

**HYDE PARK DEVELOPMENT REVIEW BOARD  
MEETING MINUTES  
September 1, 2015**

*All minutes are draft until approved; please check future minutes for approval of these minutes.*

Members Present: Malcolm Teale, Chair (MT); Craig Fowler, Vice-Chair; Melvin Harvey; Charlie Aronovici; Pete Sweeney; Tom Wawrzeniak and Gary Houston  
Members Absent: None  
Staff: Ron Rodjenski, Zoning Administrator  
Guests: Jason Zimmerman; Josh Grondin; Casey Grondin; Laurel Houle; Robert Houle; Randall Mulligan; Avery Mulligan; Eric Williams

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MT called the meeting to order at 7:00 P.M.

1. Welcome, Modifications to Agenda and Public Comment. No changes to the agenda; no public comment.
2. *#2015-050 submitted by Randall Mulligan, on behalf of Abel's Homestead Design, LLC (Parcel 16-100-073) requesting conditional use and site plan review to renew a zoning permit for outdoor recreation at the Common Acres Campground. Some of the previously approved uses on the property have been deemed to be abandoned requiring this renewal request. The request comes under Section II, D, Conditional Uses, Outdoor Recreation in the 2009 Town Zoning Regulations. The property is located at 1781 VT 100 on 30 acres in the Rural Residential 2 Zoning District.*

MT swore in Randall Mulligan. Randall provided some history on the campground which the prior owner stated operated through May 2014. In July 2014, the property was auctioned and in November 2014 Randy closed on the property. The buyers of the property recently contacted the town and then a letter came from the zoning administrator determining that some uses were abandoned. Randy stated that no neighbors have complained to him except one neighbor would like to have one tree cut and there have been no issues since he owned the property. Randy noted that just today, there was one email from an adjoining neighbor; Jim and Vicky Grant, 572 Webster Road. Mac read the Grants email into the record and their concern that the original Act 250 permit conditions be met, especially concerning noise, with mufflers in good condition with no loud speakers. The Grants stated that the ATV track should not be allowed since they were originally approved in an area which has since transferred to Casella on the north side of the campground. Robert Houle, the original permittee, stated that the bumper cars were on site once and in regard to noise levels, about 63 decibels is what the level of noise is from speaking at the meeting tonight. Mr. Houle stated that the go-karts were about the same level and no outside speakers were installed. Mr. Houle noted that any amendments would need to go through the Act 250 process. Pete Sweeney asked if the abandoned use decision could be re-opened and Rodjenski responded that the abandoned uses decision was closed. Bobby stated that it was important for the new owner to watch permit conditions because it is hard to get them if something gets abandoned, then the project could come under new regulations. Mac Teale stated that the best place to get the abandoned use regulation changed is through the planning commission. Eric Williams stated that the Selectboard has a new zoning document that should be reviewed also for the one year abandonment period. Pete suggested that the abandoned use provision be deleted from the proposed regulations. Eric Williams stated that abandoned use provisions are a tool in the town's toolbox for implementing town goals through zoning. Bobby stated that the Act 250 permit was amended by Casella when they purchased a portion of the campground and since the ATV track was approved on the Casella parcel that use was deleted from the project. Motion by Harvey to move into deliberations, seconded by Craig. Voting: 7 in favor, 0 against, motion passed.

