

**CITY OF VERGENNES
DEVELOPMENT REVIEW BOARD
MINUTES
REGULAR MEETING
MONDAY, DECEMBER 5, 2016**

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

Members Absent: None

Guests: Christopher Bearor, Liz Ryan, Peter Welch, James Amblo, Cynthia Hellyer, Bonnie Beecy, Peter Kahn, Brent Bartlett, Scott Hardy, Christopher Von Trapp

Present: Zoning Administrator Mel Hawley

The Development Review Board conducted a site visit at the property of James Amblo located at 210 Green Street at 6:30 p.m.

Chair Jason Farrell called the regular meeting to order at 7 p.m.

1. **Public Hearing - Vergennes-Panton Water District, 7 Canal Street, Storage Container, Site Plan Review (see Section 311)**

Jason Farrell read the public hearing notice and swore in Chris Bearor who was present on behalf of the Vergennes-Panton Water District Board of Water Commissioners. No abutting property owners were in attendance. Chris explained they want to locate a so-called conex box container (accessory structure) to the north of their building on Canal Street. He said electricity would be bought into the building for lighting and exterior lighting improvements to their existing structure are planned. He said there are currently two fixtures on the building which would be replaced and a new fixtures would be added to the northeast corner of the building to light up the entrance to the conex box. Chris identified the locations of the lights on the site plan and also provided specifications for the new fixtures. Chris confirmed the conex box would be used to store documents, copper pipe, PVC pipe, and fittings and will be placed on a gravel base. Members asked if there was any landscaping involved with the project and Chris confirmed that nothing is planned. Jason Farrell 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 Brent Rakowski with all voting in favor.

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

The minutes to the regular meeting of November 6, 2016 were reviewed and corrected. Steve Rapoport moved to approve the minutes as corrected. The motion was seconded by Tim Cook with all voting in favor.

3. **Public Hearing - Ryan Block, LLC, 155 Main Street, Demolition of Accessory Structure, Proposed Accessory Structure, Site Plan Review**

Jason Farrell read the public hearing notice and swore in Liz Ryan, one of the principals of Ryan Block, LLC, and their contractor Peter Welch. No abutting property owners were in attendance. Liz explained their plans to demolish the so-called lower barn behind the north end of the Ryan Block. She reported the building is in very bad shape and sitting on a poor foundation. She said they had concluded the cost of lifting the building, setting it on a new foundation, and restoring the building would exceed that of demolishing and constructing a new building on the same footprint and same height. She said the only difference would be the incorporation of skylights for the second floor and addition of a cupola. She said the use of the first floor would remain the same and the second floor would likely be used for storage of inventory associated with Sweet Charity which is located in the Ryan Block. Zoning Administrator Hawley said that according to City records, the building was constructed after 1910 providing evidence that it might not be of historic significance. He also reported that after further review concluded the application required a height waiver under Section 1407 of the regulations since, with the cupola, would exceed the maximum height of 24 feet for an accessory structure in the Central Business District. When asked about exterior lighting, Liz reported there would be no light fixtures on the building. She said the new building would also use novelty board for exterior siding. With no further questions or comments, Jason Farrell 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 Don Peabody with all voting in favor.

4. **Public Hearing - James Amblo, 89 South Water Street, Subdivision**

Jason Farrell read the public hearing notice and swore in James Amblo. No abutting property owners were in attendance. James Amblo presented his proposed subdivision plan involving his property on South Water Street. The plan showed the existing house on the north end of the parcel with parking on each end. The subdivision plan showed the lot to have about 148 feet of street frontage and approximately 117 feet of lot depth. The lot to the north with the existing house would have 82 feet of street frontage and the new lot would have the minimum street frontage of 66 feet. Mel said it appears that the dividing line would not put the existing house out of compliance with the minimum side yard setback requirement of five feet. With no further questions or comments, Peter Garon moved to close the public hearing and take the matter up in deliberative session later in the meeting. The motion was seconded by Steve Rapoport with all voting in favor.

5. **Public Hearing - James Amblo, 210 Main Street, Change the Use of First Floor from Personal Service and Office to Retail and Dwelling Unit, Site Plan Review, Conditional Use Review**

Jason Farrell read the public hearing notice and swore in James Amblo. No abutting property owners were in attendance. James Amblo explained the purpose of his application is to update the recognized uses of his property at 210 Main Street. The property has three stories. There are two dwelling units on the second floor with the front apartment having an associated bedroom on the third floor. On the first floor, there is a relatively new art gallery in the front. This space was once used as a beauty parlor,

considered personal service per the regulations, and Development Review Board approval is required for the space to change in use to an art gallery which is considered retail. The application formally requests this change of use. The space in the rear was once used as a real estate office. James admitted he had renovated this space and had rented it as a ground floor apartment and is now seeking Development Review Board approval. The regulations involving residential use on the ground floor in the Central Business District were carefully reviewed. James provided a detailed floor plan of the ground floor dwelling unit and was certain that it represented not more than 20 percent of the building footprint as required by the regulations. Jason Farrell suggested the Development Review Board compare the measurements taken during the site visit against that which has been submitted by the applicant and take the matter up in deliberative session. There are no off-street parking spaces and a waiver in this regard is being sought. Peter Garon moved to close the public hearing and take the matter up in deliberative session later in the meeting. The motion was seconded by Steve Rapoport with all voting in favor.

