

**CITY OF VERGENNES
DEVELOPMENT REVIEW BOARD
MINUTES
REGULAR MEETING
MONDAY, OCTOBER 7, 2013**

Members Present: Jason Farrell-Chair, Brent Rakowski, Peter Garon, Steve Rapoport, Alexandria McGuire, Alternate Member Lowell Bertrand
Don Peabody (departed at 8:50 p.m.)

Members Absent: Carrie Barrows

Guests: Glenn Rossier, Kathy Rossier, Robert Feuerstein, Lillian Kennedy, Neil Swenor, Peter Morris, Nancy Charron, Tom Denecker, Bill Scott, Wayne Goddette

Present: Zoning Administrator Mel Hawley

1. **Review and accept minutes of previous meetings**

The minutes to the meeting of August 12, 2013 were reviewed and corrected as appropriate. Peter Garon moved to approve the minutes as corrected. The motion was seconded by Brent Rakowski with all voting in favor.

2. **Public Hearing - Glenn and Kathy Rossier, 180 South Maple Street, Detached Accessory Structure Located in Front of Building Front Line (See Section 1501.A.6.)**

Jason Farrell read the public notice and swore in Glenn and Kathy Rossier. Glenn gave an overview of his proposal to construct an accessory building at his property at 180 South Maple Street. As requested by the Board, an elevation drawing was provided. Jason explained that the regulations do not have criteria directly associated with an application under Section 1501.A.6. and suggested that the conditions under Section 1501.C be used as a guide in this application. Following a review of the conditions, there were no comments from the Board. Peter Garon moved to close the public hearing and direct Zoning Administrator Hawley to draft an affirmative decision. The motion was seconded by Steve Rapoport with all voting in favor.

3. **Public Hearing - Denecker Real Estate Investments, LLC (Owner), Bulldog Enterprises Corp (Applicant), 14 Main Street, Change of Use from Motor Vehicles Sales to Retail and Addition, Site Plan Review, Conditional Use Review**

Jason Farrell read the public notice and swore in Neil Swenor, principal of Bulldog Enterprises Corp, his architect Peter Morris, and Tom Denecker, principal of Denecker Real Estate Investments, LLC. Peter outlined the revisions he had made to the previous plan and showed elevation drawings identifying the various changes to the building under the proposal to expand the building to the rear and converting this use to a grocery store. Peter Morris said that he and Neil will soon be meeting with representatives of Efficiency Vermont to go over both interior and exterior lighting. When asked about operating hours, Neil said his plan was to be open daily from 6 a.m. to 8 p.m. Peter Morris said that his plan did not show a sidewalk running along the front of the property because due

to topographical constraints the sidewalk on this side of the road terminates 500 feet from the subject property. He said he envisioned a mid-block crosswalk at some point to get pedestrians safely across Main Street (Route 22A) from the east side where there is a public sidewalk. Brent Rakowski asked about how pedestrians would get to the entrance from the north. Peter Morris felt that pedestrians could safely walk across the entrance drive to the building entrance without the need for a sidewalk. Brent said that with two-way traffic in front of the building it was unclear how pedestrians would negotiate a safe route. Peter Morris said it was not that different than a typical shopping center relative to walking through a parking lot to the front door. Neil was asked about the temporary tent, i.e., when would it be erected, what was its intended purpose. Neil said that the tent would be up seasonally from May to November and would have picnic tables for patrons. Members asked about the placement of roof top units and Peter Morris advised none would be visible from the road. Peter also said that the existing vestibule currently used for parts and service would be converted to an electrical room. Mel said that he would further investigate the location of sewer lines in the rear of the building in the vicinity of the addition. The site plan currently shows just the manhole. With no further comments or desire for more information, Peter Garon moved to close the hearing and hold a deliberative session later in the meeting.

