

**CITY OF VERGENNES
DEVELOPMENT REVIEW BOARD
MINUTES
REGULAR MEETING
MONDAY, OCTOBER 3, 2011**

Members Present: Jason Farrell-Chair, Carrie Barrows, Don Peabody, Brent Rakowski, Peter Garon, Steve Rapoport, Alexandria (Alex) McGuire

Guests: Betsy Vick

Present: Zoning Administrator Mel Hawley

1. **Review and accept minutes of previous meeting** - Deferred
2. **Public Hearing - BV, LLC (Owner), Crackers Crepes & Crisps, LLC (Applicant), 161 Main Street, Convert Second Floor Community Center to Dwelling Unit, Planned Unit Development, Site Plan Review, Conditional Use Review**

Jason read the notice of public hearing and swore in Betsy Vick, the owner of BV, LLC. Betsy was asked to give a brief description of her plans for the record. Betsy explained that she is seeking approval to convert the second floor to living space. She felt this was consistent with the municipal development plan. The second floor at one point was used as a residence until renovated. Betsy said she obtained a permit to convert the second floor as a community center hoping that it would benefit the restaurant. She said there was little demand for the space and felt that residential use would be a better use. Betsy reported that Nancy DeBona had decided not to move to Vergennes and therefore not move her business to the restaurant space. Betsy said that the current capacity of the restaurant is thirty seats. The regulations required one off-street parking space for every 200 square feet for a community center. A one-family or two-family dwelling requires two parking spaces for every unit. There are no off-street parking spaces associated with the property. Betsy said that due to the limited size of the restaurant, she felt a better use of the first floor space would be for retail or office. Jason suggested that she consider amending her application by applying for retail or office in the restaurant space. Betsy agreed that would be worth pursuing. Steve Rapoport moved to continue the public hearing on November 7, 2011 on the amended application.
3. **SRVP, LLC, 180 and 182 South Maple Street, Ratification of Timely Filing of Final Subdivision Plat**

Zoning Administrator Hawley requested the Board to ratify the filing of the subdivision plat for SRVP, LLC as being timely. The Development Review Board approval was on May 2, 2011. The subdivision regulations require that a final subdivision plat be recorded within 90 days of the decision. This put the deadline at July 31, 2011. The subdivision plat arrived on July 28, 2011, but it could not be accepted for recording until the Chair of the Development Review Board signs the plat. Upon its arrival the City Clerk wrote an e-mail to Mel instead of Jason. The subdivision plat was then signed by

Jason Farrell on August 4, 2011 but it was already too late. Since the subdivision plat arrived at City Hall within the 90 days deadline, Mel said he feels the plat should not be null and void for late filing. The attorney involved with the property requested a ratification vote of the Development Review Board proclaiming it as being timely filed. Don Peabody moved to ratify the subdivision plat as being timely filed. The motion was seconded by Brent Rakowski with all voting in favor.

4. **Review and accept minutes of previous meeting**

Peter Garon moved to approve the minutes of the meeting of September 12, 2011. The motion was seconded by Don Peabody with all voting in favor except Alex McGuire abstaining due to her being absent at the meeting.

5. **Exemptions to Zoning Permits Policy**

Mel worked on the Exemptions Policy since the last meeting. He made a few changes as a result of the last meeting. He said he did a bit of reorganizing of the draft to get it lined up with the regulations. He said he moved things around a bit so that unroofed structures are in Section E and roofed structures are in Section F. At the last meeting there was discussion about floating docks. Mel reported he had done some research in the statutes and found that a State permit is not required unless a floating dock when the combined horizontal distance of the proposed encroachment and any existing encroachments located within 100 feet thereof which are owned or controlled by the applicant do not exceed 50 feet and their aggregate surface areas do not exceed 500 square feet. The policy will include a reference to 29 V.S.A § 403(b)(1)(A). Play structures were added to Section E. All structures in Section F will have a maximum footprint of 80 square feet and a height limitation of 8 feet and must be set back at least 5 feet from any property line. Section E has no such limitations and Mel asked members to consider similar limitation to some of the structures in Section E.

6. **Report of Zoning Administrator**

Don Peabody expressed concern with the sidewalk that runs along the driveway of the Christian School off New Haven Road. The walkway was not maintained in the winter and it is growing in with grass and weeds. Mel said that the Board should have required a concrete walkway. Mel will send a letter to the school officials. Jason wondered about the permit that was issued to Champlain Farms. Mel said that the permit was null and void because the application failed to come back with a plan for the rear yard within the prescribed timeframe.

7. **Adjournment**

With no further business, the meeting adjourned at 8 p.m.

Respectfully submitted,

Mel Hawley
Acting Recording Secretary