

**CITY OF VERGENNES
DEVELOPMENT REVIEW BOARD
MINUTES
REGULAR MEETING
MONDAY, DECEMBER 2, 2013**

Members Present: Jason Farrell-Chair, Carrie Barrows, Brent Rakowski, Steve Rapoport, Don Peabody, Peter Garon, Alexandria McGuire, Alternate Member Lowell Bertrand

Members Absent: None

Guests: Kevin Hanson, Bill LaPoint, Robert Gingras, Carl Cole, Ed Clark, Krister Adams, Peter Kahn, Brett Bartlett, Dean Bartlett, Paul O'Leary, Jason Mullin, Peter Halpin, Amanda Guinness, Debra Emerson, Mark Mitchell, Dencie Mitchell, Matt Birong

Present: Zoning Administrator Mel Hawley

1. **Review and accept minutes of previous meetings**
The minutes to the special meeting of November 18, 2013 were reviewed. Don Peabody moved to approve the minutes as corrected. The motion was seconded by Lowell Bertrand with all voting in favor except Carrie Barrows abstaining as he was absent at the meeting.
2. **UTC Aerospace Systems, 100 Pantan Road, Accessory Structures Waste Disposal and Scrap Metal Roll-offs, Site Plan Review**
Kevin Hanson, Facilities Manager at UTC Aerospace Systems, presented an application involving construction of a building that will house their construction and demolition waste and scrap metal roll-off containers. He said they currently use temporary canvas structures and prefer to have them in a more permanent structure. Mel said that he noticed some construction in the area including the placement of large concrete blocks. Kevin said that they recently tore down an old building and plan to locate two 40' shipping containers for storage of the chemicals. Mel said that since the containers are not temporary that they too should be incorporated in this application. Kevin also talked about their plans to install a transfer station for trucked natural gas. He said they are not prepared to include that proposal at this time. Kevin was asked whether any landscaping as planned. He said that is nothing planned and remarked that there is a considerable amount of natural trees and shrubs between the proposed structure and the mobile home park. Kevin also said that there are no utilities planned for the buildings. Lowell Bertrand moved that the application be deemed complete and to authorize the scheduling of a public hearing for January 6, 2013. The motion was seconded by Steve Rapoport with all voting in favor.

3. **City of Vergennes, East Street, Toddler Park, Site Plan Review (see Section 311)**
Mel presented a preliminary site plan for a proposed toddler playground on behalf of the Vergennes Recreation Committee. Mel reported that Alderman Joe Klopfenstein, who acts as chair of the recreation committee, was not able to attend the meeting but requested a preliminary review by the Development Review Board by seeking input primarily relating to off-street parking and the plan in general. It was the consensus of the Board that, although there is off-street parking on East Street, at times there is limited parking at the Vergennes Union Elementary School, and for safety concerns, off-street parking should be incorporated into the plan. Members also wanted to see the specifications for fencing. Some of the members were aware that the City received a grant of \$21,000 from the State towards the project which has a cost estimate exceeding \$50,000. Members asked that the recreation committee's formal request for site plan review be specific as what is being proposed and will be developed as all construction under a permit must be completed within two years of any approval.
4. **Pending Application – Kennedy Brother's, Inc., 15 Main Street, Changes of Use, Site Plan Review, Conditional Use Review**
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 Peter Garon with all voting in favor except Alex McGuire abstaining as she was not eligible to vote since she was not present at the public hearing.
5. **Pending Application – Denecker Real Estate Investments, LLC, 14 Main Street, Change of Use of Motor Vehicles Sales to Retail (Grocery Store) and Addition, Site Plan Review, Conditional Use Review**
The Board held a deliberative session on this application it was the consensus that the application can be approved but that conditions needs to be included in the decision to address pedestrian safety. Alex McGuire moved to direct Zoning Administrator Hawley to draft an affirmative decision. The motion was seconded by Steve Rapoport with all voting in favor except Carrie Barrows as she was not eligible to vote since she was not present at the public hearing.
6. **Public Hearing - State of Vermont, Military Department, Vergennes Armory, 37 Monkton Road, Vehicle Compound Lighting, Site Plan Review (see Section 311)**
Jason Farrell read the public notice and swore in Bill LaPoint and Robert Gingras who were present on behalf of the applicant. Carl Cole was also sworn in as he had written authorization to represent his sons Roderick Cole and John Cole who each own respective lots adjacent to the subject property. Bill LaPoint explained that federal regulation now requires that security lighting be installed at any vehicle compound associated with their facilities. Bill said that the proposal is to have five fixtures around the perimeter of the compound that would be on from dawn to dusk. 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. Bill said that the base of the poles