6. Public Hearing - Hopkins Ridge Homeowner's Association, Inc., Proposed Amendment to Declaration of Covenants

Jason Mullin moved to the head of the table as an applicant and recused himself as a member of the Board since he is one of the property owners in Hopkins Ridge. Jason Farrell read the public hearing notice and swore in Jason Mullin, who is one of the officers of Hopkins Ridge Homeowner's Association, Inc., Peter Kahn, Brent Bartlett, Cynthia Hellyer, and Bonnie Beecy. Jason Mullin reported the covenants for the development prohibit the raising of livestock or poultry and the association is seeking an amendment to the covenants so that chickens can be raised. The formal decision approving the subdivision contains a condition that any amendment of the covenants be approved by the Development Review Board. Peter Kahn of River's Edge Associates, Inc., who developed Hopkins Ridge and also is in the process of developing the adjacent property, felt that the proposed amendment to simply make an exception for chickens might not be sufficient. He felt the association should have rules in place so that one must apply to the association and receive written approval with a provision to revoke the approval if the property owner does not comply with restrictions. He said that the covenant was put in place to protect property values and that if chickens are to be approved there should be an application and approval process. Jason Mullin said the homeowners are equally concerned with protecting property values and agreed there must be restrictions. Jason Mullin said that he is confident that other members of the association would support revising the proposed amendment and asked the Development Review Board to recess the public hearing to provide an opportunity to submit new language. Jason Farrell moved to recess the public hearing which will be reconvened at the next meeting with the understanding that a revised version of the proposed amendment will be submitted by December 31, 2016. The motion was seconded by Brent Rakowski with all voting in favor.

7. **Scott Hardy, 186 Green Street, Fisher Farm, Planned Unit Development, Subdivision, Site Plan Review, Conditional Use Review**
Scott Hardy presented an updated presentation of Fisher Farm. The plan reflected eight one-family building sites and a proposed garage near the street. The parcel is 80,721 square feet and Scott concluded that if the product was entirely elderly housing or fell under LEED Certified Platinum that, with the density bonus, eight units would be allowed. Zoning Administrator Hawley questioned the calculation claiming that one must first determine the maximum number of units and once established can be added to with a potential density bonus. He felt that one cannot get a bonus on a partial dwelling unit and therefore it was his opinion the maximum number of units would be seven. Scott explained that at this point he was unsure whether LEED Certified Platinum could be obtained and was also unsure whether it was a in his best interest for every unit to be restricted to elderly. The Board spent a little time going through the table of subdivision application requirements with the applicant. No action was taken on the matter.
8. **Organization Meeting**
Election of Chair, Vice-Chair, and Secretary
After considerable discussion, Don Peabody moved to elect Peter Garon as Chair, Brent Rakowski as Vice-chair, and Jason Farrell as Secretary. The motion was seconded by Jason Farrell with all voting in favor.
9. **Deliberative Session - James Amblo, 210 Main Street, Change the Use of First Floor from Personal Service and Office to Retail and Dwelling Unit, Site Plan Review, Conditional Use Review**
The Development Review Board held a deliberative session regarding the application by James Amblo involving 210 Main Street. At the conclusion of the session, Tim Cook moved to direct Zoning Administrator Hawley to draft a decision on the application approving the change of use of the front portion of the ground floor from personal service to retail and denying the establishment of a dwelling unit in the rear portion as the Board concluded that it exceed the 20 percent maximum footprint restriction. The motion was seconded by Perter Garon with all voting favor.
10. **Deliberative Session - James Amblo, 89 South Water Street, Subdivision**
The Development Review Board held a deliberative session regarding the subdivision application by James Amblo. At the conclusion of the session, Peter Garon moved that Zoning Administrator Hawley be directed to draft an affirmative decision on the application. The motion was seconded by Steve Rapoport with all voting in favor.
11. **Other Business** - none
12. **Adjournment**
Chair Jason Farrell adjourned the meeting at 10:10 p.m.

Respectfully submitted,

Mel Hawley
Acting Recording Secretary