

**APPROVED ON: January 4, 2023**

**TOWN OF FERRISBURGH  
ZONING BOARD OF ADJUSTMENT  
MINUTES  
WEDNESDAY December 7, 2022  
At Town Offices and on Zoom**

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

**Members Absent:** Diane Nadon.

**Minute Taker:** Robyn King

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

**Applicants present:** Mike Dingman, Deb Healey, Andrea LaLumiere, Cindy Schultz

**Others present:** Craig Heindel, Conservation Commission.

1. Meeting was called to order at 7:00 pm by Norm Smith, and Quorum determined.
2. Minutes of November 2<sup>nd</sup> were reviewed and it was noted that there should be a change to Katie Quinn in place of Mike Quinn in one instance, an applicant's name should be modified to Andrea LaLumiere, on page 5 there should be reference to a wastewater permit needed from the state, and Bob Beach made a motion with Dave Mentzer seconding on the Quinn McElwain application. The amended minutes, were approved on **MOTION** of Katie Quinn, seconded by John Paul.
3. All in Favor.
4. **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 noted the plans were to renovate the existing building at 401 Long Point road. It was noted that the applicant was not present for the second time. Steven True explained that he had reached out to the applicant a number of times between the last meeting and the applicant was non-responsive.

**DISCUSSION:** Bob Beach asked if this was land that had a pending sale, and Steven True noted that it was his understanding that the transaction was pending Zoning Board of Adjustment approval. Steven True explained he had heard from the counterparty to the sale and there was an inference that the application would not be approved, although there was no basis to that claim. Norm Smith noted that the applicant could have one more opportunity to present the application at the next meeting before the application would be withdrawn.

**MOTION** was made by Dave Mentzer seconded by Bob Beach to continue to the hearing at the next scheduled meeting of the Zoning Board of Adjustment.

**VOTE:** All in Favor

**5. 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.

**DISCUSSION:** Mike Dingman was present to speak to the application and explained that he was interested in pursuing a permit to build the structure and that the application was for a 60 by 36 foot structure no more than 35 feet high to house a wood shop and a living space. Norm Smith asked about the characterization of the structure as a barn as opposed to a living space, and Mr. Dingman clarified that this would be a two bedroom apartment above the wood shop. Norm Smith asked how large the lot was, and Mr. Dingman noted it was 200 feet by 200 feet in the Shoreland District.

John Paul asked if there had been any structures on-site, with Katie Quinn asking about the plans for the property. Mr. Dingman noted that the property was slated for development after being subdivided by Basin Harbor, and that his plans were to develop the lot and tie the new structure into the existing septic system that was present on the lot, but was serving his house on the adjacent property. Norm Smith asked about the septic system and Mr. Dingman clarified that the mound system and tank were on the current lot under review, not the adjacent lot with his home on it, and that this configuration made the current lot under review unsellable.

Katie Quinn asked about the nature of the wood shop, and Mr. Dingman confirmed that it would be a hobby wood shop, with no business use and that the residential units were intended as a place for him to rest. Norm Smith asked about a separate wastewater permit for the new structure, and Mr. Dingman noted that he had the letter for the permit and explained that the system was rated for seven bedrooms and that this would be accounted for with the five bedroom house, which is a reduction of rooms currently present and the two bedrooms in the apartment in the new structure.

Norm Smith noted that a Shoreland permit would be required, and pointed out the issue with the lot not being two acres. Dave Mentzer pointed out that this is a lawfully created site and there could be a waiver granted for non-conformity. Mike Delaney asked about the 12 feet noted on the map in one area, and Mr. Dingman noted that this was the setback from the edge of the road and explained the dimensions and features on the map. Dave Mentzer asked how many homes were served by the road, with Mr. Dingman noting roughly six.

Norm Smith read the conditions for a waiver and noted that the Board could grant a permit and a waiver from the 25 foot setback from the road, and expressed an interest in confirming that the house is five bedrooms and the new structure is two bedrooms in accordance with the state wastewater permit. Dave Mentzer asked about the design of the structure, and Mr. Dingman described it as a carriage house and noted he had drawings but the nature of the building had changed over the years and he was contemplating currently not building it to the specified size.

Dave Mentzer noted an interest in seeing more detail about the design and dimensions of the building, with Norm Smith expressing support for obtaining additional information ahead of approval.

Steven True asked about enforcement of understanding the bedroom and septic requirements, and Craig Heindel confirmed that notification of violation typically comes from external reporting or time of sale issues.

There being no questions from the public, Mike Delaney noted that for review at the next meeting on January 4<sup>th</sup>, Board members would like to review the design of the building, color of the exterior as well as any lighting plans.

**MOTION** was made by Katie Quinn seconded by Mike Delaney to continue the hearing at the January 4<sup>th</sup> meeting.

**VOTE:** All in Favor.

**6. Application #22-128 (Deb Healey) Raze & Rebuild Accessory Dwelling Unit; 126 Ferry Road; Conservation (cond025) district; permissible with Site Review.**

STAFF REPORT: Steven True noted that this proposal is located in the Conservation District and that it is a permissible use with site review required and it was confirmed by the Board that this application required review.

