

MINUTES

APPROVED ON: Nov. 6, 2024

TOWN OF FERRISBURGH ZONING BOARD OF ADJUSTMENT

MINUTES

WEDNESDAY October 2, 2024

At Town Offices and on Zoom

Members Present: Norm Smith (Chair); Dave Mentzer (Vice Chair); Mike Delaney; John Paul; Bob Beach

Members Absent: Diane Nadon; Katie Quinn

Minute Taker: Robyn King

Town staff present: Steven True, ZA., Craig Heindel (Conservation Commission)

Applicants present: William Wilder, Jay Wisner, Quinn McElwain, Melinda Hinsdale, Mike Hinsdale

Others present: Greg McKenney, Peter Welch, Peter Raymond

1. Meeting was called to order at 7:05 pm by Norm Smith, and Quorum determined.

Minutes of August 7th were reviewed and it was noted that Bob Beach and Mike Delaney were not present at the meeting and the minutes should reflect as such. Dave Mentzer moved to approved the minutes as corrected, which was seconded by Norm Smith. All in Favor.

2. Application No. 24-078: Accessory Dwelling Unit; Applicant(s): William Wilder; Property ID #05/01/37; 1710 Greenbush Road; Conservation (CON-25) District; Conditional Use.

The application was introduced by Norm Smith, and Mr. William Wilder was present to speak to the application. Mr. Wilder noted that the application was for a tiny house as well as a chicken coop. Steven True noted that this application was located in the Conservation District and that while it is in the FEMA floodplain, the accessory dwelling unit is proposed to be outside of the flood boundaries and therefore a letter of map adjustment and going through the flood regulations is unnecessary. Dave Mentzer clarified map features including wetlands, flood plains, and the proposed location of the building with the applicant, Steven True, and Craig Heindel.

Norm Smith asked if the structure would be hooked up to a water source, with the applicant affirming. Dave Mentzer asked if there would be wheels on the tiny house, which William noted it was not built on wheels but shipped on a flatbed truck with a concrete slab foundation planned. It was noted that the structure was built in upstate New York. Dave Mentzer asked about the distance from the property line with it being noted that there was flexibility in siting. William confirmed that there would be no neighbors at the property within eyesight. Mike Delaney asked if the structure would be single story, which the applicant affirmed.

Norm Smith asked if there were questions from the public, with Craig Heindel noting that the Conservation Commission had no strong objections and pointed to the application including a water supply and related permits, and that it would be able to meet setbacks.

MOTION was made by Dave Mentzer to close the public hearing, with Mike Delaney seconding the motion.

VOTE: All in favor. Public hearing closed at 7:14 pm.

MOTION was made by Dave Mentzer to approve the application as submitted with the conditions that all exterior lighting be full cutoff fixtures with 180 degree coverage and a full shield and that the siting of the structure would meet the side yard setback of 25 feet from the property line which was seconded by Mike Delaney.

VOTE: All in favor, motion passes.

3. Application 24-084: Home extension; Applicant(s): Tom Cucinello; Property ID #19/20/04; 220 Summer Point Road; Shoreland (SD-2) District; Conditional Use

Peter Welch was present to speak to the application regarding an extension of the home, with Steven True noting that there were emails from the applicant indicating that Mr. Welch could speak on behalf of the application. Mr. Welch explained the proposal and noted that it would be within the setbacks of 60 feet for the district, and that while they did not have a stormwater permit, they had a registration indicating progress. There were discussions around the dimensional standards of the District and how frontage is defined, as well as how state approvals factor into the Town approval process. Craig Heindel noted that the application would move a structure four feet closer to the lake which would not cause a significant environmental impact. There was no one else to speak to the application.

MOTION was made by Mike Delaney to close the public hearing, which was seconded by John

VOTE: All in favor. Public hearing closed at 7:24 pm.

DISCUSSION opened by Dave Mentzer regarding the granting of a waiver for the application given that it complied with all requirements for a waiver which are included in Section 10 of the Town Zoning Code.

MOTION was made by Dave Mentzer to approve the application as submitted granting a waiver for the front yard setback with the condition that all lighting fixtures be full cutoff and that all materials used would be kept consistent with the existing building materials, which was seconded by Bob Beach.

VOTE: All in favor, motion passes.

4. Application Number 24-085: Home extension; Applicant(s) Jay Wisner; Property ID #19/20/48; 891 Kimball Dock Road; Shoreland (SD-2) District; Conditional Use

Peter Welch was present to speak to the application, and explained components of the proposal including demolishing the existing bathroom to renovate the bathroom on the second

floor, covering the walkway on the hillside, and making modifications to the second floor roofing. Bob Beach asked if the porch included posts, which was affirmed by way of Mr. Welch explaining that it would be tucked into ledges and they would be removing trees close to the building which should have been removed previous to this application.

