be a retail operation, with Mr. Gracie indicating that his main line of business was landscaping and storage of the material was for his business primarily.

Diane Nadon asked if this was a quarry operation, with Mr. Gracie indicating he was storing stone on his property in a staggered way to do his own jobs but that people were asking to purchase stone. Katie Quinn indicated that she has lived in the neighborhood for quite some time and there was not much space for parking at the site. Steven True clarified that this was a home based occupation and that there are a certain number of parking spots set aside within that definition that the Board could review. Bob Beach asked if those buying stone would be parking on site with Mr. Gracie indicating that there would only be one vehicle loading at a time by appointment only.

Dave Mentzer asked if this was a permitted contractor yard, with Steven True indicating that it was a home based occupation which is a permissible use in most districts, but given this is in the conservation district, this is a conditional use. Norm Smith opened the floor for public comment, and neighbor Al McKibben approached the Board. Mr. McKibben indicated he respects Mr. Gracie and his business, but is opposed to the application and provided some

context about the site indicating it has a number of pieces of equipment and storage on site and abuts the property that he and his wife have occupied for roughly 15 years. Mr. McKibben indicated there have been disruptions from noise from trucks arriving and lighting. Mr. McKibben noted that from his perspective this property is in the conservation district and the proposed use might disrupt the wildlife that use this area for habitat and travel. Mr. McKibben further indicated that this may not constitute a home based business given that the business use occurs both within and outside the property. Mr. McKibben also commented that the use may change the nature of the neighborhood including increased traffic, issues with parking on the road, and the lack of screening for the materials which will be on site.

There was clarification of Mr. McKibben's property and it was shown on the map where the boundaries are and features of the site. Steven True asked if there had been a business on Mr. Gracie's property previously, with Katie Quinn indicating that it was a wood flower business. Diane Nadon asked how many people per week would be stopping by. Mr. Gracie noted that there were three deliveries in total this summer and that those who have stopped by are a part of his personal business. Diane Nadon noted it was her assumption that the stone was used for landscaping jobs, but also that the property served as a holding place for stone. Mr. Gracie noted that his business is booked fairly far out so he holds the stone on site as it's more efficient for his business. Mr. Gracie indicated that if there were folks who parked on site, he would think it would slow traffic given that there are people who rush through the neighborhood.

Norm Smith asked if there might be parking available off-site, and Mr. Gracie indicated that there is equipment and storage off-site and that the equipment he has on his property are two trucks and a skid steer. Mr. Gracie noted that he loads his equipment with materials on site roughly twice per week and that the three deliveries have been only at one time during the day on a tractor trailer. Mr. Gracie further explained that he does not believe that this would be a disruption to wildlife as he frequently sees wildlife on site and that all work that has been heard has been personal improvement on his property. Norm Smith asked if there could be fencing on the westerly side of the property. Mr. McKibben questioned the use being appropriate in the district if there are signs for the business or other indications of a business existing there, which Mr. Gracie indicated he had no plans for signage.

Norm Smith indicated that a site visit was likely necessary ahead of proceeding with this application and there was discussion of when would be appropriate. Dave Mentzer indicated that he was interested in assessing whether this was a home occupation or whether it constituted a contractor's yard and noted that the parcel size is challenging given that it's an unconforming lot in the district. It was decided that a few Board Members would try and visit the site on Saturday, October 7th in the morning, with others going to the site when available.

5. **Meeting Adjourned at 8:15 pm:** on MOTION of Dave Mentzer, which was seconded by Diane Nadon and passed unanimously.
6. **Next Meeting:** November 1st at 7:00 PM.