**DISCUSSION:** Andrea LaLumiere was present to speak to the application, as was Deb Healey and Ms. LaLumiere noted that this application includes razing the 20 by 40 foot garage with an accessory dwelling that was constructed poorly in the 1970s and now had a cracked foundation pad. Ms. LaLumiere explained that there would be the reconstruction in the same footprint with a garage on the first floor and an apartment on top with one bedroom.

Norm Smith noted that this would be a replacement with the same concept, with Ms. LaLumiere confirming that the apartment would be in the back-half of the structure and they would be changing the roof shape to match the home on the property. Dave Mentzer asked about setbacks, and Ms. LaLumiere noted that the structure is located very close to the property line, but this is pre-existing. Deb Healey noted that the structure is roughly 10 feet from the house and explained that the property on the other side of the structure is owned by her, and the proposed and current structure sits roughly 8 feet from the property line. Bob Beach asked about the total number of lots in the area, with Ms. LaLumiere noting there were three lots owned by the family in total and explaining which lots contained structures and septic systems.

There were no questions from the public. Dave Mentzer clarified that a non-conforming structure can be restored if it's damaged so long as it does not increase the degree of non-conformity.

**MOTION** was made by John Paul seconded by Mike Delaney to close the public hearing. The public hearing was closed at 7:35 pm.

**VOTE:** All in Favor.

**MOTION** was made by Dave Mentzer seconded by Katie Quinn to approve the application as submitted.

**VOTE:** All in Favor.

**7. Other Business:** Review of Building permit application of Cindy Schultz, 586 Robinson Road.

**DISCUSSION:** Cindy Schultz was present to speak to the application. Bob Beach noted that in the original application, it appeared that there was a large barn and a small garage but this current plan seemed reversed. Ms. Schultz noted that they had planned on a larger barn but it will be an equipment barn with the placement and sizing being a result of where the house and the garage were ultimately sited.

Steven True explained that this was a conditional use application in the conservation district and that this was approved in 2018 and while the new permit did not seem to deviate from original permit, this review would be to reaffirm what was approved. Steven True noted that the original permit had expired and in the interest of understanding the sensitivity of the site given the proximity of the Town Forest, he wanted to give the Board the opportunity to review.

There was discussion of the original application with agreement that there were conditions on not having equipment near the forest, being mindful of lighting, and having construction begin within a year. Ms. Schultz confirmed that originally, they were unsure of where the barn would be sited, and the current proposed location is the logical choice. Craig Heindel asked about a site plan and noted that there was a condition to put in a hedge in the original approval, and clarified that there were no exterior lights as part of the proposal. Ms. Schultz noted that the building would be placed where the hedge was proposed and that this is right against a hill and there will be no light pollution. It was confirmed that the barn will not house any residential units, and there was discussion of the wastewater permit and the current number of bedrooms in the house.

Craig Heindel noted that the first condition on the permit related to the installation of a hedge and it would be logical to include that as part of this last phase of development. Steven True explained that there was no certificate of occupancy granted yet, and that could be a condition of the permit.

It was agreed that given the nature of the construction, the applicant did not need to have an additional hearing and the original permit conditions could be retained. The applicant noted that their builder planned to start construction in January.

**8. Other Business:** Review of Quinn McElwain permit in relation to Town Center Plans.

**DISCUSSION:** Norm Smith noted that Bonnie Barnes of the Planning Commission noted that she was not able to participate in the conversation around the granting of the permit for Quinn McElwain's property located at 2847 US-7 given technical malfunctions with Zoom and there were concerns raised around the parking of heavy equipment along the roadway. Bonnie Barnes has asked that the hearing be re-opened given that there were issues in accessing the Zoom meeting. Katie Quinn asked if there was guidance on attending meetings virtually as

opposed to in-person. Steven True pointed out that Bonnie Barnes could appeal and he had not yet issued the permit given the ambiguity of the situation.

Katie Quinn asked if there was a warning that there was a Zoom option, with Steven True confirming that this was part of the agenda, but was not in the newspaper. Bob Beach pointed out that the site historically has housed equipment dealers. Katie Quinn noted that there may be some lighting issues on the site that may need to be explored.

There was discussion around the nature of hybrid meetings and the continuation of this style moving forward. It was decided that Steven True would follow up with the Vermont League of Cities and Towns for additional guidance on the matter, given there was a typo in the agenda and the Zoom meeting was not accessible.

There was discussion on the nature of the approval, with Board members noting that there were other uses where there is equipment, buildings, or other materials close to the roadway. Katie Quinn noted that the original intent of the application was to hear about the inconsistent use of the lot, with Steven True confirming that there was an interest in getting the permit aligned with current uses. Norm Smith noted that he would follow up with Bonnie Barnes to clarify the nature of the approval and the issues reviewed by the Board.

**9. Meeting Adjourned at 8:03 pm:** on MOTION of Dave Mentzer seconded by Katie Quinn.  
All in Favor.

**10. Next Meeting:** January 4<sup>th</sup> at 7:00 pm.