

**HYDE PARK DEVELOPMENT REVIEW BOARD  
MEETING MINUTES  
November 6, 2012**

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

Members Present: Graham Govoni, Chairman (GG); Malcolm Teale, Vice-Chair (MT); Craig Fowler (CF); Tom Wawrzeński (TW) and Gary Houston (GH)  
Members Absent: Pete Sweeney (PS), Melvin Harvey (MH)  
Staff: Ron Rodjenski, Town Administrator/DRB Staff  
Guests: Eugene Leon, Brian Jones, David Gagnier; A. Conrad Bellavance; Bill Bourne; Roger Audet; Tim Yarrow; Larry Demar, Jr.; Lisa Hill; Dan Leone; Brice Simon

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GG called the meeting to order at 7:03 P.M.

1. Welcome and public comment – No public comment received.
2. #2012-039 – CONTINUANCE – 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.

#2012-051 submitted by submitted by **Common Acres Campground**, LLC (Parcel #016-100-073) to appeal the zoning administrator's Notice of Alleged Violation issued September 15, 2012. The reasons for appeal are contained in letter received October 2, 2012, and dated September 24, 2012, submitted by the landowner Eugene Leon; 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.

Graham reviewed the two appeals that are before the DRB. Eugene Leon asked for a short delay to provide time for his attorney to appear at the hearing; granted by the Chair.

3. #2012-052 submitted by **Fred's Plumbing and Heating** (Parcel #012-015-005, a & b) to request conditional use and site plan review for a new sign with a waiver request to allow a sign larger than the maximum 25 sq ft allowed. The request comes under the 2000 Village Zoning Regulations, Section 470, Signs. The property is located at 880 VT Route 15 East in the SIR Zoning District.

GG opened the hearing and read the hearing notice. GG swore in Conrad Bellavance. Mr. Bellavance reviewed the sign proposal for their 30,000 gallon bulk tank which has lettering already installed on the exterior of the bulk tank facing Route 15. Mr. Bellavance is seeking a waiver on the 25 sq. feet maximum since the speed limit is 50 mph along Route 15 making the sign too small to read. Conrad offered that the first line of lettering is 73 sq feet ("Fred's Plumbing and Heating, Inc.") and the second line is 49.5 sq. feet ("Heating Oil and Propane"). No other public comment was received and the hearing was closed.

4. #2012-053 submitted by the **Village of Hyde Park**, Inc. (Parcel #021-005-008) to request conditional use and site plan review for a new sign. The request comes under the 2000 Village Zoning Regulations, Section 470, Signs. The property is located at 233 Church Street in the CRD Zoning District.

GG opened the hearing and read the hearing notice. GG swore in Tim Yarrow. Mr. Yarrow reviewed the wall sign proposal for their garage building which will face Church Street and is 28" X 96" or about 18.6 sq ft. ; an option to light was requested. No other public comment was received and the hearing was closed.

5. #2012-054 submitted by the **Northeastern Truck and Equipment** (Parcel #) to request conditional use and site plan review for a new sign. The request comes under the 2000 Village Zoning Regulations, Section 470, Signs. The property is located at 555 VT Route 15 East in the SIR Zoning District.

GG opened the hearing and read the hearing notice. GG swore in Bill Bourne. Mr. Bourne reviewed the application for a new sign perpendicular to Route 15; an option to light the sign was requested. TW noticed that the proposed sign is 27 sq ft. Mr. Bourne agreed that the installed sign would not exceed 25 sq ft and they could also meet whatever height limitation the Board required. No other public comment was received and the hearing was closed.

6. #2012-029 submitted by the **Town of Hyde Park** (Parcel #019-015-100) to request conditional use and site plan review for a new signs and site alterations. The request comes under the 2000 Village Zoning Regulations, Section 470, Signs. The property is located at 344 VT Route 15 West in the LRA Zoning District.

