

**CITY OF VERGENNES  
DEVELOPMENT REVIEW BOARD  
MINUTES  
REGULAR MEETING  
MONDAY, NOVEMBER 4, 2013**

Members Present: Jason Farrell-Chair, Carrie Barrows, Brent Rakowski, Steve Rapoport, Don Peabody, Peter Garon

Members Absent: Alexandria McGuire

Guests: Robert Feuerstein, Dan Pflaster, Bill LaPoint, Ed Clark, Peter Kahn, Brett Bartlett, Dean Bartlett

Present: Zoning Administrator Mel Hawley

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

The minutes to the special meeting of October 21, 2013 were reviewed. Don Peabody moved to approve the minutes as corrected. The motion was seconded by Peter Garon with all voting in favor except Carrie Barrows abstaining as she was not in attendance at the meeting.

2. **Public Hearing - Kennedy Brother, Inc., 11 Main Street, Change Use of portion of space from Retail to Office and Restaurants, Site Plan Review, Conditional Use Review**

Jason Farrell read the public notice and swore in Robert Feuerstein, principal of Kennedy Brothers, Inc., and Dan Pflaster, principal of Pflaster Investments, owner of the property at 10 Main Street located across the street. At the request of the Board, an existing conditions site plan was filed. Robert pointed out that there are 94 existing parking spaces with 20 more available if the steel building was torn down. Additionally, there are at least 25 more spaces that are in the old Main Street right of way which he is pursuing a license agreement with the City Council for exclusive use. He said that no changes in exterior lighting are planned and vehicular circulation is as shown on the site plan. Members asked about hours for the restaurant and Robert said he would need to reach his potential tenant to confirm but thought it would be seven days a week for lunch and dinner with Friday and Saturday hours going to around midnight. Dan Pflaster was given an opportunity to speak and wondered if this application was subject to the specific standards in Section 1613, namely pedestrian safety. Robert said that all work is interior and therefore it was his opinion that the standards did not apply to this application. Dan asked about the proposed demolition. Robert said that at this point he was uncertain if whether the metal building would be demolished. Mel said that demolition is treated as exempt and not subject to needing a zoning permit. However demolition is regulated in the Historic Neighborhood District and Central Business District, but not in the Northern Gateway District. Robert said that the offices would be open from 7:30 a.m. to 6:30 p.m. The Board recessed the public hearing to give Robert an opportunity to contact his potential tenant for the restaurant.

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

As directed by the Board, Zoning Administrator Hawley prepared a draft affirmative decision on this application. Brent Rakowski moved to approve the decision and authorize Jason Farrell to sign the decision on behalf of the Board. The motion was seconded by Steve Rapoport with all voting in favor except Carrie Barrows abstaining as he was not eligible to vote since he was not present at the public hearing.

**Public Hearing - Kennedy Brother, Inc., 11 Main Street, Change Use of portion of space from Retail to Office and Restaurants, Site Plan Review, Conditional Use Review (continued)**

Robert confirmed that his potential tenant for the restaurant desired an expansive schedule by potentially being open seven days a week 7 a.m. to 2 a.m. Mel said the site plan still shows the addition of a new kitchen and that needs to be clarified. Robert confirmed that the new kitchen is not part of this application. Robert suspected that the hours of the proposed coffee shop would be 6 a.m. to 4 p.m. Members wondered if there were any plans for better delineation of parking. Robert said that nothing was planned at this time. He also said that he was really looking forward to the City being successful in obtain a grant to extend the sidewalk in this part of the City. With no further comments, Peter Garon moved that the public hearing be closed and that the Board take up the application in deliberative session later in the meeting. The motion was seconded by Brent Rakowski with all voting in favor.

4. **State of Vermont, Military Department, Vergennes Armory, 37 Monkton Road, Vehicle Compound Lighting, Site Plan Review (see Section 311)**

Bill LaPoint was in attendance on behalf of the State of Vermont seeking permission to install security lighting for the vehicle compound at the Vergennes Armory. Jason pointed out that because the facility is state-owned that the limitations of review set forth in Section 311 which are required by § 4413 of the Act apply and lighting is subject to regulations. Bill said that the proposal is to have five fixtures within the compound that would be on from dawn to dusk. The detailed specifications of the cut-off lighting fixtures were included in the application packet. Bill explained that the lights are on a photo-cell and are programmed to come on at 100 percent for three hours and then reduce to 50 percent. There is also a motion sensor that triggers the lights to go to 100 percent for a programmed period of time. Pete Garon moved that the application be deemed complete and authorized the scheduling of a public hearing on December 2, 2013. The motion was seconded by Steve Rapoport with all voting in favor.