supporting the light fixtures would be located three feet outside the fenced-in compound. The concrete base would be about one foot high and the pole height is fifteen feet. Carl Cole wondered what the distance was from the light poles to the property line and also asked if any landscaping was planned as he felt the lighting would be seen from future homeowners for his son's lots. Bill said that the fence is about twenty feet from the property line so the base of the pole would be seventeen feet from the property line and that no plantings are under consideration. With no further comments or questions, Peter Garon moved that the public hearing be closed and to hold a deliberative session later in the meeting. The motion was seconded by Carrie Barrows with all voting in favor.

7. **Public Hearing – VV II Housing Associates, L.P., 12 Walker Avenue, Sprinkler System Room, Exterior Lighting Changes, Site Plan Review**

Jason Farrell read the public notice and swore in Ed Clark, Project Architect from NBF Architects, P.C, and Krister Adams who were present on behalf of the applicant. The property had recently sold and the applicant forms were resubmitted under the new owner VV II Associates, L.P. Ed explained 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 square feet) to house the valves for the sprinkler system. He also noted on the plans the removal and placement of three exterior pole lights which will be down lights with shielded light sources. He also reported plans 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 with concrete and will have new porch lighting fixtures as outlined in the specifications. The pathway that leads from Mountain View Lane will be paved. With no further comments or questions, Peter Garon moved that the public hearing be closed and to direct Zoning Administrator Hawley to draft an affirmative decision. The motion was seconded by Don Peabody with all voting in favor.

8. **Public Hearing - River's Edge Associates, LLC, West Main Street, Claybrook, Major Subdivision, Planned Unit Development**

Jason Farrell read the public notice and swore in Peter Kahn, Brett Bartlett, and Dean Bartlett presenting River's Edge Associates, LLC. along with their project engineer Paul O'Leary. Adjacent property owners Jason Mullin, Peter Halpin, Amanda Guinness, Debra Emerson, Mark Mitchell, and Dencie Mitchell along with South Maple Street resident and downtown business owner Matt Birong were also sworn. Peter Kahn gave an overview of the project reporting that Claybrook is a redesign of the 2007 proposal which was a 54-lot planned unit development on the original 108-acre parcel. Hopkins Ridge, a 7-lot planned unit development on 14+ acres was split off from the original parcel. The remainder, 84+ acres, a small portion of which being in the Medium Density Residential District will host the proposed 50-lot planned unit development. He said the project is planned in four phases. He said in accordance with the regulations, all lots will be for one-family dwellings and entirely served with municipal sewer and water. He pointed out the formal open space at the entrance of the development and noted that there is a total of 62 acres that will remain open and undeveloped. He and that all lots meet the minimum street frontage of 100 feet and all lots meet the minimum lot size of at least 20,000 square feet. He said that the open space which includes about 30 acres in the flood plan and another 5 acres of protected wetlands connects with the open space in

Hopkins Ridge. Jason Farrell then opened the hearing to comments and questions from the attendees. Debra Emersion wondered how the open space would be managed and was told that there will be a homeowner's association in place. Debra also said she was pleased to see that the sidewalk will be extended from the project to Hillside Acres and to the sidewalk on Hopkins Road being constructed as part of Hopkins Ridge. Peter Kahn confirmed that the sidewalk extension would occur in the first phase of the project. Peter explained that the homeowner's association, by law, would be created before construction and that the development will have all responsibilities until at least 75 percent of the lots are sold or earlier if the development has no ongoing activity beyond a completed phase. Peter Halpin wondered about stormwater given the close proximity to the Otter Creek. Peter Kahn explained that there are four separate stormwater attenuation ponds to control and treat stormwater under a state permit. Mel reported that the plans have been reviewed by the fire chief and public works supervisor and they both requested that the temporary turnarounds need to be more clearly specified in the plans. Jason then advised this project will be subject to Act 250 review and in accordance with zoning and subdivision regulation, the Development Review Board shall undertake such review as it relates to education services (Act 250 Criterion 6), municipal or governmental services (Act 250 Criterion 7), and conformance with the municipal plan (Act 250 Criterion 10). A memorandum dated November 20, 2013 from Tom O'Brien, Superintendent, Addison Northwest Supervisory Union, was submitted conforming that the subdivision will not cause an unreasonable burden on the ability of the municipality to provide educational services. Mel said he would supply a letter confirming the review conducted by the fire chief and the public works supervisor and also confirm the development will not cause an unreasonable burden on the delivery of municipal services. Mel said the Shannon Haggett, chair of the planning commission, will be submitting a letter relative to conformance with the municipal plan. Jason then proceeding with the standards in Article X for a planned unit development. Peter Kahn said that he was aware that a mix of styles is required and would be the goal but with 50 homes there is likely to be a few repeat designs but would not be located next to one another. He said there are only two streetlights planned. He said width of the right of way for the street is 60 feet. The street will have a closed drainage system with concrete curbs on both sides and a paved surface of 27 feet wide to accommodate parking on one side. There is a landscape easement 30 feet in width along the northwest and north side of the lots abutting West Main Street and Hillside Acres. Mel said that the specifications did not detail the height of the berm nor the specific plantings. Mel said that owners subject to the easement and abutting property owners should know precisely what is planned and that the planting be maintained. Peter Kahn said that the formal open space will be mowed as lawn with no plans to be developed as a playground and that the existing silo would remain. Eventually, when the homeowner's association controls the use of the open space, that could change. Dencie Mitchell said that she received the notice of the public hearing just days ago and didn't have enough time to prepare for the meeting. Mel apologized for the late mailing as the notices went out in batches and the owners of Hopkins Ridge were the last ones notified. Mel said that the public hearing should not be closed because the City Attorney had not reviewed the Declaration of Covenants, Conditions, Easements, Obligations, Liens, Rights and Restrictions for Claybrook and bylaws for the Claybrook Homeowner's Association, Inc. Also, in light of Dencie's legitimate complaint, Mel

suggested that testimony at the continuance hearing should not be restricted. Debra Emerson questioned whether there was a demand for this many homes. Peter Kahn said that he has already built and sold four of the seven homes in Hopkins Ridge and Claybrook should develop at a similar pace. Peter Halpin wondered if the development had maxed out the potential number of lots and expressed concern for a development that will be under construction for fifteen years. Jason said that the developer could have pursued a density bonus for the elderly or stricter energy standard. Matt Birong expressed his support of the project as he felt the City, and in particular the business community, needs more residents. Jason said that given the hour, then he would entertain a motion to continue the public hearing next month. Peter Garon move to recess the public hearing and re-open on January 6, 2013. The motion was seconded by Steve Rapoport with all voting favor.

9. **Pending Application - State of Vermont, Military Department, Vergennes Armory, 37 Monkton Road, Vehicle Compound Lighting, Site Plan Review (see Section 311)**
The Board deliberated on the application and determined based on the specifications of the lighting fixtures that the proposal met the performance standards. Don Peabody moved to direct Zoning Administrator Hawley to draft an affirmative decision. The motion was seconded by Brent Rakowski with all voting in favor.

10. **Adjournment**
The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Mel Hawley
Acting Recording Secretary