

Zoning Board of Adjustment *Town of Ferrisburgh, Vt.*

FINAL – Minutes for meeting of July 11, 2018; approved September 5, 2018

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

Town official present: Bonnie Barnes, zoning administrator.

Visitors: Lindsay Aldrich, Jonathan Brownell, Lathrop Brownell, Carl Cole, Roderick Cole, Mary Collom, Roger Collom, Joann Doyle, Elisse Gebo, Larry Gebo, Adam Ginsburg, John Hartman, Craig Heindel, John Medenwald, Phil Mozeika, Karen Pettersen, Shirley Reid, Cindy Schultz.

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

Approval of minutes from June 6, 2018: John Paul made a motion to approve the minutes of June 6, 2018, as submitted. Bob Beach seconded. All voted in favor. **Motion approved.**

Application 18-046. Application by Roger Collom for a Conditional Use Permit for an addition to and alteration of an existing cottage at 244 North Road on Long Point. The property is in the Shoreland District (SD-2) and identified in Town of Ferrisburgh tax maps as parcel 99/99/99.111.

At 7:05 p.m., Norm Smith re-opened the hearing, which was continued from the previous meeting on June 6, 2018. Several board members had attended a site visit at the property on Long Point in advance of the meeting. Mary and Roger Collom were present to speak for the application, in which they are asking for permission to remove a one-story porch that is in disrepair from their Long Point cottage, replacing the foundation and building a new two-story porch, on the same footprint.

The Colloms presented a letter from the Long Point Corporation approving the project with conditions, including relocating overhead electric and phone lines, removing two dead trees, and trimming brush, and keeping it trimmed. The conditions primarily addressed issues raised by neighboring property owner Joann Doyle. She attended both the June 6 and July 11 hearings and said she was satisfied with the approval with conditions by Long Point.

Another neighbor, Shirley Reid, reiterated her objections to the project, also expressed at the previous meeting, saying the new porch would block her view of the lake. She noted that the Long Point Corporation had addressed Doyle's objections in its letter, but not her objections. Board members said she would need to take that up with Long Point, but noted that the board could impose conditions of its own if and when it approved the application. At that point, the town's zoning administrator would be responsible for enforcing any conditions.

Mike Delaney made a motion to close the public hearing at 7:15 p.m. Dave Mentzer seconded. All voted in favor. **Motion approved.** The board decided to discuss the application in a deliberative session at the end of that night's meeting.

Application 18-057. Application by Phil Mozeika for a Conditional Use Permit to renovate a three-bay garage at 388 Bay Road. The property on Long Point is in the Shoreland District (SD-2) and identified in Town of Ferrisburgh tax maps as parcel 99/99/99.061.

Norm Smith opened the hearing at 7:15 p.m. Phil Mozeika was present to speak for the application. He said the project will involve taking apart and rebuilding what he called a decrepit garage on his property. The garage will be in the same footprint as the current building. He provided a letter from Long Point Corporation approving the project.

There was a brief discussion about the siding and roofing materials, which Mozeika said would be similar in appearance to the existing building, with some materials salvaged from the old barn.

Clark Hinsdale made a motion to close the hearing at 7:18 p.m. Dave Mentzer seconded. All voted in favor. **Motion approved.**

Dave Mentzer made a motion to approve the application as submitted. Clark Hinsdale seconded. All voted in favor. **Motion approved.**

Application 18-058. Application by T. Aldrich and C. Schultz for a Conditional Use Permit to construct a house, barn and three-bay garage at 586 Robinson Road. The property is partly in the Rural Agricultural District (RA-5) and partly in the Conservation District (CON-25) and identified in Town of Ferrisburgh tax maps as parcel 10/01/09.

Norm Smith opened the hearing at 7:20 p.m. Some members of the board had attended a site visit in advance of the meeting. Roderick Cole, builder; Adam Ginsburg, architect; and Cindy Schultz, one of the owners, were present at the meeting to speak for the application. The owners had previously received a building permit to construct a house in the RA-5 section of their property, but had decided that a better house site could be found just over the line separating the RA-5 and CON-25 sections of the parcel. Because the house would now be in a different district, they decided to seek a new permit for the project. They are also now seeking approval for a three-bedroom house and a two-bedroom accessory apartment over a garage. While the total number of bedrooms envisioned is still five, they decided that the project was sufficiently different to warrant a new application. They said they are sensitive to the wildlife on their parcel and neighboring land, and wanted to do what they could to minimize the project's impact.

