

**HYDE PARK DEVELOPMENT REVIEW BOARD
MEETING MINUTES
October 2, 2012**

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Members Present: Graham Govoni, Chairman (GG); Malcolm Teale, Vice-Chair (MT); Melvin Harvey (MH); Craig Fowler (CF); Pete Sweeney (PS), Tom Wawrzeniak (TW) and Gary Houston (GH) – appeared at 7:12 p.m.

Members Absent: None

Staff: Ron Rodjenski, Town Administrator/DRB Staff

Guests: Julie Rohleder; Brian Jones; Jim Baker; William Baker; Riki French; Jim Grant; Ralph Larson; Charlie Aronovici; Steven R Szenegeto; Beth Williams; Jim Thomas; Lisa Hill; Nelson Witmer and family; Jim Grant; Daniel Demars; Tara Beeman; Julia Compagna and Roy Marble

GG called the meeting to order at 7:02 PM.

1. Welcome and public comment – GG summarized a letter from Jim Grant that requested the recusal of one member from participating in the Common Acres and Larson applications. GG stated that the request was based on a potential conflict of interest and the member only stated his opinion at a prior Selectboard meeting, thus the member will not be asked to step down.
2. **APPLICATION # 2012-039** submitted by Common Acres Campground, LLC (Parcel #016-100-073) to appeal the zoning administrator's Notice of Potential Violation pertaining to unpermitted public gathering issued August 23, 2012. The reasons for appeal are contained in letter dated August 27, 2012 submitted on behalf of the landowner by Brice Simon, Esq.; to be reviewed under the 2009 Town of Hyde Park Zoning Regulations. The property is located at 1781 VT Route 100 in the RR2 Zoning District.

The landowner asked for a continuance to November 6, 2012. Motion by PS to continue the Common Acres hearing until November 6, 2012 at 7:00 p.m. Seconded by MT. Discussion: GG confirmed that all DRB meetings are the first Tuesday at 7 PM. Voting: 6 in favor, 0 against, motion passed. GH appeared at this point.

3. **APPLICATION # 2012-040** submitted by Ralph Larson (Parcel #015-038-090.100) to appeal the zoning administrator's Notice of Alleged Violation pertaining to unpermitted public gathering issued August 20, 2012. The reasons for appeal are contained in letter dated August 27, 2012 submitted by Ralph Larson; to be reviewed under the 2009 Town of Hyde Park Zoning Regulations. The property is located at 309 Webster Road in the RR2 Zoning District.

Ralph Larson was sworn in by the Chair. James Grant was sworn in by the Chair. Ralph asked for a few more minutes to allow time for Julia Compagna to participate in the hearing. GG moved the appeal to the later in the evening; without objection by Mr. Grant.

4. **APPLICATION # 2012-036** submitted by Ralph Larson (Parcel #015-038-090.100) to request subdivision approval for a 2-lot subdivision of the Sterling Meadows Farm LLC parcel into one 4.7 acre residential lot with existing home and barn and one undeveloped lot consisting of the remaining acreage of Sterling Meadows Farm. Other than new property lines, no additional land development is proposed; to be reviewed under the 2009 Town of Hyde Park Subdivision Regulations. The property is located at 309 Webster Road in the RR2 Zoning District.

Larson presented the plan to subdivide the 4.7 acre lot from the remaining lands. Larson stated that the state has issued a wastewater permit for the proposal. Larson clarified that in his written application, the statement “will not transfer” means that the barn is being sold with the 4.7 acres and the “venue” of a wedding business is being terminated and will not be transferring with the land. Larson stated that the remaining lands are not planned to be subdivided now and the remaining lands will be used for agriculture and forestry purposes. Larson stated that the new owners of the 4.7 acre parcel would need to come before the DRB for any change of use from the current single-family use on the 4.7 acre parcel. Larson stated that the property will be subject to easements and covenants. Letters received for this hearing are: Vicki Grant 10-02-2012 email with letter 2012-036, 2012-039 and 2012-040 admitted to all three hearings. Rich Gravalisky 10-02-2012 email letter 2012-039 for Common Acres Campground for Nov 6, 2012 hearing. Arthur Gardiner 10-01-2012 email with letter 2012-039, 036 entered into evidence. The hearing was closed and the DRB moved into deliberations.

