



**Town of Whitingham
Zoning Board of Adjustment**

MINUTES OF APRIL 10, 2025, PUBLIC HEARING

Call to Order. Additions or Changes to Agenda:

Marshall Dix called the meeting to order at 6:30pm. Changes to the agenda were noted on the meeting copy.

Hearing of visitors (for concerns not on the agenda)

None

Attendees:

ZBA members: Marshall Dix, Chair; Troy Felisko, Lyman Tefft, and Rick Gramlin

Zoning Administrator/ZBA Clerk: Gig Zboray

Applicants on Zoning Permit application #W-01-25: Ed Donelan, owner of North River Property Management

Planning Commission members: Brad Lackey, Chair; Peter Barus, Keith Thompson, and Joe Saladino.

Others: Steve Betit, James Weber, Jessica Gibb Buursma

Introductions were made around the room. No conflicts of interest were determined.

Open Hearing Mr. Dix opened the hearing, receiving permission to dispense with reading the warning.

Applicant to explain what they are asking for

Mr. Donelan purchased the old Stone Soldier Pottery building, also known as North River Hall, at 64 Gates Pond Road, he would like to change the use from pottery with store to up to seven rental apartments in a phased approach. He is working with Trinity Engineering on the state water/wastewater permit. The first phase is the first floor, three apartments in total, two 2-bedroom apartments and one 1-bedroom apartment. Being at street level they are intended to be handicap accessible apartments. Phase two would be two 2-bedroom apartments on the second floor. The third floor would be a two bedroom loft, and the seventh apartment would be in the basement. All the kitchens and bathrooms are on the riverside. The south side will have 3 or 4 propane tanks, new electrical service, all apartments individually metered, north side will have a few gas tanks, the parking lot will be enhanced to accommodate 16 spots, parking for the basement apartment will be on the south side of the building, 2 spots.

Hear from all concerned

Mr. Felisko asked if there was one door into the building, Mr. Donelan answered that the Fire Marshall suggested that all seven apartments have separate entrances and therefore the building won't need a sprinkler system.

Mr. Felisko asked if he thought the parking area would accommodate the 16 spots he mentioned.

Mr. Felisko questioned if there will be a dumpster. There will be a dumpster, but the residents can go to the transfer station.

Mr. Felisko asked what the rent will be? Mr. Donelan doesn't have an answer to that yet.

Mr. Gramlin is concerned about parking and the way the parking area enters the road near a curve on a hill. That is a pre-existing condition.

Mr. Weber questioned if the plan is short-term rentals or long term housing. Mr. Donelan responded long term.

Site Plan Review

Mr. Lackey led the site plan review by the Planning Commission:

Maximum safety of traffic – it is not the greatest access but at least drivers can see far down the road. Mrs. Buursma questioned if we could put speed bumps in the area, that is a question for the road commissioner and selectboard.

Mr. Betit questioned if the sewer is adequate enough for this project. Mr. Weber answered that Mr. Richard Tefft believes it's a 8" line and a 6" line cuts across. Mr. Betit questioned if he was purchasing the sewer allocation up front or as he goes along. Mr. Donelan must first get his water/wastewater permit from the state.

Adequacy of traffic circulation – Mr. Saladino noted that the handicap covered ramp may block the downhill view; the ramp will be 5' wide. The building is about 12 or 15 feet from the edge of the road, if the ramp extends out 5' there may still be adequate downhill site lines. The setback for handicap or life safety improvements can be waived by the ZA.

Parking – spots must be 9'x18', Mr. Lackey measured the lot, discussion ensued around parking, Mr. Dix noted that if we can get 9 spots on the north side and two on the bottom that would be enough. It was determined there is adequate parking per Zoning Regulations requirement of 3 spots for 2 apartments, he would have 10 spots.

Adequacy of landscaping, screening and protection of adjacent properties – there is no room for that. Mrs. Buursma has no concerns about screening. She said the building looks really great now.

Renewable energy – n/a.

Exterior lighting – each apartment has an exterior light, the parking lot will have downward facing light(s), the front will have 4 doors and 4 lights, there are streetlights in the area (pretty dim though)

Signage – the original North River Hall sign was rehabbed, and it is hanging on the building. That will be the only sign; it will not have lighting.

