

**CITY OF VERGENNES  
DEVELOPMENT REVIEW BOARD  
MINUTES  
REGULAR MEETING  
MONDAY, MARCH 14, 2016**

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

Members Absent: None

Guests: Steve Schenker, Heidi Mahoney, Bill Benton, Betsey Benton, Sharon Lucia, Ian Huizenga, Hans Vorsteveld, Michelle Eckels, Rebecca Rey

Present: Zoning Administrator Mel Hawley

Zoning Administrator Hawley reported that an application from 3BD, LLC had arrived since the agenda was posted and distributed and asked that the agenda be amended. Jason Farrell honored the request and the agenda was amended accordingly.

**1. Public Hearing (continued) - Shenandoah, LLC, Haviland Shade Roller Mill and Annex, 1 and 2 Canal Street, Site Plan Review, Conditional Use Review**

Jason Farrell read the public hearing notice and swore in Architect Steve Schenker, owner of S2 Architecture, and Heidi Mahoney of Burchfield Management Company representing Shenandoah, LLC. The public hearing was recessed from February 1, 2016 to receive additional testimony on the lighting plan, further discussion of safety considerations relative to the westerly side of the proposed expanded parking lot, and the draft easement over the adjacent property owned by Treetop Homes, LLC. A supplement to the application was submitted by the applicant. Steve Schenker presented a more detailed lighting plan showing the fixtures to be the same as was previously submitted but this plan provides light distribution data. He said there have been no changes in the draft easement. Zoning Administrator Hawley reported that the draft easement was forwarded to the City Attorney but a formal response has not been received. Steve Schenker said there will be no change to the top of the ledge and therefore saw no need to add railing at the top of the ledge as it is an existing condition. Bill Benton commenced offering testimony and Jason held him off until he was duly sworn. Bill Benton said, just as a citizen, he wanted to comment that this is one the few remaining undeveloped buildings and is a great project that is long overdue and it is opportunity for growth of the grand list and creates some residential units that are needed to benefit the downtown. He said he understood the Development Review Board had a job to do though felt the tenor during the previous public hearing was a bit “anti this project” and “seemed a little picky”. He felt this is a gem of a project and should be supported. Don Peabody wondered how the Development Review Board will handle the fact that the draft easement has not been responded to by the City Attorney. Jason Farrell said this should not delay closing the public hearing and that the Board could deliberate and issue a decision within 45 days. Jason Farrell moved to close the hearing and

deliberate later in the meeting. The motion was seconded by Don Peabody with all voting in favor.

Before proceeding to the next item on the agenda Jason Farrell defended the conduct of the Development Review Board and told Bill Benton that negative tenor was not intended and as a quasi-judicial body they must go through the standards as outlined in the regulations.

2. **Public Hearing - L.F. Benton Company, 300 Main Street, Change the Use of Physical Therapy Office and Part of Lower Level, Site Plan Review, Conditional Use Review**

Jason Farrell read the public hearing notice and swore in Bill Benton and Betsey Benton, principals of L.F. Benton Company. Zoning Administrator Hawley reported that at the time the public hearing notice was prepared, the Applicant had been in discussions with a potential tenant for a portion of the upper level for a light industry involving brewing of ginger beer. Bill Benton reported that although discussions are ongoing, for this application, the proposed light industry use is withdrawn and he would follow up with a new application if that use is again proposed. The notice also referenced professional studio, and absent a specific type of professional studio, that too was withdrawn from consideration under the current application. The main building is comprised of three levels. There is no change being proposed for the lowest level as that will continue to be used as storage space for any occupants of the premises. The upper and middle level as depicted on the floor plan identifies six specific areas identified as A-F; space A (1,088 sf), space B (2,080 sf), space D (1,094 sf), and space E (2,234 sf) are on the upper level and space C (1,540 sf) and space F (549 sf) are on the middle level. There is currently a dwelling unit in space B and a dwelling unit in space C. The physical therapy office used to occupy spaces A, D, and E. The proposal is to change space D to another dwelling unit in the building. Spaces A, E, and F are proposed to be either office or retail store, either in combination as a single tenant or with separate tenants. Bill explained there will be a new vestibule on the east side of the building that will serve as the entrance to spaces D and E and new exterior lights above the entrance are planned. Specifications of a light fixture were supplied. The site plan was reviewed and a calculation was done to determine the number of off-street parking spaces for all of the existing and proposed uses in the main building and the other office building (483 sf) that is close to the street. With four parking spaces required for the three dwelling units and one parking space for every 300 square feet for office or retail store, the minimum number of parking spaces required is fifteen. There are five existing parking areas providing a total of approximately thirty off-street parking spaces. There being no additional testimony, Don Peabody moved to close the public hearing and that Zoning Administrator Hawley be directed to draft an affirmative decision on the application. The motion was seconded by Steve Rapoport with all members voting in favor.

3. **Public Hearing - Estate of Ruth LaFlam (Owner), Timothy Goyette (Applicant), 67 South Water Street, Subdivision Sketch Plan Review**

Jason Farrell read the public hearing notice. The applicant was not in attendance nor were any abutting property owners. Zoning Administrator Hawley reported that he published, posted, and mailed the notice to the applicant and abutting property owners. Since the applicant was not present, Jason Farrell moved the public hearing be recessed and reconvene on April 4, 2016. The motion was seconded by Jason Mullin with all voting in favor.

