

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

FINAL – Minutes for meeting of November 6, 2019; approved December 4, 2019.

**Members present:** Norm Smith (chair), Mike Delaney, John Paul, Katie Quinn. **Absent:** Dave Mentzer, Diane Nadon, Bob Beach.

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

**Visitors present:** Lorie Soter, Linda Bushey, Chris Bushey, Peg Brakeley, Frank Lucier, Tara Puntagecca, Ben Lessard, Heidi Lessard, Steve Thurston, John Atkins, Rick Welsh.

Norm Smith, chair, opened the meeting at 7 p.m.

**Approval of minutes from October 2, 2019.** Mike Delaney made a motion to approve the minutes of October 2, 2019, as submitted. Katie Quinn seconded. All voted in favor. **Motion approved.**

**Application No. 19-068 by Global Montello Group for change to the signage of the McDonald's drive-thru. The property, at 2822 Route 7, is in the Highway Commercial (HC-2) and Rural Agricultural (RA-5) Districts and is identified in the Town of Ferrisburgh tax maps as parcel 23/20/36.**

Norm Smith opened the hearing at 7:05 p.m. Tara Puntasecca was present to speak for the application. She stated that the McDonald's corporation had decided on a universal change from manual menu boards to digital menu boards at their drive-thru establishments. This would involve a change at this property from one to two signboards, but the overall square footage would be reduced. Both signboards would be out of view from Route 7. The lights would be illuminated, but the effect would be less than that of a cellphone. Because the sign placement and size were the subject of a decision by the Environmental Court, ZBA approval is being sought for the adjustment.

Katie Quinn moved to close the hearing; John Paul seconded. John Paul moved to approve the application as presented; Mike Delaney seconded. All voted in favor. **Motion approved.**

**Application No. 19-100 by John Atkins for an equipment shed. The property, at 3601 Sand Road, is in the Rural Agricultural (RA-5) and Conservation (CONS-25) districts and identified in the Town of Ferrisburgh tax maps as parcel 08/01/34.**

Norm Smith opened the hearing at 7:15 p.m, and the hearing was recessed.

**Application No. 19-102 by Stephen and Monique Thurston for an attached open shed on the side of their garage. The property, at 89 Diamond Island Lane, is in the Shoreland (SD-2) District and identified in the Town of Ferrisburgh tax maps as parcel 03/01/11.**

Norm Smith opened the hearing at 7:16 p.m. Steve Thurston was present to speak for the application. He proposes to attach a roof over a currently graveled space next to his garage to

store his vehicles. Because the area is considered an already-existing impervious surface, he is exempt from state permitting requirements under the Shoreland Protection Act. The location is within 25 feet of his neighbor's property line, however. He is therefore applying for a waiver from dimensional requirements. He states that the neighbor has been notified of the proposal and has no objections. It will not affect snow removal on the road.

Mike Delaney moved to close the hearing; John Paul seconded. Mike Delaney moved to approve the application as presented; Katie Quinn seconded. All voted in favor. **Motion approved.**

**Application No. 19-100 by John Atkins for an equipment shed. The property, at 3601 Sand Road, is in the Rural Agricultural (RA-5) and Conservation (CONS-25) districts and identified in the Town of Ferrisburgh tax maps as parcel 08/01/34.**

Norm Smith re-opened the hearing at 7:23 p.m. John Atkins was present to speak for the application, which is to build a 24'x36' equipment shed on the portion of his land which is in the Conservation District. He does not intend to bring electricity to the shed. He checked various sites for the shed closer to his house, but determined that alternative locations would require fill or cutting trees that he preferred to save.

Craig Heindel, chair of the Conservation Commission, submitted unofficial comments on the project, which were provided to the applicant before the hearing. Heindel noted that state land to the west of the property is likely a valuable wildlife habitat because of wooded and wetland areas. He queried whether the shed needed to be sited in the Conservation District. If an alternate location was not feasible, he suggested that if a permit were granted it include a condition to maintain a no-cut zone at least 15 feet wide along the northern property line, that there be no exterior lighting on the west side of the shed, and that any lighting on the other sides be minimal and fully down-shaded. These conditions were acceptable to the applicant.

Mike Delaney moved to close the hearing; Katie Quinn seconded. John Paul moved to approve the application, with the two conditions suggested by Craig Heindel; that no lighting be installed on the westerly side and any lighting on the remaining sides be down-shaded, and that at least a 15-foot no-cut zone be maintained on the northern boundary. Mike Delaney seconded. All voted in favor. **Motion approved.**

**Appeal of Application No. 19-058 by Ben and Heidi Lessard for a 20'x40' bow-roofed shed.**

Norm Smith re-opened the hearing, which had been continued from the October 2, 2019 meeting, at 7:30 p.m. Ben Lessard submitted two revised sketches, showing the location of the driveway. The plan is for the shed to be six feet from the driveway. The appellant, Lori Soter, reviewed the sketches. Lessard stated that any power to the shed would be supplied by an extension cord, and that there would not be permanent electricity installed, either overhead or underground.

Norm Smith announced the proposed decision of the ZBA on the appeal: to uphold the grant of the permit to build the shed, with the conditions that the front of the shed be at least six feet from the driveway; that the rear of the shed not encroach on the right-of-way; that any permanent utilities brought to the shed be underground with sufficient notice to the neighbor that alternative

arrangements may be made to use the driveway. John Paul moved to adopt the proposed decision; Katie Quinn seconded. All voted in favor. **Motion approved.**

**Review of Application No. 19-103 by Peg Brakeley for a second-floor addition to an existing 22'x44' camp. The property, at 14 Shore Point Road, is in the Shoreland (SD-2) district, and identified in the Town of Ferrisburgh tax maps as parcel 99/99/99.027.**

Norm Smith opened the review at 7:35 p.m. He explained that the Board was conducting an informal review of the application, because the application had not been adequately noticed. The Brakeleys want to add a second floor to their 22x44 camp. They are not adding to the footprint of the existing camp. The Brakeleys have discussed the project with their neighbors and addressed all neighbor concerns that were brought to their attention. The addition would not block any neighbor views. The peak of the structure would increase from 14.5 feet to 22 to 23 feet. The project has Long Point approval. The Brakeleys received permission to cut one tree. The Board noted that reinforcement work on the underlying concrete piers did not require a permit from the Town, and could be ongoing.

Norm Smith stated that the project likely would receive Board approval, but that a decision would be made at a hearing, duly warned, at the next meeting of the Board, on December 4, 2019.

**Adjournment:** Mike Delaney made a motion to adjourn at 7:40 p.m. John Paul seconded. All voted in favor. **Motion approved.**

Respectfully submitted,  
Bonnie Barnes