

**CITY OF VERGENNES
DEVELOPMENT REVIEW BOARD
MINUTES
REGULAR MEETING
MONDAY, JULY 6, 2015**

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

Members Absent: Peter Garon

Guests: Julianne Jones, Blanche Murat

Present: Zoning Administrator Mel Hawley

1. **Review and accept minutes of previous meetings**
The minutes to the regular meeting of June 1, 2015 were reviewed. Don Peabody moved to approve the minutes. The motion was seconded by Brent Rakowski with all voting in favor.
2. **Public Hearing - Bruce Leachman, Joanne Leachman, Brent Leachman, Luigi's Italian Specialties, 193 Main Street, Replace Fixed Awning - deferred**
3. **Pierre LeGrand, LLC, 247 Main Street, Convert Second Floor from Office to Residence with Professional Studio, Site Plan Review, Conditional Use Review**
Julianne Jones, one of the officers of Pierre LeGrand, LLC, explained their desire to convert the second floor office to a residence. The agenda indicated that the space would also be used as a professional studio. Julianne was asked to describe the activity associated with professional studio. As discussion ensued it became clear that the space would be an apartment and any business activity would not be considered a professional studio by definition but rather a home occupation which requires no action by the Board. The application was altered to reflect only a proposed dwelling unit on the second floor. Zoning Administrator Hawley pointed out that the only residential uses allowed in the Central Business District include a professional residence-office or a multiple-family dwelling. Since the property is not a one- or two-family dwelling required to be considered a professional residence-office nor will contain three or more dwelling units, there may be a technical flaw with the proposal. Mel felt this was the result of an oversight when the regulations were written. Following lengthy discussion, members pointed to the municipal development plan and more specifically Section 1609.F.2.e. of the zoning regulations that states "*Residential uses shall be prohibited at street, ground or basement level, but are allowed and encouraged on the second-floor and above.*" Members felt that based on this language, and recognizing that there would be harm and inequity in not allowing this application to proceed, the Board agreed to entertain the application. Mel said that the building is sitting on its entire parcel and only has an access easement from South Maple Street over the so-called Basin Block. Therefore, the

applicant will need a parking waiver under Section 1204.1 of the regulations. Steve Rapoport moved the application be deemed complete and that a public hearing be scheduled for August 3, 2015. The motion was seconded by Don Peabody with all voting in favor.

4. **Pending Decision - Kiff, LLC, 30 New Haven Road, Self-storage Building, Site Plan Review, Conditional Use Review**

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

5. **Public Hearing - Bruce Leachman, Joanne Leachman, Brent Leachman, Luigi's Italian Specialties, 193 Main Street, Replace Fixed Awning**

Mell suggested that the public hearing be opened as indicated on the public notice despite there not being an applicant in attendance. Jason Farrell read the public notice. Mel presented the application on behalf of the Leachmans involving the installation of a new fixed awning and also provided a note received from Frank Buonincontro who owns Marbleworks Pharmacy which is located at 191 Main Street. The note stated that he had no problem with the owner's request to replace the current fixed awning. Don Peabody felt that the public hearing should either be continued until such time as the applicant is in attendance or closed and that a decision denying the application be drafted due to such non-attendance. Other members felt that given the testimony from the abutting property owner and the information supplied, the application and accompanying documents were sufficient and that further testimony was not necessarily required. Jason Farrell moved to close the public hearing and to direct Zoning Administrator Hawley to draft an affirmation decision. The motion was seconded by Brent Rakowski with all voting in favor except Don Peabody opposed.

6. **Other Business**

Mel reported that the Planning Commission is working on a comprehensive update of the zoning regulations. They are contemplating a reduction in the minimum width of a driveway for uses other than a one- or two-family dwelling. He reported meeting with David Pierson, owner of the so-called "Theatre property" at 11 South Maple Street, and improvements of the sidewalk are planned in front of the building but there would be no change in the use of the strip of lawn to the south of the building for parking unless and until that was approved by the Board.

7. **Adjournment**

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Mel Hawley
Acting Recording Secretary