GG opened the hearing and read the hearing notice. GG swore in Dave Gagnier. Mr. Gagnier reviewed the project to expand the parking lot to the west slightly and install three signs on the property. The roadside sign will be designed later but will not exceed 25 sq feet. The two other signs are a directional sign to direct visitors to the upper or lower levels of the municipal offices and the third sign was a wall sign on the lower entrance gable end facing Route 15; an option to light the signs was requested. No other public comment was received and the hearing was closed.

7. #2012-055 submitted by **Lawrence Demar** (Parcel#001-100-363, two parcels) to request conditional use and site plan review for a mixed use project on two adjacent parcels. The mixed use will contain one two-family home, one single-family home and an auto repair business with parking and storage of equipment located on both parcels. The request comes under the 2009 Town Zoning Regulations, Section F, Conditional Use, "7. All other land uses not classified above". The applicant also requests a waiver of the required 50-foot setback requirement from Route 100 for the proposed parking area and approval to modify the locations of the proposed uses in the future. The property is located at 5169 and 5187 VT Route 100 in the North Hyde Park/Garfield Zoning District.

GG opened the hearing and read the hearing notice. GG swore in Larry Demar. Mr. Demar reviewed the project which included parking for a duplex and the auto repair business. The duplex would have two parking spaces in the front of the duplex and two parking spaces in the rear of the duplex with the rear spaces accessed over the auto repair business parcel. Mr. Demar explained that 9 off-site parking spaces are requested on the former Church parcel for his auto repair business at 5187 Route 100. Mr. Demar stated that the off-site parking (spaces numbered 4 – 12 would be for customers, vehicles under repair but no junk motor vehicles). No cars would be stored longer than 90 days and he would gravel the parking area if approved. GG read the petition submitted by the "Round Hill Kids" daycare's driveway across the Route 100. Dan Leone, 5186 Route 100, was sworn in to provide testimony and review the petition which requested that no vehicles be parked on the east side of Route 100 because of safety concerns when leaving the day care business. Roger Audet, Hyde Park Fire District, was present to ask if unregistered cars would be stored on the lot to which GG confirmed that the proposal is no junk vehicles will be stored as proposed by Mr. Demar. Mr. Audet stated that the wellhead protection plan for the district well is available at the town office and the DRB should review that in their deliberations because he understands that both of the parcels are in the wellhead protection area. No other public comment was received and the hearing was closed.

8. **Common Acres** – Continued from earlier this evening – #2012-039 August 23, 2012 Notice of Potential Violation GG review the public notice. Eugene Leon, Brice Simon and Lisa Hill were sworn in. GG asked the applicant if the hearing fee has been paid, which is \$100 per application, or \$200. Brice Simon stated that the fee was not paid and his client feels it should be waived. Simon explained that the first appeal was on an advisory decision, and was without authority, so the applicant's due process rights are at issue if the town refuses to hear the appeal for lack of fee. Simon advised that the applicant did approach the Selectboard to seek a waiver of the fee, but the request was denied by the Selectboard. Simon stated that the event was a financial loss to the applicant with the partners taking all the proceeds, thus the fee is a financial hardship and is one reason they are seeking a waiver in addition to not seeing authority for the fee to be assessed. Eugene Leon stated that they had verbal agreements that were not honored and he has an on-going issue with the partners in the event.
9. **Common Acres** – Continued from earlier this evening – #2012-051 September 15, 2012 Notice of Alleged Violation In this application, Simon explained that it was after the event so it seems to be more in line with an appeal but still, Mr. Leon does not have the ability to pay the fee. Simon stated that the notice of appeal included the statutory references but not a notice of a fee, thus the applicant feels that the fee should not be charged. The DRB will discuss the requests to waive the appeal fee for both appeals and issue a decision on that matter; and the DRB continued the merits hearing on both appeals to December 6, 2012 at 7:00 p.m.
10. **Minutes:** Motion by MT to approve the 10-02-2012, as written. Seconded by TW. So voted.  
The DRB moved into deliberative session with Ron Rodjenski.

11. **Adjourn** – Motion by GH, CF seconded, to adjourn So voted at 9:00 p.m.

Respectfully Submitted, Ron Rodjenski, DRB Clerk