

# **Zoning Board of Adjustment**

## *Town of Ferrisburgh, Vt.*

DRAFT – Minutes for meeting of October 3, 2018

**Members present:** Norm Smith (chair), Bob Beach, Rayne Herzog, John Paul. **Absent:** Mike Delaney, Clark Hinsdale, Dave Mentzer.

**Town official present:** Bonnie Barnes, zoning administrator.

**Visitors:** Cliff Carpenter, Pat Carpenter, Lydia Hibbard, Arabella Holzapfel, John Laberge, Steve Lackey, Holly Laramee, Jon Laramee, Emily Rose, Justin Rose, Matt Wamsganz.

Norm Smith, chair, called the meeting to order at 7 p.m.

**Approval of minutes from September 5, 2018:** John Paul made a motion to approve the minutes of September 5, 2018, as submitted. Rayne Herzog seconded. All voted in favor.

**Motion approved.**

**Application 18-098.** Application by John Laberge for a Conditional Use Permit to place a shipping container on a lot at 1355 Sand Road. The property is partially in the Shoreland District (SD-2) and partially in the Conservation District (CON-25) and identified in Town of Ferrisburgh tax maps as parcel 14/01/36.1A.

No one was present to speak to the application at the scheduled time of 7:05 p.m. Norm Smith said the board would move on to the next application and take up this application if John Laberge arrived later.

**Application 18-100.** Application by Global Partners LP for a Conditional Use Permit to install a 1,000-gallon above-ground diesel exhaust fluid tank on an existing concrete island at the Jiffy Mart service station at 2822 U.S. Route 7. The property is in the Highway Commercial District (HC-2) and identified in Town of Ferrisburgh tax maps as parcel 23/20/36.

Norm Smith opened the hearing at 7:10 p.m. Matt Wamsganz was present to speak for the application on behalf of Global Partners. He said federal law has required the use of diesel exhaust fluid (DEF) since 2010. It is injected into the exhaust from diesel engines to make the exhaust less toxic and reduce pollutants. The fluid, about 32 percent urea and 68 percent deionized water, is now sold in the store in large jugs, and the project would involve adding a tank to hold DEF so that it could be pumped into a truck's DEF tank, rather than poured in from a plastic container.

There was a brief discussion of tank construction and possible spills. Wamsganz said the tank would be double walled like underground fuel tanks. He also said the material is not petroleum-based and is basically non-toxic.

Bob Beach made a motion to close the hearing at 7:12 p.m. Rayne Herzog seconded. All voted in favor. **Motion approved.**

Bob Beach made a motion to approve the application as submitted, with the condition that the new tank be used only for DEF, and if the tank is ever to be used for another material the applicant would have to return to the board for approval. John Paul seconded. All voted in favor. **Motion approved.**

**Application 18-102.** Application by Emily and Justin Rose for a Conditional Use Permit to open a piano repair shop as a home occupation in an accessory building on their property at 453 Old Hollow Road. The property is in the Rural Residential District (RR-2) and identified in Town of Ferrisburgh tax maps as parcel 18/20/14.

Norm Smith opened the hearing at 7:14 p.m. Emily and Justin Rose were present to speak for the application. Their plan is to convert an accessory building on their property, the former IGA store on Old Hollow Road, into a piano repair facility, and add a sign identifying the shop. Both Roses are musicians and Justin is a trained piano technician. They travel to tune and repair pianos but also want to be able to bring pianos and piano components back to a shop to make repairs. They said they would also occasionally sell refurbished pianos out of the shop. All repairs and sales would be by appointment. The board received a letter from neighbors Judy Chaves and Craig Heindel in support of the application.

Rayne Herzog made a motion to close the hearing at 7:18 p.m. Bob Beach seconded. All voted in favor. **Motion approved.**

Rayne Herzog made a motion to approve the application as submitted. John Paul seconded. All voted in favor. **Motion approved.**

At this point in the meeting, John Laberge still had not arrived to speak to Application No. 18-098. Norm Smith asked several neighbors, who had attended the meeting so that they could be heard on this application, whether it would be a major inconvenience if the board had to table the application until the November meeting. Neighbors said they had made the effort to attend and were disappointed about the applicant's absence. Smith asked Bonnie Barnes to call John Laberge. She reached Laberge, asking him to arrive for the hearing as soon as possible. The board then moved on to other business to await his arrival.

### **Other business**

Bonnie Barnes, zoning administrator, said she would be attending the fall Planning and Zoning Forum, offered by the Vermont League of Cities & Towns, at Lake Morey Inn in Fairlee on October 17, from 8:30 a.m. to 3:30 p.m.

Barnes said the state would be holding an Act 250 hearing on a Town & Country Homes proposal to construct a modular home and mobile home sales lot on Route 7, on the former site of the Ferrisburgh Golf Driving Range. The hearing will be held at the Bixby Library in

Vergennes on October 15. Barnes said the Planning Commission would be represented at the hearing. Norm Smith, ZBA chair, said he did not feel it was necessary to have the ZBA attend.

Barnes said the state office involved in overseeing salvage yards was seeking a Certificate of Approved Location (COAL) from the town in connection with an application by Brent Jerger to receive a state permit for a salvage yard on Shellhouse Mountain Road. The certificate would come from the selectboard, but the zoning board needs to sign off on it first, certifying that the salvage yard is not in a district where such use is restricted, and the approval would not be contrary to the town's existing zoning bylaws. Barnes said the bylaws do not specifically permit or prohibit a salvage yard in any of the town's zoning districts.

John Paul made a motion to have the zoning board sign off on the COAL, which would then need to be approved by the selectboard. Rayne Herzog seconded. All voted in favor. **Motion approved.**

At 7:35 p.m., on the arrival of John Laberge, Norm Smith opened the hearing into **Application No. 18-088**. Laberge said he is seeking to place a shipping container on his property on Sand Road. He said the shipping container had been on his property for about a dozen years, but he had moved it to a neighboring lot recently, with permission from the neighbor, during construction of a farm building on his lot. He now wants to bring the container back and place it in a corner of his property, near the new building, which is a combined sugarhouse and garage. He said he would respect the 25-foot setback requirement from his property lines.

Neighbors Holly and Jon Laramee and Cliff and Pat Carpenter said they were attending the hearing to determine just where the shipping container would be placed on the property. They wanted to make sure it would be at least 25 feet from the property lines, per the town's zoning bylaws. They also wanted to be sure that any permit would involve just one shipping container. Neighbor Arabella Holzapfel said she was generally concerned about the amount of recent activity on the lot, including the container and building the new sugarhouse/garage, which was granted a permit by the town in July as an agricultural project.

Norm Smith said the board was dealing only with the application for the shipping container, and that it involved just one container and the 25-foot setback would need to be respected. He said if the shipping container is not at least 25 feet from their line, or if another container showed up in the future, the neighbors could call Bonnie Barnes.

John Laberge said he assumed he could still park trailers or trucks closer to the property line than the 25-foot setback. Bonnie Barnes said that was not the case; parked trucks and trailers also need to be at least 25 feet from the line.

John Paul made a motion to close the hearing at 7:49 p.m. Rayne Herzog seconded. All voted in favor. **Motion approved.**

John Paul made a motion to approve the location of one shipping container on the lot, at least 25 feet from the property lines. Bob Beach seconded. All voted in favor. **Motion approved.** Norm Smith thanked the neighbors for attending the meeting and sharing their thoughts, and for their patience.

**Adjournment:** Rayne Herzog made a motion to adjourn at 7:55 p.m. Bob Beach seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells