

**HYDE PARK DEVELOPMENT REVIEW BOARD  
MEETING MINUTES  
May 6, 2014**

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

Members Present: Graham Govoni, Chairman (GG) Craig Fowler (CF); Malcolm Teale (MT); Melvin Harvey (MH); Tom Wawrzeniak (TW); and Gary Houston (GH)  
Members Absent: Pete Sweeney (PS)  
Staff: Ron Rodjenski, Zoning Administrator  
Guests: Elwin Stone, Ralph Larson, Ken Smith, Graham Mink, Carl Emond, Carole Emond, Lisa Sylvester, Andrea Altman, Elisa Clancy, John Collins, Esq., Tricia Harper, David Williams, Karen Uhlerdorf (166 Fleury Rd).

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GG called the meeting to order at 7:02 P.M.

1. **Welcome and Public Comment:** No public comment. Mac Teale recognized Graham Govoni who is resigning after 18 years of service to the town on the DRB and presented him with a small gift and thank you letter.
2. Application #2014-008 submitted by **Andrea Altman** (Parcel #023-007-079.100) for conditional use and site plan review under Section II, E, "All other land uses not classified above" of the 2009 Town Zoning Regulations to operate a home business in a 24' x 40' accessory structure, with a 20 vehicle parking area. The proposed structure exceeds the maximum square footage for a home business use in the Rural Residential 5 Zoning District. The property is located at 1712 Cleveland Corners Road.

GG swore in Andrea Altman. A new site plan, prepared by Outback Design and dated 04/22/2014, was submitted showing the new structure and parking area for yoga classes and massage therapy. The existing house is 24 X 24 with 576 per each of the two floors. The house driveway will not be connected to the business parking area. GG asked about the size of the parking lot proposed and Andrea explained that the highway commissioner visited the site and reviewed the proposed second curb cut onto Cleveland Corners Road. There is a total of 20 parking spaces to match the maximum number of customers allowed by the project's wastewater permit. Andrea is asking for signs that would comply with the town's sign regulation and lighting of entrances but not the parking area. Andrea stated that business traffic would be related to an average of 5 to 6 people for yoga classes and they would come into the property and then leave, so there is not a lot of in and out traffic. Andrea will have the driveway constructed with a flat stacking area on the property for cars to look in both directions from the proposed parking lot. Andrea plans to use natural wood on the exterior of the new structure. All state permits are being pursued and Andrea feels confident they will be approved. The acreage of the lot is 9.8 acres in this 5 acre minimum zoning district. Motion by MT to approve 2014-008 with conditions that signage comply with town zoning, exterior lights on the building be down-shielded, a flat landing to be provided on the drive entering Cleveland Corners Road and that all state permits be acquired. Seconded by MH. Voting: 6 in favor, 0 against, motion passed.

3. Application #2014-009 submitted by **Stone Brothers, Inc.** (Parcel 005-025-015.100) for conditional use and site plan review under Section II, D, "All other land uses not classified above" of the 2009 Town Zoning Regulations to construct a 36' X 64' garage/warehouse with an attached 14' X 60' office/living space and future construction of a detached single-family home in the RR2 Zoning District. The property is located at 250 Fleury Road.

Elwin Stone was sworn in by GG. Also, present: Karen Enlgandorf, 166 Fleury Road; Carl Emond, 195 Spruce Lane; Graham Mink owner of Lot 1 adjacent to the west property line of the Stone project. Elwin explained that the proposal is to add a driveway off the town turnaround at the end of Fleury Road with a new building for the business. Attached to the west side of the garage building is a 14 X 64 living quarters and open storage is proposed along the east side of the garage. The living quarters could be a future apartment and business office. Stone is proposing a future single-family home farther to the

south and near the center of the 11.8 acre parcel. The existing barn would be removed and the new building built just southerly of the turnaround. The new building will have 14-foot center height and radiant heat concrete flooring. Elwin owns various pieces of equipment that need storage or indoor repair, as well as, a need for storage for staging and tools. Elwin and his brother plus one employee are in the business so traffic will be very light into the property and most work is done off-site. GG asked about setback distances to the Lot 1 and Elwin explained that 40-foot setback is planned but 35-foot might be necessary with the minimum being 25 feet in this zoning ordinance. The easterly half of the parcel is a no build zone. GG asked about hours of operation. Elwin stated that he generally leaves around 5:15 a.m. and returns around at 7:30 p.m. Elwin stated that the structure would be built out of wood. Elwin stated that he is not proposing signage is proposed and some exterior lighting on the gable end that will not be on at all times, just when he needs light to work in the yard, probably on the gable ends. Mr. Smith explained that he doesn't want to see light in his bedroom. Graham Mink expressed concern for high groundwater. Mr. Mink explained that the town's conditional use requires some consideration for character of neighborhood and having a commercial operation with a large building in a residential district doesn't fit the existing character which is primarily residential use. Mr. Mink explained that truck noise occurring in the early morning could disturb the existing residents. Elwin explained that he has a small dump truck and is not a large company with a fleet of large equipment. Mr. Mink expressed concern for the size of the structure and not fitting with the neighborhood – asking for elevations to better understand the impact. Karen expressed her concern for the size of the building and impact on the character of the neighborhood with no visual or sound buffers between her property and the project. Karen noticed high truck traffic recently and some resulting damage to the town road. Mr. Smith concurred with the comments from Karen. Mr. Emond asked about the level of traffic and Elwin stated that he will be the primary person that will be coming in and out the most and he is planning on residing in the attached living quarters for a year or two until he can build the proposed single-family structure. Elwin stated that he will be building one large building not attaching a mobile home to the west side of the garage. Carl Emond expressed concern for turning the area into a commercial district. GG referred the neighbors to the planning commission as the DRB only administers the bylaws. Elwin stated that due to water on the property he may not be able to relocate the garage building farther back on the property. GG asked about screening of the buildings and CF asked about lowering the roof height. GG asked that Elwin consider submitting revised plans to reduce the size or height of the garage, add screening for noise and visual buffering and possibly modify the location to which Elwin agreed. Elwin agreed to provide new information to the town by May 22 so it could be sent to neighbors before the meeting. Motion by MT to recess the hearing until June 3, 2014 at 7:00 p.m. Seconded by CF. Voting: 6 in favor, 0 against, motion passed.

4. Application #2014-010 submitted by **Paul and Elisa Clancy** (Parcel #010-007-279) for a 24' x 26' addition to a single-family dwelling located in the Shoreland Zoning District and Green River Reservoir Viewshed Overlay District of the 2009 Town Zoning Regulations. The property is located at 407 Patnoe Road.

Elisa Clancy was sworn in by GG. Elisa explained that a second dormer may be built in addition to the proposed work in the application materials. Elisa reviewed the project which includes removal of small sunroom to be replaced by a larger addition that extends away from the reservoir. A few trees that are close to the addition will be removed but the majority of the trees between the lake and structure will remain. Elisa noted that trees within 30-feet of the structure may be removed under the town regulations. The exterior color will remain brown or tan and no lighting will be installed on the front of the house. Roofing material will be brown, non-reflective, material to match the existing roof. The parcel is 6.5 acres. Elisa noted that the current 10-acre zoning was adopted after the subdivision of their 13-acre parcel in 2001 into two 6.5 acre parcels. Motion by MH to approve the addition with conditions that it meets the Viewshed Overlay construction standards, no part of the structure is to exceed the height of the surrounding tree line, ensure that the structure remains sufficiently screened by trees between May 15 and Oct 31, with exterior colors being primarily natural, including the roof, down-shielded exterior lighting and minimize reflective materials facing the reservoir. Seconded by TW. Voting: 6 in favor, 0 against, motion passed.

5. Application #2014-011 submitted by **Lisa Sylvester and Fred Tourangeau** (Parcel #021-002-030.100) to create a 50-foot right-of-way to serve an existing single-family home lot under Section IV, C, Frontage and Access, and to request side yard setback waivers for an existing home under Section IV, A(2), Setback Waivers, both are requests of the 2009 Town Zoning Regulations. The property is located at 235 Depot Street.

Lisa Sylvester was sworn in by GG. No adjoining neighbors participated. Lisa reviewed the project and explained that the property lacked a 50-foot right-of-way from Depot Street and she is requesting two waivers of setbacks. Sylvester submitted a draft survey dated May 6, 2014, entitled "Lisa Sylvester Property" drawn by Allen Newton, L.S. showing a proposed 50-foot right-of-way, the existing driveway to Sylvester inside the proposed 50-foot right-of-way and the showing the two Sylvester structures that are close to the property boundaries. A deed correction will be required when the new survey plat is recorded. GG confirmed that the two setback waivers were: 1) to the State railroad parcel to allow the house to be 15' from the property, and 2) to the Tourangeau parcel to allow an existing shed to be 6' from the Tourangeau parcel; a 25 feet side yard setback distance is required for both structures. Motion by MT to approve the two side yard setbacks and allow the creation of the 50-foot right-of-way across Tourangeau with a new survey plat to be recorded along with new deeds from Tourangeau describing the new right-of-way to Sylvester. Seconded by CF. Voting: 6 in favor, 0 against, motion passed.

\*\* At this point, GG recused himself from the County Court matter – the members exchanged handshakes and wished Graham good luck in his DRB retirement.

6. Hearing Continuance for Application #2013-064 submitted by State of Vermont Buildings and General Services on behalf of the **Lamoille County Court** (Parcel #021-004-093) for conditional use and site plan review to renovate 16,655 square feet and construct two side additions totaling 11,340 square feet for a total project of 27,995 square feet. A setback waiver for the front yard and side yard minimum setback distance are requested. The request comes under Section 213(d) of the 2000 Village Zoning Regulations. The property is located at 154 Main Street in the Commercial Residential District.

Tricia Harper, John Collins, David Williams, and Ralph Larson were sworn in by MT. Ron R reported that the Selectboard gave conceptual approval of the use of the public right-of-way and now it was up to the DRB to consider the setback waivers necessary for the project. David Williams advised the DRB that the Court has met with Ralph Larson since the last meeting and the Larson's had one remaining issue with the project; a payment to the Larson's to gain their consent for the proposed project. David Williams found that there is no authority to pay Larson's unless the project is taking property, etc. Tricia Harper reviewed the project and the Selectboard's proposal to turn Commonwealth Ave to a Class 4 town highway to then be maintained by the County. The plan is to provide the Selectboard with a 19 VSA 1111 permit application to allow the proposed improvements in the right-of-way. TW asked about snow removal and the County stated that if there was the need, snow would be removed from the site, and not plowed onto adjoining parcels. The east side of the proposed addition needs a 3' waiver as the building is 22' away from the side property line. The rear of the new addition needs a zero setback approval as the rest of the building is in the public right-of-way. Harper noted that in addition to new floor area for better court operations, there are security improvements, ADA access and two new parking spaces along Commonwealth Avenue. John Collins advised that the legal work is proceeding with the Selectboard and he is preparing documents for the Selectboard review. Ralph Larson stated that the project needs to move forward and the Court should continue to work with the Selectboard. Ralph Larson expressed concern for the two parking spaces in the rear of the property that are located near and above the subsurface stormwater treatment system as he feels the proposed spaces will negatively impact the Larson property since there is no parking there now and no screening of the new addition. Larson explained that during the two year construction of the project, their property value will be reduced, and he is requesting screening in the area of the proposed two parking spaces. Williams stated that the County did not care if the two parking spaces are removed or if screening needed to be

added, but those issues needed to be decided by the DRB. The County noted that the construction window is 10 months not 2 years to which Larson expressed appreciation for the reduced time and reduced costs that would be realized. Larson noted that the barn's north side open concrete ditch should be improved. The Selectboard will be meeting this Thursday night. Motion by CF to move into deliberations. Seconded by MH. Voting: 5 in favor, 0 against, motion passed.

7. Adjourn: Motion by GH, MH seconded, to adjourn. So voted at 9:03 p.m.

Respectfully Submitted, Ron Rodjenski, DRB Clerk