

**CITY OF VERGENNES
DEVELOPMENT REVIEW BOARD
MINUTES
REGULAR MEETING
MONDAY, FEBRUARY 16, 2015**

Members Present: Jason Farrell-Chair, Tim Cook, Peter Garon, Jason Mullin,
Brent Rakowski, Steve Rapoport

Members Absent: Don Peabody

Guests: Lynn Donnelly, Sue Burdick, June Sargent, David Raphael,
Susan Ferland, Heather Simons, Darren Donovan,
Shannon Mahoney, Robert Feuerstein, Lillian Kennedy

Present: Zoning Administrator Mel Hawley

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

2. **Public Hearing - City of Vergennes, Vergennes Veteran's Memorial Park,
47 East Street, Pre-School Playground, Site Plan Review (See Section 311)**

Jason Farrell read the public notice and swore in City Manager Hawley, project designer David Raphael and owner of LandWorks, VUES Principal June Sargent, VUES School Board member Susan Ferland, Heather Simons and Darren Donovan who own property in the immediate neighborhood. David Raphael presented a written overview of the proposed plan which outlined the concept and community input, features and other play space ingredients, along with landscaping and site development. He explained the dashed lines shown on the drawing indicate the safe zones which is just one of the items in assuring that the playground meets all safety codes. He said that not shown on the drawing are plans to locate non-permanent items such as picnic tables and benches. He said incorporated in the plan is to install underground drainage piping as some of the site is susceptible to ponding. Stormwater will exit to a planned rain garden located at the southeaster corner. The area will not be completely fenced in but a low-profile fence most likely using bollards and chain or rope consistent with the nautical theme would be erected along the west and north side of the playground. An evergreen hedge will be planted to separate the four parking spaces from the play area. David said the plan has been revised so that the boat is now directed toward the street. When asked about lighting, David remarked that the playground is not intended for use at night, will close at sunset, and thus no lighting is incorporated. Susan Ferland asked about the specific location of the rain garden and its associated maintenance and also wondered about the trees. David reported that a similar rain garden was constructed in Middlebury that he designed and no maintenance is required. He explained that the seven trees planned between the street and the playground will be substantial red maples similar to those in the VUES parking lot. Darren Donovan wondered about whether the sidewalk will be plowed. Mel explained that the City does not plow the sidewalk that straddles the property line. June Sargent said that the school provides winter maintenance of the

sidewalk used by many off their students. June said that this plan addresses all of these issues that she had with the earlier design and said she was very pleased with the latest redesign. Susan Ferland said that this lot has historically been used for overflow parking during school events and that East Street residents have their driveways blocked due to illegal parking. Jason suggested she bring that issue to the school board as it is outside the purview of the board. Darren delivered and read a letter written and signed by abutting property owner Stella Dugan. The letter expressed her concern that a child will be injured because of the traffic on this very busy street and that cars go very fast around the corner from New Haven Road. Heather Simons said that given the trees in the parking lot of VUES and the proposed trees to the west of the playground that the area would be dark and thus more susceptible to vandalism. Mel and David both explained that the trees would be trimmed up so as not to look like a hedge and are proposed to provide necessary shade during hot weather. Darren said that he is bothered by some of the lighting at the school and would prefer that additional lighting not be added for the playground. June stated that her only concern with the project is with maintenance of the facility as vandalism can be an issue. With no further comments, Peter Garon moved to close the public hearing and discuss the matter in deliberative session later in the meeting. The motion was seconded by Tim Cook with all voting in favor.

3. **White Sulphur, LLC (Owner), Raintree, LLC (Applicant), 165 Main Street, Change Use of portion of First Floor from Office to Retail, Site Plan Review**

Shannon Mahoney was in attendance relative to her application to change the use of space on the first floor of the property at 165 Main Street from office to retail. She explained that she makes handcrafted jewelry, predominantly using black coral and that the business would also do watch repair and sales. When asked about lighting, she said the only change would involve a new fixture for lighting the business sign. She thought the total square footage was about 1,000 square feet and that the retail space would be about 600 square feet and the remaining 400 square feet as work area. Mel reported there are two apartments on the upper floor. Shannon said there would be a maximum of four employees. Mel said that the property does have a couple off-street parking spaces but when considering all uses associated with the property a parking waiver is needed. With no further comments Steve Rapoport moved to authorize the scheduling of a public hearing for March 9, 2015. The motion was seconded by Brent Rakowski with all voting in favor.

4. **Kennedy Bros., 13 Main Street, Parking Lot Improvements, Site Plan Review**

Robert Feuerstein and Lillian Kennedy presented a site plan showing substantial improvements to the parking lot. Brent Rakowski disclosed that he is employed by Otter Creek Engineering which is involved with the project would recuse himself and thus moved away from the table and would not participate as a member for this application. Robert gave an overview of the project which included paving the entire front and side yard. Mel reported that the City entered into a license agreement with Kennedy Bros., Inc. as a means of allowing work to occur within the right of way. Robert also pointed out the lighting that will be installed and he included an engineered lighting plan with his submittal. Mel also remarked that some of the paving is outside of the licensed area on land leased by Country Home Products. Robert forwarded a letter from Country Home Products confirming they had no issues with the paving in between the properties, a portion of which being on leased land. Jason asked that Mel review prior decisions

involving this property as the total number of parking spaces appear to change as a result of this project. Jason also suggested to Robert that he be prepared to address the fifteen specific standards for the North Gateway District. With no further comments Peter Garon moved to authorize the scheduling of a public hearing for March 9, 2015. The motion was seconded by Jason Mullin with all voting in favor.

5. **Estate of Michael Fitzpatrick (Owner), David Pierson (Applicant), 11 South Maple Street, Change Use of portion of First Floor from Office to Retail, Driveway and Off-street-Parking Space(s), Site Plan Review**
Lynn Donnelly was in attendance on behalf of the owner and applicant as she is involved with the potential sale of the property as a realtor. She explained that neither the administrator of the estate of the applicant could make the meeting. Mel said that the administrator of the estate had submitted a letter authorizing David Pierson to proceed with the acquisition of any and all required permits. Mel said that although more substantial plans will be forthcoming in the future, at this point David is only looking to be able to change the use of all or a portion of the office space on the first floor to retail and also develop a driveway on the south side of the building to access one or two off-street parking spaces. Peter Garon moved to authorize the scheduling of a public hearing for March 9, 2015. The motion was seconded by Jason Mullin with all voting in favor.
6. **Review and accept minutes of previous meetings**
The minutes to the regular meeting of January 5, 2015 were reviewed. Steve Rapoport moved to approve the minutes with the changes discussed. The motion was seconded by Brent Rakowski with all voting in favor. The minutes to the special meeting of January 19, 2015 were reviewed. Peter Garon moved to approve the minutes with the changes discussed. The motion was seconded by Brent Rakowski with all voting in favor.
7. **Deliberative Session**
The board held a deliberative session regarding the application by the City for the pre-school playground. Peter Garon moved to direct Zoning Administrator Hawley to draft an affirmative decision for review by the Board at the next meeting. The motion was seconded by Tim Cook with all voting in favor.
8. **Other Business**
Brent Rakowski wanted to discuss the need for the special meeting that had to be held on January 19, 2015 to ratify action taken at the regular meeting held on January 5, 2015. He specifically wondered if whether the Board needed to play any role in making sure that agendas of meetings are duly posted and on the website as required by the new open meeting law. Mel said he felt it was his responsibility to assure that agendas are properly posted and on the website.
9. **Adjournment**
The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Mel Hawley
Acting Recording Secretary