Craig Heindel, chair of the town's Conservation Commission, said that he and other members of the commission had been in conversations with the owners, their builder and

the architect. He said the Schultz-Aldrich property abuts Ferrisburgh's Rowland Robinson Memorial Town Forest, which is managed by the Conservation Commission, according to a management plan adopted by the selectboard in 2010. The objectives specifically include protecting denning areas for bobcats and other mammals and roosting trees for the endangered Indiana bat. He said the west-facing cliffs just to the east of the Schultz-Aldrich property are a known denning site for bobcats, and that coyote pups have also been sighted there, along with turkeys, deer and even the occasional black bear. And he noted that some of the trees to the east of the property may provide roost trees and maternity colony habitat for bats.

Heindel said bobcats are very sensitive to disturbances at their denning sites, including dogs, noisy human activity, and lights, particularly during the time of year when they are denning and raising their young, about March 15 to June 15.

So the Conservation Commission is suggesting several conditions be imposed before approval of the building project: the installation of fencing or a hedgerow so that vehicle headlights and exterior building lights do not shine directly on the cliffs in question; that dogs not be allowed to run free, and that barking is minimized; that activities near the cliffs, their base and east of the buildings on the parcel be minimized from March 15 to June 15, including no dogs in the area at that time; no exterior lighting on the east side of the buildings, with other lighting downcast and controlled by motion detectors so that it is not on all night; any lawn on the east side of the proposed buildings be as small as possible; and no trees larger than four inches in diameter, dead or alive, cut without first conferring with the Conservation Commission and/or the Ferrisburgh Tree Warden, with the exception of trees that present a falling hazard to buildings or lawn areas.

There was a brief discussion of deeded access to the town forest across the Schultz-Aldrich property. Apparently, while the access is mentioned in the deed, there is no specific location given for the access, and no defined right of way. There are two kinds of access that need to be considered, one for walkers and another for vehicles, should the town, in the future, decide to authorize logging in the town forest. Board members, town officials and the owners agreed that it would be in everyone's best interest to resolve the access issues through negotiations, though it was noted that this does not need to be part of the approval process for this application.

Dave Mentzer made a motion to close the public hearing at 8:04 p.m. John Paul seconded. All voted in favor. **Motion approved.** The board decided to further discuss the application in a deliberative session after the meeting.

Application 18-059. Application by Jonathan Brownell and David Shlansky for a Conditional Use Permit to construct a temporary storage building at 343 Satterly Road. The property is in the Rural Agricultural District (RA-5) and identified in Town of Ferrisburgh tax maps as parcel 10/01/57.1.

Norm Smith opened the hearing at 8:05 p.m. Jonathan and Lathrop Brownell were present to speak for the application. The Brownells have received permission from David Shlansky

to construct a temporary storage building in the shale pit that is part of Shlansky's 500-plus-acre parcel on Satterly Road. The building is not expected to be visible from the road. It will be constructed using two storage containers, connected by roof beams and trusses. The structure will be covered by a roof and sided in the gable ends. The structure, which would have a 15-foot-tall roof allowing for an 11-foot-tall door in one of the gable ends, is designed to be temporary and can be disassembled relatively quickly. It would not have a foundation or footings, and would not be served by electric power. Jonathan Brownell, a stonemason from Vergennes, said he would use the space for storage of tools, vehicles and materials. He said his deal with David Shlansky is to use the building only for a couple of years, until the end of 2020.

John Paul made a motion to close the hearing at 8:18 p.m. Mike Delaney seconded. All voted in favor. **Motion approved.**

Clark Hinsdale made a motion to approve the application as submitted. Dave Mentzer seconded. All voted in favor. **Motion approved.**

Adjournment: Mike Delaney made a motion to close the public meeting at 8:23 p.m. and go into deliberative session. Dave Mentzer seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells