

**CITY OF VERGENNES
DEVELOPMENT REVIEW BOARD
MINUTES
REGULAR MEETING
MONDAY, APRIL 4, 2016**

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

Members Absent: Steve Rapoport

Guests: Timothy Goyette, Ian Huizenga, Hans Vorsteveld, Michelle Eckels, Steve Schenker, Heidi Mahoney, Rebecca Rey, Robert Feuerstein, Colin Davis

Present: Zoning Administrator Mel Hawley

The Development Review Board conducted a site visit at the so-called Norton Grist Mill and Horse Barn at 6:30 p.m. All members of the Development Review Board were in attendance except for Steve Rapoport. Steve Schenker and Heidi Mahoney accompanied the Development Review Board.

1. **Public Hearing (continued) - Estate of Ruth LaFlam (Owner), Timothy Goyette (Applicant), 67 South Water Street, Subdivision Sketch Plan Review**
Jason Farrell read the public hearing notice and swore in Timothy Goyette. No abutting property owners were in attendance. Zoning Administrator Hawley reported that Timothy Goyette purchased the property since the last meeting and also reported that a zoning permit has been issued that allowed him to move the original part of the existing structure to a new foundation. Mel also reported that he sent a detailed letter to all of the abutters in this regard. Timothy explained that he now feels that the 160-foot wide parcel should be split into equal halves with each lot having 80 feet of street frontage as opposed to his sketch plan that reflects one lot with 75 feet of street frontage and the other with 85 feet of street frontage. The change was not considered by the Board to be a material change. There were some questions about the current condition of the sidewalk, given the construction that is underway and the proposed curb-cuts, and connection to the sewer main. Mel said that he is working with Timothy relative on these matters and assured the Board that the sidewalk will be totally replaced and any new sewer connections will be monitored by the Public Works Department. There being no further testimony, Jason Farrell 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.

2. **Review and accept minutes of previous meeting**
The minutes to the regular meeting of March 14, 2016 were reviewed and corrected. Tim Cook moved to approve the minutes as corrected. The motion was seconded by Brent Rakowski with all voting in favor.

3. **Public Hearing - Lincoln Geronimo, LLC, 33 Green Street, Change the Use of Clock Shop (Retail) to Brewery/Bar/Restaurant, Site Plan Review, Conditional Use Review**
Prior to opening the public hearing, as he did at the last two meetings, 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 and read the public notice and swore in Ian Huizenga, owner of Bar Antidote, and Hans Vorsteveld who is one of the principals of Lincoln Geronimo, LLC. At the last meeting, Ian presented a narrative entitled “Antidote Restaurant Expansion” involving the property at 33 Green Street. The application is to 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. The interior stairway will be for employees only. He plans to reduce the number of seats in the basement level portion of the restaurant by thirty in light of the kitchen expansion and renovate the space on the ground floor currently occupied by a clock shop (retail store) as a restaurant. The capacity of the existing restaurant is ninety-five seats. The area of the restaurant proposed on the ground floor will accommodate forty to fifty seats plus some additional seating on the porch. The hours of the restaurant would increase to 11 a.m. to 2 a.m. seven days a week. Ian explained that the downstairs part of the restaurant would be by “reservation-only” and the upper level will operate on a “first-come first-served basis”. He also reported there is no change in the exterior or exterior lighting. Tim Cook asked whether live entertainment would be upstairs or down. Ian said that since there are residential units on the second floor that live entertainment would continue to be conducted only in the basement portion of the restaurant. Ian confirmed he is seeking a parking waiver but based on the regulations, there is zero-net change in the number of parking spaces required. Zoning Administrator Hawley again reported on the 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. With no further comments or questions, Brent Rakowski 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.

Jason Farrell returned to the table and reassumed the role of Chair.

4. **Pending Decision - 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**
As directed, Zoning Administrator Hawley drafted an affirmative decision approving the application. Following review and modifications to the draft, Jason Farrell moved to approve the decision and authorize himself as Chair to sign the decision on behalf of the Board. The motion was seconded by Brent Rakowski with all voting in favor.
5. **Public Hearing - Vergennes Union Elementary School, 43 Monkton Road, Accessory Structure, Site Plan Review (see Section 311)**
Jason Farrell read the public hearing notice and swore in Michelle Eckels. No abutting property owners were in attendance. Michelle Eckels reported that she is the co-chair of the VUES Community Group and as explained at the last meeting, their group is raising funds for the construction of two small storage sheds near the playground. One is free-standing and is 16 feet by 42 inches and the other will simply fill in a small recessed section of the school building which is 5 feet by 42 inches. Members again questioned why this rather insignificant land development requires Board review. 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 the school used that exemption on a building near their school garden. Any structure related to a use other than a one- or two-family dwelling must go to the Board for site plan review. Jason Farrell asked whether the project involved exterior lighting. Michelle testified it did not. With no further questions, Peter Garon 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.

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

As directed, Zoning Administrator Hawley drafted an affirmative decision approving the application. Following review and modifications to the draft, Brent Rakowski moved to approve the decision and authorize Chair Jason Farrell to sign the decision on behalf of the Board. The motion was seconded by Jason Mullin with all voting in favor.

7. **Public Hearing - Mahaiwe, LLC, Norton Grist Mill and Horse Barn, 360 Main Street, Multiple-family Dwelling, 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 Mahaiwe, LLC. No abutting property owners were in attendance. Steve Schenker reported there are currently four dwelling units on the first floor and lower level along with office space on the second and third floors in the 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 being 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 assign one parking space to each unit and the intended use of the other two parking spaces would be for service vehicles. Steve Schenker detailed the lighting plan (A-3) that would include two building-mounted lights on the horse barn which he called a “can lights” design thus providing downlight only. Heidi reported the existing four dwelling units in the Norton Grist Mill consist of three one-bedroom units and one one-bedroom unit. All new dwelling units being proposed are one-bedroom units. Members brought up that there are posts with two levels of chain attached around the perimeter of the island and asked the applicant if there was any plan to upgrade the fencing given the potential of young children being on the property. The representatives of the applicant advised the existing post and chain fencing has been there for years and no change is being proposed. Jason Farrell asked the representatives to comment about pedestrian access to and from the property and the representatives testified that although there is not a crosswalk in the middle of the bridge there is adequate sight distance. With no further questions, Peter Garon moved to close the public hearing and hold a deliberative session later in the meeting. The motion was seconded by Don Peabody with all voting in favor.

8. **Public Hearing - 3BD, LLC, 11 South Maple Street, Driveway and Off-street-Parking Space(s), Site Plan Review**
Jason Farrell read the public hearing notice and swore in Rebecca Rey who was in attendance on behalf of 3BD, LLC. Rebecca explained that a driveway on the south side of the building to access a proposed parking area that is twelve feet wide and twenty feet long. She also said the owners want to mount a motion light on the building as a means of identifying that a vehicle is backing out of the parking area. She said the surface will be crushed stone and there would be no signs identifying a specific assignment of the parking space. She said the width and length of the driveway and clear height above the parking space is consistent with the recently adopted amendments to the zoning regulations. A letter from Vergennes Police Chief George Merkel confirming that he found no safety issues with the proposed access to or from property was supplied. With no further questions, Peter Garon moved to close the public hearing and hold a deliberative session later in the meeting. The motion was seconded by Don Peabody with all voting in favor.

9. **Kennedy Bros, Inc., 11 Main Street, Enclosed Manufacturing Industry, Site Plan Review, Conditional Use Review**
Robert Feuerstein, one of the principals of Kennedy Bros., Inc. and Colin Davis, owner of Shacksbury Cider, were in attendance involving their application to change the use of the ground floor of the so-called “white building” portion of the former Kennedy Brothers Marketplace from what was once part of the retail store to enclosed manufacturing industry (cider brewing, bottling, shipping, office, warehouse and tasting room). Robert said they plan to create a new ground level entrance for freight and additional sidewalk will be constructed connecting to the sidewalk that runs along the east side of the parking lot. A site plan entitled “Kennedy Brothers – Shacksbury Site Plan Changes” was part of the application showing the modifications. Robert said that an exterior light will be mounted above the new entrance and specifications of the fixture were submitted. When asked about whether there will be a dumpster, Colin said that a dumpster for cardboard is expected, and he also mentioned there would be chilling equipment situated outside. Jason Farrell asked that the dumpster and equipment be reflected on the site plan along with proposed screening. With no further questions, Peter Garon moved the application be deemed complete and authorized the scheduling of a public hearing for the evening of May 2, 2016. The motion was seconded by Tim Cook with all voting favor.

10. **Pending Decision - 3BD, LLC, 11 South Maple Street, Driveway and Off-street-Parking Space(s), Site Plan Review**
The Development Review conducted a deliberative session which concluded with Tim Cook making a motion to direct Zoning Administrator Hawley to draft an affirmative decision on the application. The motion was seconded by Peter Garon with all voting in favor.

11. **Pending Decision - Mahaiwe, LLC, Norton Grist Mill and Horse Barn, 360 Main Street, Multiple-family Dwelling, Site Plan Review, Conditional Use Review**
The Development Review conducted a deliberative session on this action but took no action.

12. **Adjournment**
The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Mel Hawley
Acting Recording Secretary