5. **St. Peter's Church, King Street and South Maple Street, Expansion of Parking Lot behind Parish Hall, Site Plan Review (see Section 311)**

Wayne Goddette and Bill Scott were in attendance on behalf of St. Peter's Church. They said that the church still desires to increase off-street parking by extending the parking lot that is located behind the parish hall. Wayne presented a survey of the church property that was done in 2009 by a licensed surveyor and on file in the City Clerk's office. Wayne said that this survey, unlike the preliminary one done by a different surveyor and presented last month, showed that the parking lot would be on church property and not on the property of Steve Clark. Mel said that now there are two conflicting surveys and that if the church continued its pursuit of a permit that the Board might have to engage an independent surveyor at the church's expense so the board could make an appropriate finding. An alternative would be for the parties to record a boundary agreement. No further action was taken as Wayne and Bill said they would like to meet again with the neighboring property owner involved before returning with their application.

6. **Kennedy Brothers, Inc., 11 Main Street, Change Use of portion of space from Retail to Office and Restaurant, Site Plan Review, Conditional Use Review**

Robert Feuerstein and Lillian Kennedy, principals of Kennedy Brothers, Inc., were in attendance relative to various changes underway at the former Kennedy Brothers Marketplace. Robert outlined his plans to fit-up the first floor of the brick portion of the building for twelve offices, a restaurant, and a coffee shop. As for the second floor, Vermont Sun, Vintage Fitness, and Chocolate Hollow will remain and three offices will be fit-up beyond Vintage Fitness. Two other offices beyond Vermont Sun are planned for the future. Kennedy Brothers' office also exists on this level. Members asked about the proposed seating capacity and employee count for the restaurant. Robert said that the restaurant will have seating for 150 patrons and there will be 10-12 staff members. A one-page document of the proposed offices and occupied areas broken down by floor was available as well. The number of required off-street parking spaces for the offices calculated to 38 parking spaces, 50 parking spaces for the restaurant, and 16 parking spaces for the fitness businesses for total of 104 parking spaces. Robert said he is

working with the City Council on getting a license agreement to use a portion of the original Main Street right of way no longer in use for a directory sign and parking spaces. The site plan that accompanied the application included both existing conditions and proposed improvements. When asked what is planned for alterations to the site under this application, Robert said none under this phase of the renovations other than the possibility of tearing down the existing metal building. Jason asked if an existing conditions plan could be made available by October 15, 2013 to enable a public hearing for December 2, 2013. Robert said that he thought that such a plan had been completed. Mel said the parking within the street right of way should not be counted until there is a license agreement in place. Steve Rapoport moved to authorize the scheduling of a public hearing for December 2, 2013 provided an existing conditions site plan is filed by October 15, 2013. The motion was seconded by Lowell Bertrand with all voting in favor.

7. **Public Hearing - Pflaster Investments, LLC, 10 Main Street, Convert a Portion of First Floor from Retail to a Dwelling Unit, Site Plan Review, Conditional Use Review**

As directed by the Board, Zoning Administrator Hawley prepared a decision denying this application. Alex McGuire moved to authorize Jason Farrell to sign the decision and findings of fact on behalf of the Board formally denying the application. The motion was seconded by Lowell Bertrand with all voting in favor.

8. **Review and accept minutes of previous meetings (continued)**

The minutes to the meeting of August 19, 2013 were reviewed. Alex McGuire moved to approve the minutes as corrected. The motion was seconded by Steve Rapoport with all voting in favor except Brent Rakowski abstaining as he was not in attendance at the meeting.

The minutes to the meeting of September 16, 2013 were reviewed and corrected as appropriate. Peter Garon moved to approve the minutes as corrected. The motion was seconded by Steve Rapoport with all voting in favor.

9. **Pending Application - Denecker Real Estate Investments, LLC (Owner), Bulldog Enterprises Corp (Applicant), 14 Main Street, Change of Use from Motor Vehicles Sales to Retail and Addition, Site Plan Review, Conditional Use Review**

The Board went into deliberative session on the application by Bulldog Enterprises, Corp. No action was taken.

10. **Adjournment**

The meeting adjourned at 10:20 p.m.

Respectfully submitted,

Mel Hawley
Acting Recording Secretary