

**CITY OF VERGENNES
DEVELOPMENT REVIEW BOARD
MINUTES
REGULAR MEETING
MONDAY, AUGUST 4, 2014**

Members Present: Jason Farrell-Chair, Peter Garon, Don Peabody, Steve Rapoport,
Alternate Member Lowell Bertrand

Members Absent: Brent Rakowski

Guests: Grace Whitney, Jamie Stephens, Dr. Robert Frank

Present: Zoning Administrator Mel Hawley

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

2. **Public Hearing – Grace Whitney (Owner), James Stephens (Applicant),
73 School Street, Appeal of Decision of the Zoning Administrator**

Jason Farrell read the public notice and swore in Administrative Officer Mel Hawley, Grace Whitney, Jamie Stephens, and abutting property owner Dr. Robert Frank. Jamie gave a brief overview of the project which involves construction of a two-story addition on the south side of the building and removal of the entire easterly side of the existing porch. Jamie said that the exterior of the addition would match the existing main part of the building and will have similar so-called two-over-two windows. The windows are only planned on the south side of the addition. Administrative Officer Hawley explained the reason he denied the application was because to accommodate the two-story addition, the Applicant proposed to remove/demolish the existing one-story annex and Section 1604.F.12 states "*Demolition of any original feature or part of a historic building shall be avoided.*" Mel submitted a copy of a map dated October, 1910 evidencing that at least a portion of the one-story annex existed in 1910 and testified that based on that evidence removal should be avoided pursuant to the regulations. Mel reported that the easterly side of the porch was not reflected on the map and that materials associated with this portion of the porch were not original elements, and therefore, under the regulations can be removed/demolished. Mel determined that removal of the one-story annex was not required due to public health and safety as he felt the annex was reasonably sound and therefore could not be approved under Section 1604.F.13. Dr. Frank requested that the Applicant, as part of the construction, disconnect their private sewer service line from his private line and connect directly to the sewer main that runs across his property and the subject property. He asked and received information about the regulations pertaining to his consideration of a boundary fence or hedge. He requested that all survey stakes disturbed during construction be restored. He also testified that he supported the building plans indicating that it beautifies the property. Grace Whitney assured the Board that the proposed addition will be constructed such that it is in keeping with the historic character of the neighborhood. With no further comments, Peter Garon moved to close the public

hearing. The motion was seconded Steve Rapoport with all voting in favor. The Board decided to discuss the appeal without a private deliberative session. Don Peabody commented that, although he felt Administrative Officer Hawley was correct in his denial of the zoning permit application, Section 1604.F.14 gives the Board the authority to overturn that decision if it is found that the annex does not contribute to the historical or architectural character of the district. Peter Garon also felt it was important to note that the existing one-story annex is located virtually on the property line with no setback and the proposed addition will meet the minimum setback for the district. Don Peabody moved to direct Administrative Officer Hawley to draft a decision overturning the denial of the zoning permit application. He motion was seconded by Peter Garon with all voting in favor. Grace Whitney asked when they could resume their project. Mel explained that normally the Board would not take official action until their next regular meeting which in this case would not be until September 8, 2014. He said he would then issue the zoning permit the next day but noted that zoning permits are not effective until a 15-day appeal period has passed. He also said that decisions of the Board are appealable as well within 30 days of the decision but such an appeal can only be made by an interested party that participated in the proceedings. Dr. Frank said that he relinquishes his right of appeal. Grace asked if the Board would be willing to hold a special meeting to take formal action. Mel said that if the Board desired to hold a special meeting he would see that a draft decision is done in a timely manner. The Board agreed to hold a special meeting on Monday, August 11, 2014.

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

The minutes to the regular meeting of July 7, 2014 were reviewed. Jason Farrell moved to approve the minutes as corrected. The motion was seconded by Steve Rapoport with all voting in favor except Alternate Member Lowell Bertrand abstaining as he was not present at the meeting.

4. **Pending Application – Plaster Investments, LLC (Owner), Maura Breslin – H & R Block (Applicant), 10 Main Street, Change Use of Portion of First floor from Retail to Office, Site Plan Review, Conditional Use Review**

As directed by the Board, Zoning Administrator Hawley drafted an affirmative decision on this application. Steve Rapoport moved to approve the findings of fact and decision in its final form and to authorize Jason Farrell to sign the decision on behalf of the Board. The motion was seconded by Peter Garon with all voting in favor except Alternate Member Lowell Bertrand not voting as he was not present at the public hearing and therefore not eligible to vote.

5. **Adjournment**

The meeting adjourned at 7:45 p.m.

Respectfully submitted,

Mel Hawley
Acting Recording Secretary