Mr. Felisko asked if there would be a sign "Parking for Residents Only", that might be needed but there are no plans now.

General Performance Standards:

Noise – no significant changes in noise level expected

Vibration – n/a

Air pollution – n/a - chimney is gone, gas fired hot water and electric heat

Temperature, moisture – n/a

Electronic emissions – n/a

Light or reflection – any exterior lighting must be downward facing

Waste – will have a dumpster or tenants can use transfer station

Hazards – fire/explosives – nothing explosive expected, nothing out of the ordinary

Erosion control – Mr. Lackey doesn't think it will be any worse than it is now, it would be nice if Mr. Donelan could get something to grow between the parking and the river, Mr. Donelan plans to do some landscaping in the back.

Storm water – no significant changes to existing

Other questions – Mr. Gramlin questioned parking in the area of the bakery, that is not a topic for the ZBA. Mr. Dix responded that the Selectboard would need to adopt an ordinance banning parking in that area.

Discuss fees

The zoning administrator charged Mr. Donelan \$200 for the joint hearing and 5 cents per square foot, and the recording fee, for a total of \$590. We should charge \$150 per unit. Gig questioned if we should charge all at once or as the project is phased in? Mr. Dix said if we are approving 7 apartments tonight, we should be charging for 7 apartments tonight. Mr. Donelan will bring a check tomorrow.

Close hearing

Other business: email received regarding conditions on the Jacksonville Store

A condition on the approval of the new location for the Jacksonville General Store (permit # W-15-22) was to install fencing around the dumpsters. The dumpsters have since moved and are now a different model with a locking bar. The board was concerned about the aesthetic of the dumpsters. Mr. Tefft's opinion is that the dumpsters should be fenced. Mr. Roberts questioned why other places don't have fences around dumpsters, like right across the street at the apartment is not fenced. Mr. Lackey responded that this was a condition of his permit. Mr. Roberts must install a minimum 6' fence around the dumpster.

Zoning Complaint Mr. Betit complained that Mr. Roberts has applied for permits and then changed his plans and the town has no means to enforce zoning permits. Mr. Betit has determined that the container building on Tyanoga is more than 35' tall from the mean grade. The zoning regulations call for a maximum 35', the vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, and to the mean height between eave and ridge for other types of roofs.

Mr. Betit would like the zoning regulations to have enforcement on projects that start before a zoning permit is issued and valid.

Zoning Question: Mr. Roberts has applied for an accessory dwelling unit (ADU) at the Sawyer Mansion property. ADUs must be owner occupied. His property on Tyanoga already has an ADU. Mr. Roberts said the Mansion is rented for less than 120 days per year. He will file a homestead declaration as suggested by the town attorney to show proof of residency at that address. He will deed the Tyanoga property to his daughter, who must then live on that property to fulfil the "owner occupied" rule. Right now, there are two containers sitting in the mansion

driveway, he stated that he is not building without a permit, those containers can be moved at any time. It was agreed that Mr. Roberts will deed the Tyanoga property to his daughter and file a homestead declaration on the Mansion property. After Gig receives the homestead declaration, the new deed, and state water/wastewater permit she can issue a building permit on the ADU at the Mansion property.

Enter deliberative session:

The hearing and meeting were adjourned, all visitors left, the ZBA and Planning Commission deliberated on the Zoning Application W-01-25.

Exit deliberative session:

Findings: The Planning Commission finds the site plan satisfactory with the parking changes. What was presented meets criteria.

The Zoning Board of Adjustment finds the proposed use of rental apartments allowable. No negative comments or concerns were heard from the abutters.

Conclusion:

A motion was made by Marshall Dix to approve Zoning Permit application #W-01-25 by Ed Donelan, owner of North River Property Management, for seven apartments at 64 Gates Pond Road, seconded by Skip Tefft, all in favor. Mr. Donelan must provide the town with the state water/wastewater permit when issued and meet with the Selectboard for the sewer allocation.

An interested person may appeal this decision within thirty (30) days to the Environmental Court as per 24 V.S.A. Chapter 117 § 4471.

Adjourn

Meeting adjourned at 8:04pm.

Respectfully submitted,

Gig Zboray, ZBA Clerk