Dave Mentzer asked about Lakeshore permitting, with Mr. Welch noting that it was not required due to there being no proposed increase in impervious surface, and Mr. Welch confirming that the tree removal was due to the trees being hazardous. Dave Mentzer noted that the proposal met the setbacks and that they were not expanding into the setback which was previously nonconforming. Craig Heindel indicated that the Conservation Commission would recommend erosion control measures, and that the applicant would keep trees that aren't a hazard.

MOTION made by Mike Delaney to close the public hearing, which was seconded by Dave Mentzer.

VOTE: All in favor. Public hearing closed at 7:31 pm.

MOTION made by Dave Mentzer to approve the application as submitted with the conditions that any lighting be full cutoff fixtures and that all materials used for the project to match the color of the existing structure, which was seconded by Mike Delaney.

VOTE: All in favor, motion passes.

5. Application Number 24-083: Commercial — Addition of Parking Lot, 60 x 60 Building; expansion of Access to US-7; Applicant(s): Quinn McElwain; Property ID #23/20/47.1; 2833 US-7; Ferrisburgh Town Center (FTC-2) District; Conditional Use

The application was introduced, and it was noted that Quinn McElwain and the project representatives Greg McKenney and Peter Raymond were both present to speak to the application. Greg McKenney noted that after the June meeting, there were modifications to the plans submitted and pointed to the parking lot expansion in the northeast corner and the widening of access into the site for VTrans compliance. Greg McKenney indicated that there was clarification that the 100 foot setback applied to both buildings and parking lots and there was a waiver request for a 16 foot encroachment into the setback. It was clarified that the drawings were not a licensed survey, and that specific landscaping details had been incorporated including Norway Spruce along the northside and that there were plantings proposed along Route 7 adjacent to the proposed parking including Arctic Fire Dwarfs and Red Twin Dogwoods. Greg McKenney noted that this set of plans included a building addition on the metal shop which would extend 60 feet by 50 feet. Steven True indicated that procedurally, with the addition of the building, this was warned under a separate and new number.

Dave Mentzer asked about GMP requirements for trees near the right-of-way and it was noted that they would likely review. Dave Mentzer asked about exterior lighting, and Greg McKenney indicated that there were no specific plans but there were thoughts that there would be a porch light over the entrance per the architectural drawings. Quinn McElwain indicated that there would be lights over the entrances and motion lights on the corners of the building, which Dave

Mentzer noted was indicative of the use being for pedestrian access as well as security and understood there to be nothing planned on poles.

Steven True asked if there was justification for the encroachment into the setback, with Quinn McElwain explaining that with the demolition of the house and parking area, there was movement out of the setback and that this was not out of character with the development in the neighborhood, which Peter Raymond indicated that the application had more on the waiver description. Dave Mentzer asked if there was any other electrical or mechanical equipment on the exterior, with Quinn McElwain noting would all be inside the building. Bob Beach asked about the nature of the addition in terms of its use, with Quinn McElwain noting that floorplans showed offices, a mezzanine and open floor space with the activities being related to the existing business and of a clerical or retail-related nature. Greg McKenney explained that operationally, people may check-in for rented equipment in the new space.

Key details about the applications and business operations were discussed including the parking area for the 2-3 employees on-site, that the business employed 16 people told but that only 4-6 people report to the site daily given that most go directly to job sites. It was clarified that the business focuses on roofing, and that only a handful of customers drive in or drive by as most equipment is shipped and that there was one truck driver that did occasional deliveries. Steven True noted the approved uses on site which included Motor Vehicle/Mobile Home Equipment Sales and Service which is tailored to the site, and Mr. Raymond indicating the existing use of Contractor Yard, which Steven True noted there was also Industrial Equipment Sales and Service.

Mike Delaney asked if there would be an increase to employees, with Quinn McElwain pointing to a septic approval of 15 gallons per day, which would equate to almost 40 employees. Steven True asked about the status of state permitting, which Greg McKenny noted were still in process including stormwater permitting, and wetlands permitting was completed related to remedying a violation which included stormwater features. Norm Smith asked about the VTrans requirement, with Greg McKenny indicating that the 40 feet noted were for a 53 foot tractortrailer to come into. Craig Heindel noted that the state would ask for an additional 10 foot buffer outside of the 50 foot buffer for construction activities and pointed out mapping features related to wetlands. Craig Heindel indicated the need for a stormwater management plan with temporary erosion control measures.