5. **APPLICATION # 2012-040 – CONTINUED from earlier this evening** – Julia Compagna appeared and was sworn in by the Chair. Ralph advised that the prior zoning administrator determined that occasional public gatherings at the Webster Barn did not require a permit and in 2003 there was not zoning, thus he was grand-fathered in since 2003. GG recalled that in 2003 there was zoning in place. Ralph stated that prior to his purchase of the Webster Barn, Surviva owned the property and that company rented the house and barn while using the balance of the land for agricultural and forestry uses. Julia C. stated that at the time Ralph purchased the property, she had expressed her opinion that occasional weddings, a couple of weekends per month, would be fine. Julia stated that Ralph told her no work was proposed to improve the septic system and no permanent structures were proposed to conduct the weddings. Julia offered that the town attorney advised that there would be no change of use if Ralph conducted weddings less than 180 days per year and she was told that there would be no advertising and he was basically renting out his second home. Jim Grant offered that the wedding use grew to be more than a casual use since there were 12 events in 2012, at \$6,000 per event, with late night to early morning noise and no compliance with the town zoning laws and the town noise ordinance. Ralph stated that \$6,000 was not always the case as neighbors and others paid around \$500 per event. Ralph stated that the number of events was closer to about 10 events per year being held at the Webster Barn. No other comments were received. GG asked to close the hearing. The hearing was closed without objection and the DRB moved into deliberations.

6. **APPLICATION # 2012-041** submitted by Julie and John Rohleder for the Fitch Hill Inn (Parcel #019-060-050) to request an amendment to an existing conditional use and site plan approval to allow an increase from 4 bedroom lodging to 6 bedroom lodging with up to 12 guests. The request comes under Section 223 (k) of the 2000 Village of Hyde Park Zoning Regulations, as Other Commercial Use. A setback waiver is also requested under Section 224.1 of the Zoning Regulations. The property is located at 258 Fitch Hill Road in the LRA Zoning District.

GG swore in Julie Rohleder. Julie stated that when she purchased the property in 2003, as a bed and breakfast with 6 rental bedrooms, she obtained a letter from the town stating that there were no violations. Julie has also obtained all state permits for a 6-room lodging bed and breakfast serving some meals. Julie noted that the 6-bedroom used for lodging have existed for about 15 years and no other structural changes are proposed, except a handicap ramp which requires a waiver of the front yard setback. Julie stated that there are 6 spaces for parking and with the ramp she will comply with ADA. No other comments were received. GG asked to close the hearing. The hearing was closed without objection and the DRB moved into deliberations.

7. **APPLICATION # 2012-042** submitted by Elizabeth Williams, et al (Parcel #021-068-001,a) to convert an existing residential & office structure into a 4-unit apartment building on a 0.53 acre parcel; to be reviewed under the 2000 Village of Hyde Park Zoning Regulations Section 213(g), Conditional Use Approval as a Multi-Family Residential Dwelling, and also requiring site development plan approval under Section 500. The project is located at 36 Commonwealth Avenue in the CRD Zoning District.

GG swore in Will Baker, Elizabeth Williams, Dan Demar, Tara, Charlie Aronovici and Riki French. Elizabeth Baker provided an overview of the request for a 4-unit apartment building. GG reviewed the history of the permits which according to the applicant's attorney the property was converted in 1984 to 4-apartments and one office. GG clarified that one of the apartments was also an office in 1984. The applicant confirmed that this request is for 4-units with one 1-bedroom, two 2-bedroom and one 3-bedroom, for a total of 8 bedrooms and no office. The State of Vermont has a letter dated September 27, 2012 stating that the use is for 4-units with up to 8 bedrooms and the state permit was entered into the record. The Village of Hyde Park water and sewer allocation increase is pending the outcome of this hearing. Dan Demar testified that if he buys the property with the approved 4-unit use then he would be responsible for constructing the 6 spaces for off-street parking. Riki French is speaking on behalf of the property owner across the street that in the past there has been a number of issues with the apartments, including poor maintenance of the property from absentee ownership and disturbances to the neighborhood by the tenants. French also confirmed that the property use required an increase to the existing water and sewer allocation which is pending town zoning approval. Dan Demar stated that his company has about 100 rental units and they generally do a good job of screening renters. Charlie Aronovici stated that he felt the hearing was warned for a conversion from 3-units to 4-units to which Rodjenski stated the existing use issue was to be taken up under the next hearing. Charlie felt that the history of the property includes a number of visits by the sheriff for various activities by the tenants which negatively impacted the neighborhood. Charlie objected to the removal of trees between his home and

