

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

FINAL – Minutes for meeting of January 9, 2019, approved on February 6, 2019

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

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

**Visitors:** Jason Barnard, Joseph Chase, Sean Dye, Marc Wiener.

The meeting was called to order at 7:02 p.m.

**Approval of minutes from the meeting of December 5, 2018:** Mike Delaney made a motion to approve the minutes of December 5 as submitted. Dave Mentzer seconded. All voted in favor. **Motion approved.**

**Application 18-110.** Application by Joseph Chase on behalf of the estate of Jean Chase for a variance, and a waiver of dimensional standards, to construct a single family residence on an existing small lot on Button Bay Lane. The property is in the Shoreland District (SD-2) and identified in Town of Ferrisburgh tax maps as parcel 12/01/35.

Norm Smith re-opened the hearing, which was recessed from the December 5 meeting, at 7:05 p.m. Jason Barnard of Barnard & Gervais LLC, a surveying and engineering firm; Marc Weiner, an attorney for the Chase family; and Joseph Chase were present to speak for the application.

The lot, referred to in the application as Lot 12, abuts the northern boundary of another Chase-owned lot, Lot 11, which has an existing residence. The Chase family recently received approval from the Planning Commission for a three-lot subdivision on a 15-acre parcel across Button Bay Lane from Lots 11 and 12. That proposal includes building four mound systems, two of which would serve Lots 11 and 12.

Jason Barnard said research showed Lot 12, which will have easements to water and wastewater on the Chase-owned lot across Button Bay Lane, had been conveyed separately to the Chase family and would now be conveyed in the same manner to the current prospective buyer. He and Marc Wiener said this made Lot 12 a pre-existing non-conforming small lot and thus eligible for development if the town granted variance, and a waiver of setback requirements. Barnard provided an aerial photo of the neighborhood showing a number of other small lots with houses along Button Bay Lane, most of which do not meet the front (80 feet) or side (25 feet) setback requirements in the town's current zoning bylaws.

Norm Smith asked Sean Dye, the only other visitor at the meeting, whether he wanted to weigh in on the application. Dye said he was on hand just as an observer, on behalf of a potential purchaser of the property.

Dave Mentzer made a motion to close the public hearing at 7:10 p.m. Bob Beach seconded. All voted in favor. **Motion approved.**

Norm Smith said board members would need time to discuss the application among themselves, and that with the hearing now closed, the board had 45 days to reach a decision. There was a brief discussion among board members and the Chase family representatives about the process to follow going forward. Board members suggested they first would make a decision on the issue of the variance and waiver, which Norm Smith said he felt would probably be approved, likely with conditions. At that point, it would be up to the new owners of the property to submit a separate application for a building permit, detailing plans for the house, parking, etc., conforming with any conditions that might be imposed by the board.

John Paul made a motion to go into deliberative session at 7:13 p.m. Bob Beach seconded. All voted in favor. **Motion approved.**

**Adjournment:** The board ended its deliberative session at 7:23 p.m. and John Paul made a motion to adjourn. Bob Beach seconded. All voted in favor. **Motion approved.**

— Respectfully submitted,

Tim Etchells