Norm Smith asked if there was anyone in the audience to speak to the application with there being no one present. There was discussion around parking configurations, where there was indication of parking equipment along southerly side and accommodating cars where needed. Mike Delaney named that there may be benefit to limiting the north side to car parking, which lead to discussion of the improvements on the resubmitted plans, the character of the businesses of the neighborhood, and the desire for the flexibility of the site by the applicant given the intent to showcase equipment.

MOTION made by Dave Mentzer to close the public hearing which was seconded by John Paul.

VOTE: All in favor. Public hearing closed at 8:02 pm.

Norm Smith named they would enter into deliberations on this matter once the remainder of the public hearings had concluded.

6. Application Number 24-080: Waiver; Accessory Use Structure; Applicant(s): Melinda Hinsdale;

Property ID #08/20/13; 19 0'Bryan Lane; Shoreland (SD-2) District; Conditional Use
The applicant, Melinda Hinsdale, indicated that there is an existing shed on the property which goes over the property line onto the neighbor's property which they are pursuing purchase of.

Bob Beach gave the greater context of there being a Planning Commission review of a boundary adjustment that was sized to applicable state regulations relating to septic and wastewater. Norm asked if the building was going to be moved over. The applicant explained that they were in the process of obtaining the parcel of land adjacent to the structure and that the application was to take a structure down and move it further off the road. There was the discussion of the proposal to have a 1 bedroom unit above the garage and repurposing of room configurations so that there would be 3 bedrooms in the main house. Craig Heindel noted that from the Conservation Commission's perspective there should be mitigation of environmental impacts by way of ensuring that there are erosion control measures in place so that mud doesn't leave the property.

MOTION made by Dave Mentzer to close the public hearing, which was seconded by Bob Beach.

VOTE: All in favor, public hearing closed at 8:14 pm.

MOTION made by Dave Mentzer to approve the application as submitted with the condition that all exterior lighting be full cutoff, that the exterior materials used for construction be consistent with the character of the existing house, and that the waiver request setback is granted which was seconded by Bob Beach.

VOTE: All in favor, motion passes.

7. Application Number 24-081: Single Family Home; Applicant(s): Mike Hinsdale; Property ID #05/01/61; Approximately 1685 Greenbush Road; Conservation (CON-25) District; Conditional Use

Mike Hinsdale named that this was an after the fact permit and explained the history of the site in terms of its occupation by a travel trailer and that it was a pre-existing non-conforming lot. Mike Hinsdale named that he was moving forward to explore septic installation, wetlands delineation, and a curb cut. Norm Smith asked if there was a structure in place, with Steven True noting that there was a tiny house and this application was to bring the property into compliance. Mike Delaney asked about the wastewater permit and if it was for future development, with Mike Hinsdale indicating that he intends to construct a permanent house. Bob Beach confirmed that when the property was initially subdivided, with Steven True elaborating that an RV was parked there and that it was removed after the owner was deceased, but that Mike Hinsdale had purchased the property and when a tiny home was moved there, there was an assessment of how to bring the property into compliance.

Dave Mentzer clarified that the proposal pertained to the 4.02 acre lot on the drawings, with Craig Heindel naming that new wetlands delineation was needed and that this application was located in the Conservation District. There was discussion around the nature of the application, with Steven True noting that it was to remedy a violation of land use regulations. Mike Hinsdale clarified that he was pursuing wastewater permitting in the pursuit of constructing a 2 bedroom house on the site, subject to wetlands delineation. There was discussion of the nature of the application review, with there being clarification on the assessment of the existing tiny home as a permitted use, and the need for a separate process around permanent home construction. Mike Hinsdale noted that there was currently a composting toilet on site, and a holding tank on the property to serve the current tiny house. Steven True indicated that the previous use of an RV was not approved through the Zoning Board formally upon review of records.

It was noted that there would need to be a wastewater permit if there was a permanent house constructed, and that it would likely be challenging to delineate wetlands at this point in the year. Board Members reached consensus on the method to be able to review this application again at a time when more information about wastewater and wetlands could be submitted.

MOTION made by Bob Beach to continue the matter until the May 2025 meeting of the Zoning Board of Adjustment, which was seconded by Dave Mentzer

VOTE: All in favor, motion passes.

8. Deliberative Session: Dave Mentzer moved to enter into Deliberative Session, which was seconded by Mike Delaney. All in favor, motion passes.
9. Next Meeting: November 6 at 7 pm.