the Baker house as it would allow the parking area and the apartment building to be seen from his home. Beth Williams apologized for not being in the area to help when the tenants were causing neighborhood problems. Dan Demar stated that the existing parking would be expanded 12-feet southerly, toward a large maple, in order to accommodate the 6 parking spaces. Demar offered to plant additional screening along the parking lot. Beth advised that in 1995 the town listers reappraised the property with 4-units and the document was entered into evidence. Charlie noted that the listers card only represents what the listers observed not what permits had been authorized. Riki French stated that the new Village Plan may or may not be in conflict with current Village Zoning Regulations. Riki noted that village residents are supposed to be appointed to the DRB along with town residents. GG noted that the DRB was limited by the current regulations to make its decision. The public hearing was closed and the board moved into deliberations.

8. **APPLICATION # 2012-044** submitted by Beth Williams (Parcel #021-068-001,a) to appeal the zoning administrator's decision dated September 5, 2012 determining that the permitted use of a structure was two one-bedroom apartments and an office. The reasons for appeal are contained in letters submitted on behalf of the landowner and dated August 28, 2012 and September 6, 2012 by Vincent A, Paradis, Esq. and Daniel P. O'Rourke, respectively; to be reviewed under the 2000 Village Zoning Regulations. The property is located at 36 Commonwealth Avenue in the CRD Zoning District.

GG opened the hearing. Beth stated that the landowner tried to do the right thing by approaching the town a number of time for changes in use following a 1979 village zoning approval for 4-units. Beth provided copies of the prior permits to the DRB and entered them into evidence. GG asked for any comments and hearing none, the public hearing was closed and the DRB moved into deliberations. Elizabeth Williams asked that a decision be provided by October 10th, if possible.

9. **APPLICATION # 2012-043** submitted by Nelson Witmer on behalf of Merrill Locke Estate (Parcel #004-035-001) to request subdivision approval for a 2-lot subdivision on Locke Mill Lane to create one 9.19 acre residential lot with existing home and proposed pole barn and the remaining lands of 6.58 acres with existing miscellaneous structures; to be reviewed under the 2009 Town of Hyde Park Subdivision Regulations. The applicant further requests approval for conditional use and site plan approval for the 9.19 acre parcel under Section II, D, Conditional Use (9), All other land uses not classified for a home business that exceeds the 25% accessory structure size limit; to be reviewed under the 2009 Town of Hyde Park Zoning Regulations. Both projects are located at 243 Locke Mill Lane in the RR2 Zoning District.

GG swore in Roy Marble and prospective purchaser, Nelson Witmer. Marble provided an overview of the project noting that this same 9 acre lot may have been approved in the past, and it is recorded in the Hyde Park Land Records in Slide 49, but it was not clearly approved by the town. This application would clear up the subdivision approval question. Marble advised that the right-of-way now serves 3 homes and the proposed 9 acre lot, and there are additional lots in Johnson also served by Locke Mill Lane. A 2.44 acre piece with an old saw mill exists and a 3.8 acre piece remaining will be proposed as future house lot which has two garages on it now. GG asked how many lots will use the proposed 50-foot ROW. Marble noted that it is now being increased in width to 50 feet with 4 lots sharing the 100 feet closest to Whitcomb Island Road but there are six additional undeveloped lots are in Johnson. Nelson advised that the new garage for his home business would meet setback requirements but it is too large to qualify for as a home business. The size of the new outbuilding will exceed the 25% size limitation compared to the house thus he needs a mixed use permit to have both his home and a business on the same parcel. The public hearing was closed and the DRB moved into deliberations.

10. **Minutes: 09-04-2012.** Motion by MT to approve the 09-04-2012, as written. Seconded by CF. So voted.

11. **Adjourn** – Motion by GH, CF seconded, to adjourn at 7:50 p.m. So voted.

Respectfully Submitted, Ron Rodjenski, DRB Clerk