3. *#2015-040 submitted by **Jason Zimmerman** (Parcel 21-015-040) requesting approval for "all other commercial uses" to allow a home industry with an outdoor display area near Route 15. The request comes under Section 223, k of the 2000 Village Zoning Regulations. The property is located at 261 VT Route 15 East in the Low Density Residential – Agricultural Zoning District.*

MT confirmed that Jason would tell the truth. Ron reported that a revised site plan was submitted today, prepared by Jason, and not an engineering report as requested at the prior meeting. Pete stated that the engineering request at the last meeting was not specific and should be clarified. Mac

summarized that at the last meeting the DRB's request was to show that the downhill neighbor's land was not negatively impacted by the increase in the stormwater from the new structure and parking area. Craig confirmed that water flows toward Route 15. Eric Williams stated that his property to the east is currently negatively impacted by stormwater with erosion and the proposal to install swales could increase erosion more than existing levels. Charlie stated that the DRB's prior request was for an engineer's site plan showing how the stormwater should be directed to not impact the Williams parcel. Pete summarized that the proposed project is for an additional 2,500 sq ft of structure and 600 sq ft of parking or a total of about 3,100 sq ft new impervious area which is much less than the state requirements for stormwater measures – which don't kick in until 22,000 sq ft of new impervious is created. Pete feels that this project meets the zoning regulations. Mac stated that we are not administering the state regulations and past drainage changes may have already negatively impacted Zimmerman and the new impervious will increase that erosion. Mac summarized that stormwater measures are not something he could adequately review without engineering recommendations. Jason advised that the propose structure is 3 feet above the propose swale to be located along the westerly property line and with gutters on the new structure, the stormwater could be captured along with the proposed parking area on the west side of the proposed 48 x 48 structure. Mac stated that not having a professional assurance on the stormwater, with a risk evident that the stormwater might not be controlled adequately is resulting in the DRB asking for a professional plan. Ron asked the DRB what specific question Zimmerman should ask from an engineer, such as, a calculation on pre and post stormwater flows just from the proposed project impacts, or would existing erosion issues on the Zimmerman property also need to be corrected. Tom stated that even though the state rules don't apply, the DRB still has to address erosion issues and neighbor concerns. Ron offered that a preliminary engineering estimate of the site might provide additional information for Jason and the board to work through the requirements in Section 633 and 634 of the Village zoning bylaw. Ron noted that if a site visit is needed, the entire board should attend to avoid the risk of ex-parte communications. Charlie asked if Eric Williams was concerned about the current erosion issues and Eric stated that the existing wash-out area is more severe than he remembers a couple of years ago. Tom asked about the proposed 6' fence along Route 15 and Jason stated that the existing small trees don't effectively screen or reduce the noise from the highway, especially in the summer. Zimmerman stated that a solid picket 6-foot fence would help reduce the noise. Tom felt that the house elevation is higher than the road and asked if only a 6-foot fence accomplish the noise reduction. Jason stated that the proposed fence would be closer to the house and at a high point under the 50-foot electric ROW line and would help. Motion by Melvin to continue the hearing to October 6, 2015 at 7:00 p.m. with the applicant providing a letter from an engineer on the stormwater concerns and any recommendations based on topography and potential negative impact on the Williams parcel. Seconded by Craig. Voting: 7 in favor, 0 against, motion passed.

4. *#2015-011 Continuance - **Sterling Meadows Farm, LLC** (Parcel 015-038-90.104) for a two-lot subdivision, one new 2-acre parcel off the Class 4 Town Highway, Webster Road, for a single-family home and the remaining lands of approximately 80 acres to remain undeveloped. The application requests a waiver of the sketch plan hearing requirement to make this the final hearing. The request comes under the 2009 Town Zoning Regulations and 2009 Town Subdivision Regulations. The property is located off Webster Road and is in the Rural Residential 2 Zoning District.*

Ralph was not present. Motion by Melvin to continue the hearing to October 6, 2015 at 7:00 p.m. Seconded by Craig. So voted.

5. **Minutes** – Motion by Melvin to approve the July 7, 2015 (Charlie, Pete and Tom abstaining due to absence) and to approve the August 4, 2015 (Gary abstained due to his absence). Voting: 7 in favor, 0 against, motion passed.
6. **Other Business** – None.
7. **Adjourn** – Motion by TW to adjourn, seconded by MH, adjourned at 8:30 p.m.

Respectfully Submitted,

Ron Rodjenski