4. **Lincoln Geronimo, LLC, 33 Green Street, Change the Use of Clock Shop (Retail) to Brewery/Bar/Restaurant, Site Plan Review, Conditional Use Review**

As he did at the last meeting, Jason Farrell recused himself and therefore will not participate as a board member due to having a direct or indirect personal interest as a business associate of the owner of the restaurant. Jason removed himself from the table. Vice-Chair Peter Garon assumed the role of chair at this point. Ian Huizenga, owner of Bar Antidote, presented a narrative entitled “Antidote Restaurant Expansion” involving the property at 33 Green Street. He reported his plans are quite different from what was discussed at the last meeting. The thought of creating a brewery in a portion of the space on the ground floor is not being pursued. The application now is to simply expand the restaurant that is currently in the basement and construct an interior stairway that will access a proposed expansion of the restaurant to include space on the ground floor. He plans to reduce the number of seats in the basement level restaurant by twenty in light of enlarging the kitchen and renovate the space on the ground floor currently occupied by a clock shop (retail store). He said the capacity of the existing restaurant is ninety-five seats. The area of the restaurant proposed on the ground floor will accommodate fifty-sixty seats plus some additional seating on the porch. Ian said the hours of the restaurant would increase to 11 a.m. to 2 a.m. seven days a week. He also reported there is no change in exterior lighting. Zoning Administrator Hawley reported that he included a copy of the plans for a streetscape project involving handicapped accessibility for the expanded area of the restaurant and the Boy and Girls Club of Greater Vergennes that occupies the east end of the ground floor. He said the City is working with the Vergennes Partnership, the organization serving the downtown improvement district, in hopes of getting a grant to fund the project. With no further questions, Steve Rapoport moved that the application be deemed complete and authorized the scheduling of a public hearing for the evening of April 4, 2016. The motion was seconded by Tim Cook with all voting favor.

5. **Vergennes Union Elementary School, 43 Monkton Road, Accessory Structure, Site Plan Review (see Section 311)**

Michelle Eckels, co-chair of the VUES Community Group, reported their group is raising funds for the construction of two small storage sheds near the playground. One of the proposed free-standing sheds is 16 feet by 42 inches and the other will be constructed to the side of the school building and is only 5 feet by 42 inches. Zoning Administrator Hawley advised there is an exemption (no zoning permit required) for an accessory structure equal to or less than 80 square feet, however, the exemption is for only one such structure on a given property and they used that exemption on a building near their school garden. Jason Farrell moved the application be deemed complete and authorized the scheduling of a public hearing for the evening of April 4, 2016. The motion was seconded by Brent Rakowski with all voting favor.

6. **Mahaiwe, LLC, Norton Grist Mill and Horse Barn, 360 Main Street, Multiple-family Dwelling, Site Plan Review, Conditional Use Review**

Architect Steve Schenker, owner of S2 Architecture, and Heidi Mahoney of Burchfield Management Company representing Mahaiwe, LLC presented an application involving the so-called Norton Grist Mill located at 360 Main Street. There are currently four dwelling units along with office space on the second and third floors in Norton Grist Mill. The proposal is to convert the office space into four dwelling units. There is an accessory

structure, the so-called horse barn, which is currently used for storage and the proposal is an adaptive reuse of the building for two dwellings unit resulting in the property as a multiple-family dwelling consisting of two detached buildings with a total of ten dwelling units. The off-street parking requirement for a multiple-family dwelling is four spaces for every three dwelling units. Based on a total of ten dwelling units, fourteen off-street parking spaces are required. The site plan showed twelve parking spaces and the applicant is seeking a reduction in the number of required off-street parking spaces. Heidi explained their lease agreements will have a limit of one parking space per unit. Steve Schenker detailed the lighting plan that would include two building-mounted lights on the horse barn and noted that some of the bollard lights would be relocated. Jason Farrell suggested the Development Review Board hold a site visit in advance of the public hearing. Steve Rapoport moved the application be deemed complete and authorized the scheduling of a public hearing for the evening of April 4, 2016 with a site visit to be held at 6:30 p.m. The motion was seconded by Brent Rakowski with all voting favor.

7. **3BD, LLC, 11 South Maple Street, Driveway and Off-street-Parking Space(s), Site Plan Review**

Rebecca Rey was in attendance on behalf of 3BD, LLC. She explained that a driveway on the south side of the building to access one or two off-street parking spaces is proposed. Zoning Administrator Hawley reminded members this proposal was previously denied by the Development Review Board as it did not comply with the zoning regulations in place at the time of the application. The amendments to the zoning and subdivision regulations that were adopted by the City Council in November eliminated the fatal flaw with the prior application. Peter Garon moved to authorize the scheduling of a public hearing for April 4, 2016 provided Rebecca could supply a more detailed site plan within the next few days so that it is available for public review at the time the notice is published and posted. The motion was seconded by Don Peabody with all voting in favor.

8. **Review and accept minutes of previous meeting**

The minutes to the regular meeting of February 1, 2016 were reviewed and corrected. Peter Garon moved to approve the minutes as corrected. The motion was seconded by Brent Rakowski with all voting in favor.

9. **Pending Decision - Shenandoah, LLC, Haviland Shade Roller Mill and Annex, 1 and 2 Canal Street, Site Plan Review, Conditional Use Review**

The Development Review Board held a deliberative session regarding the application by Shenandoah, LLC. At the conclusion of the session, Jason Farrell moved to direct Zoning Administrator Hawley to draft an affirmative decision on the application. The motion was seconded by Tim Cook with all voting favor.

10. **Adjournment**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Mel Hawley  
Acting Recording Secretary