

**CITY OF VERGENNES
DEVELOPMENT REVIEW BOARD
MINUTES
REGULAR MEETING
MONDAY, MARCH 9, 2015**

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

Guests: David Pearson, Jane Melrose, Ryan Pierson, Lynn Donnelly,
Robert Feuerstein, Lillian Kennedy, Shannon Mahoney, Adam Powers,
Robert Hunt, Wendy Hunt, Laurie Fallon, Patrick Fallon, Sean LaFlam, Ben
LaFlam

Present: Zoning Administrator Mel Hawley

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

2. **Public Hearing - Estate of Michael Fitzpatrick (Owner), David Pierson (Applicant),
11 South Maple Street, Change Use of all or a portion of First Floor from Office to
Retail, Driveway and Off-street-Parking Space(s), Site Plan Review**

Jason Farrell read the public notice and swore in the applicants. No abutting property owners were in attendance. David Pierson reported that he plans to purchase the property and although the psychologist that current leases the first floor office space may or may not be remaining. He said that if the tenant choses to leave he would like to have flexibility to have all or a portion of the space to be occupied for a retail use. The application also includes the creation of one of two parking spaces along the south side of the building and a curb cut approved by the City. Mel reported that the City has applied for a grant from the Downtown Transportation Fund to replace the sidewalk in front of the building which will also included improved handicapped accessibility for the first floor space. When asked about exterior changes and lighting, David reported that no changes are planned at this time. There was also discussion about the large roof structure that extends over the public sidewalk. Mel said that the roof was a likely part of the original construction in the 1950s as the building was built as a theater. He said he was unaware of a license agreement have ever been issued by the City for this structure that is clearly within the street right of way. David said that hours for the retail would be typical daytime and early evening hours since the property is mixed-use with two apartments on the upper floors. With no further comments, Steve Rapoport moved to close the public hearing and direct Zoning Administrator Hawley to draft an affirmative decision. The motion was seconded by Don Peabody with all voting in favor.

3. **Public Hearing - Kennedy Bros., 13 Main Street, Parking Lot Improvements, Site Plan Review**

Jason Farrell read the public notice and swore in the applicants. No abutting property owners were in attendance. Brent Rakowski moved away from the table as he had announced at the last meeting he is employed by Otter Creek Engineering which is involved with the project and therefore would not participate. Robert Feuerstein and Lillian Kennedy,

principals of Kennedy Bros., Inc., reported there are only a few changes to their site plan reflecting substantial improvements to the parking lot. Robert said there will be five air conditioning condensers and more propane tanks to be located along the front of the building. He said they will be planting a hedge of arborvitae to screen the equipment and tanks as required by the regulations. Specifications were also submitted identify the lighting fixtures chosen for use in the parking lot. He also reported that there will be a new fixture above the new main entrance. Mel reported that the City has entered into a license agreement with Kennedy Bros., Inc. for use of a portion of the right of way. The parking spaces to be located within the licensed area can now be considered off-street parking spaces for the property. The number of parking spaces in the proposed plan shows a net gain of 28 spaces. The spaces will be delineated on the new pavement. The width of the entrance to the parking lot from Main Street will be greatly reduced. A short section of concrete sidewalk will be installed on both side of the entrance anticipating a future extension of the sidewalk by the City. Jason said there is a large floodlight on an existing utility pole and hoped would be removed. Robert said he would have it removed if the new fixtures meet standards for safety. With no further comments, Peter Garon moved to close the public hearing and direct Zoning Administrator Hawley to draft an affirmative decision on the application. The motion was seconded by Tim Cook with all voting in favor.

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

Jason Farrell read the public notice and swore in the applicant. No abutting property owners were in attendance. Shannon Mahoney explained her plan of establishing her handcrafted jewelry business on the first floor of 165 Main Street. The space would serve as a gallery for her handcrafted jewelry, display of collectables from other Vermont craftsmen, and space for watch repair and service. She said there will be no change in exterior lighting other than installing a fixture for lighting her projecting business sign. The hours of the business will run from 10:30 a.m. to 5:30 p.m. daily with longer hours likely in the summer. She said there will be up to two employees and possibly an apprentice regularly occupying the space. There are two apartments on the second floor. Mel said that based on the regulation the two apartments require three parking spaces and the retail space, estimated at 600 square feet, requires two off-street spaces. The property includes two off-street parking spaces accessed by the alley that runs behind the building. Approval would require the board to reduce the number of required off-street parking spaces as provided in Section 1204.1. With no further comments, Peter Garon moved to close the public hearing and direct Zoning Administrator Hawley to draft an affirmative decision on the application. The motion was seconded by Jason Mullin with all voting in favor.

5. **Maurice and Jane Hebert (Owner), Carolyn Thompson (Applicant), 75 Main Street, Change of Use from One-family Dwelling to Professional Residence-Office, Site Plan Review, Conditional Use Review**

Attorney Adam Powers introduced himself. He said he was in attendance representing Carolyn Thompson who has a purchase option of the property at 75 Main Street. Adam explained the his client has an estate planning practice in California and plans to live at 75 Main Street and have her office at her home. Mel explained that based on the regulations, this use is a professional residence/office which is allowed by conditional use in the Residential/Limited Business District. The application included a narrative and a site plan showing the creation of three off-street parking spaces with a turnaround behind the building. A one-family dwelling requires two parking spaces and a professional residence-

office requires a minimum of one additional parking space. Brent Rakowski moved that the application be deemed complete and that a public hearing be scheduled for April 6, 2015.

6. **ROLA Properties, LLC, 17 White Street, Demolition and Reconstruction of Multiple-Family Dwelling**

Mel reported that he had invited Robert Hunt and Laurie Fallon, principals of ROLA Properties, LLC, to the meeting. The property at 17 White Street was severely damaged by fire on January 8, 2015. Mel explained that the property is a multiple-family dwelling with three dwelling units and is located in a Historic Neighborhood District. He said the owners would like to tear down the building and construct a similarly sized and shaped building on the lot. Because the current and proposed use is a multiple-family dwelling, Mel said that any associated permits involving demolition and construction requires action by the Development Review Board per the regulations. Robert Hunt provided pictures of the damaged property. He said their plan is to construct a new building on the same footprint. Member felt that a site plan identify the existing location of the building is needed for documentation purposes. Don Peabody moved to authorize the scheduling of a public hearing for April 6, 2015 provided an application and site plan is filed in a timely manner to meet warning requirements for a public hearing. The motion was seconded by Brent Rakowski with all voting in favor.

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

The minutes to the regular meeting of February 16, 2015 were reviewed and a number of changes were made. Brent Rakowski said that he brought up the matter relative to the Board having to hold a special meeting on January 19, 2015 to ratify action taken at the regular meeting on January 5, 2015 due to not meeting agenda posting requirements under the new open meeting law. Mel suggested that the Board not act on the draft minutes at this time giving him an opportunity to correct the changes and write a paragraph including the topic involving discussion about the special meeting. The minutes to the regular meeting of February 16, 2015 were deferred.

Don Peabody departed at 8:30 p.m. as he was ineligible to participate in the pending decision involving the application by the City of Vergennes for the pre-school playground as he did not attend the public hearing nor regain his voting rights by listing to the recording.

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

As directed, Zoning Administrator Hawley drafted an affirmative decision approving the application. Peter Garon moved to authorize Jason Farrell to sign the decision on behalf of the Board. The motion was seconded by Steve Rapoport with all voting in favor.

9. **Adjournment**

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Mel Hawley
Acting Recording Secretary