5. **Valley View Associates L.P., 12 Walker Avenue, Sprinkler System Room, Exterior Lighting Changes, Site Plan Review**

Ed Clark, Project Architect from NBF Architects, P.C, presented an application for changes planned at so-called Valley View II, a multiple-family dwelling with 12-units for senior housing. Ed explained that the property will soon be selling and improvements will be made shortly after the sale. He said that the building is currently not protected by a sprinkler system. They propose to install such a system which will require a small addition (60 sf) to house the valves for the sprinkler system. He also noted on the plans exterior lighting changes which will be down lights with shielded light sources. They plan to replace the existing fencing on the south and west sides of the property. He said

that the rear patios for all units will be rebuilt. The pathway that leads from Mountain View Lane will also be improved. Appreciation was expressed for maintaining that pedestrian path open to the general public. Ed also displayed the complete elevation drawings. With no further questions about the proposal, Peter Garon moved that the application be deemed complete and authorize the scheduling of a public hearing for December 2, 2013. The motion was seconded by Brent Rakowski with all voting in favor.

6. **River's Edge Associates, LLC, West Main Street, Claybrook, Major Subdivision, Planned Unit Development**

Peter Kahn, Brett Bartlett, and Dean Bartlett presented their formal application for Claybrook, a 50-lot planned unit development off West Main Street. The packet included a cover letter describing the project, peak hour traffic impact, and legal documents including the Declaration of Covenants, Conditions, Easements, Obligations, Liens, Rights and Restrictions for Claybrook and bylaws for the Claybrook Homeowner's Association, Inc. Peter explained that the project would be constructed in four phases with 10 lots in Phase I, 8 lots in Phase II, 16 lot in Phase III, and 16 lots in Phase IV. Temporary wastewater pump stations would be installed for the first two phases and then removed upon installation of a station at the lowest point of the development that would serve all 50 units. Mel said that he would pursue sewer easements across a number of properties along the river on behalf of the City so that the entire development could be served by gravity sewer. Peter said he would work with the fire department to make sure there are adequate turnarounds for each phase until the loop is complete. Don Peabody asked that the legal documents be reviewed by the City Attorney. Peter explained that there have been a number of law changes since this proposal was reviewed in 2007 and that the proposal submitted met the new standards for developments with common ownership of open space. Peter said the plans called for a street built to City standards for eventual conveyance to the City and that the sidewalk would be extended on West Main Street to tie into Hillside Acres and Hopkins Ridge. Streetlighting did not appear on the plans and Peter said there are lights planned and will file the design layout and fixture selected. Mel reminded the Board that a small portion of the property is located in the Medium Density Residential District which increases the maximum number of dwelling units to 50 for the 94-acre parcel. With no additional information required, Peter Garon moved that the application be deemed complete and that a public hearing be scheduled for December 2, 2013. The motion was seconded by Steve Rapoport with all voting in favor.

7. **Deliberative Session - Kennedy Brother, Inc., 11 Main Street, Change Use of portion of space from Retail to Office and Restaurants, Site Plan Review, Conditional Use Review**

At the conclusion of a deliberative session for this application, Peter Garon moved to direct Zoning Administrator Hawley to draft an affirmative decision. The motion was seconded by Steve Rapoport with all voting in favor.

8. **Organization Meeting - Election of Chair, Vice-Chair, and Secretary  
Review Rules of Procedure and Rules of Ethics**

Per the Development Review Board Rules of Procedure and Rules of Ethics, the Board is to hold an annual reorganization meeting in November to elect officers and review and readopt governing rules. Long-time Vice-Chair Carrie Barrows announced that she would prefer to step down in that capacity. Don Peabody moved the following slate of officers:

Jason Farrell – Chair  
Peter Garon – Vice-Chair  
Brent Rakowski – Secretary

The motion was seconded by Carrie Barrows with all voting in favor. As for the rules of procedure, Mel suggested there be a process to reopen a public hearing after being officially closed in instances when it is determined that more testimony is needed. He also felt that the rules should allow the Board to recess a public hearing to deliberate an issue.

9. **Report of Zoning Administrator**

Mel reported that the marquee in front of City Hall will soon be taken down for repair and the Friends of Vergennes Opera House have put forth a request to the City Council to relocate it to the street side of the sidewalk. Mel said he has explained to the City Council that ground signs cannot be located within the street right of way and wondered if the Development Review Board had any comments in this regard. Jason Farrell said that it would not be appropriate to get involved because signs are not under the purview of the Development Review Board. However, if the proposed location was denied by the Zoning Administrator, the Development Review Board would hear the appeal.

10. **Adjournment**

The meeting adjourned at 10:20 p.m.

Respectfully submitted,

Mel Hawley  
Acting Recording Secretary